



## IN THE MÉTIS NATION BRITISH COLUMBIA'S SENATE

Appeal Name: *Kara Sach (Hay) vs Ministry of Citizenship*

File: 206

Date: June 12, 2025

Between:

**Kara Sach (Hay)**

Applicant

And:

**Ministry of Citizenship**

Respondent

### Reasons for Decision

#### Presiding Senators

Senators Edkins, Gladue, Murray, Lucier, Sayers, and Pope

#### Introduction

[1] On December 6, 2024, the Ministry of Citizenship, Métis Nation British Columbia (MNBC), advised Kara Sach by letter that the “Ministry of Citizenship has completed your application assessment and has determined that you are not eligible for citizenship with MNBC. Further, that “To be eligible for citizenship with MNBC, you must be able to establish a connection to the historic Métis Nation through a verifiable ancestor. You must also be distinct from other Nations, including First Nations, and be accepted by your contemporary Métis community. The Ministry of Citizenship was unable to establish a Métis ancestral

connection with the documentation you submitted, which is the reason for your ineligibility.

[2] On March 11, 2025, the Senate received an email request from Lorna Marie Hay, acting on behalf of Kara Sach, for a citizenship and/or central registry appeal hearing. The request was accepted by the Senate with follow-up demand to provide a list of documents and notice to produce documents served on the Ministry of Citizenship. The Senate received these documents on April 25, 2025.

## Summary of the Case Law and MNBC Legislation

### [3] Canadian Law

Subsections 35(1) and (2) of the *Constitution Act*, 1982 being Schedule B to the *Canada Act*, 1982 (U.K.), 1982, c. 11 state:

35(1) the existing aboriginal and treaty rights of the “aboriginal peoples of Canada” are hereby recognized and affirmed.

35(2) in this act, “**aboriginal peoples of Canada**” includes the Indian, Inuit and Métis Peoples of Canada.

[4] The definitive Supreme Court of Canada case setting out the requirements for establishing a Métis constitutional right is **R v. Powley**, (2003) 2 S.C.R. 207, 230 D.L.R. (4th) 1, 177 C.C.C. (3d) 193, 2003 SCC 43. At paragraph 10, the Court defined the term “Métis” as it is used in s. 35, finding that while the term does not encompass all individuals with mixed Indian and European heritage; rather it refers to:

“distinctive people who, in addition to their mixed ancestry, developed their own customs, way of life, and a recognizable group identity separate from their Indian or Inuit and European forebears. Métis communities evolved and flourished prior to the entrenchment of European control, when the influence of European settlers and political institutions became pre-eminent.”

## MNBC Legislation, Policies and Administrative Standards and Practices

[5] Section 61 of the MNBC *Constitution Act* states that a Métis means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation. The MNBC *Constitution* further states the following:

- a) 61.1 “Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in Historic Métis Nation Homeland.
- b) 61.2 “Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half- Breeds as they were then known.
- c) 61.3 “Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the “aboriginal peoples of Canada” within Section 35 of the *Constitution Act* of 1982.
- d) 61.4 “Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.

[6] Articles 2, 3, and 4 of the MNBC *Citizenship Act* further define the MNBC *Constitution* definition of Métis as stated above and, more specifically, the process in identifying citizens.

[7] Articles 6, 7, and 8 of the MNBC *Citizenship Act* highlight the roles and responsibilities of the Central Registry, Registry Office and the Registrar. It further states in 8.0 that the registrar must adhere to all policies and procedures developed by the MNBC. This includes the MNBC Guidebook, Central Registry Policy and Procedures and the Senate Policy Manual and Administrative Standards and Practices.

[8] Section 982 of the Senate Policy Manual highlights the process utilized when conducting a citizenship and/or central registry appeal.

## **Second Genealogical Opinion - Société historique de Saint-Boniface**

[9] Halley Ducharme, genealogist, Société historique de Saint-Boniface supplied a second professional opinion by letter dated May 25, 2025. Halley Ducharme indicated the following:

*“The information submitted on behalf of your client, Ms. Sach, has been reviewed. Based on the information given to us; as well as previous research, we can confirm that Ms. Sach does indeed have distant Indigenous ancestry, being the link to Ellen Frieier/Thomas/Brule from Oregon, USA. However, the original union occurred outside of the traditional Métis Nation territory. Therefore, unfortunately these ancestors, though of mixed Indigenous lineage, do **not** connect into the Historic Métis Nation as they were then known, nor do they meet the criteria used to identify the Métis set forth by the Métis National Council.”*

*“Our research conclusions are in accordance with the findings of the MNBC Central Registry that proof of Métis ancestry could not be confirmed within the genealogical line we were asked to examine. Therefore, Ms. Sach’s ancestors do **not** connect into the Historic Métis Nation as they were then known or their homeland.”*

## **The Standard of Review**

[10] The Senate’s role is to ensure that all legislation, policies, and administrative standards and practices were adhered to, and that the applicant has received a fair decision during the application review period. Since this appeal involves a question around the genealogical interpretation of the respondent, a second professional opinion was ordered to assist in their review. Furthermore, the Senate will adhere to the citizenship and/or central registry appeal process highlighted in Section 982 of the Senate Policy Manual. The Senate further understands that the onus to prove citizenship is the responsibility of the applicant, Kara Sach, not the respondent, the MNBC Ministry of Citizenship.

[11] The Senate has based this decision on the evidence supplied by the applicant and respondent and weighs this to the summary of case law at the time of the hearing.

## **Analysis**

### **MNBC Policy and Procedure Adherence**

[12] The applicant did request that a review of the policies and procedures be conducted. However, the Senate, upon review, found the MNBC Ministry of Citizenship did not violate or over-look any policies or procedures.

### **Genealogical Interpretation**

[13] Both the MNBC Ministry of Citizenship and the Société Historique de Saint- Boniface indicated that they could not determine a link and/or ancestor that identifies as Métis and connect into the Historic Métis Nation.

[14] Further, there was no evidence supplied by Kara Sach to verify a distinct ethnic connection to the Métis.

[15] Based on the information supplied, testimony and the genealogical opinions (MNBC Ministry of Citizenship and the Société Historique de Saint-Boniface) the Senate could not identify a genealogical connection to the Historic Métis Homeland or the presence of a Métis ancestor in Kara Sach’s genealogy.

[16] Kara Sach failed to comply with three parts of the National Definition as specified in the MNBC *Citizenship Act*. Those being to supply:

- i) appropriate documentation that proves his historic Métis Ancestry;
- ii) appropriate documentation that proves any Métis ancestry that connects to the Historic Métis Nation Homeland; and
- iii) evidence which would identify a historic Métis “distinctiveness.”

## **Decision**

[18] The MNBC Senate finds unanimously in favour of the Métis Nation British Columbia Ministry of Citizenship.

[19] The Senate wishes to acknowledge the background information supplied by Lorna Hay on March 11, 2025. Many families develop stories about indigenous ancestry to oral histories, cultural practices and spiritual identities passed down through the generations. The Hay’s family’s history in British Columbia and associations with the Hudson’s Bay Company most assuredly speaks to a close and continuing kinship with indigenous peoples which is commendable as is the good work and the unquantifiable value it has contributed to many individuals and families over the years.

[20] It ought to be noted that should the parameters for MNBC citizenship change, or if Kara Sach and her family discover new information or documentation, that this decision does not limit or negate the applicant from submitting a new citizenship application to the Ministry of Citizenship.

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