



IN THE MÉTIS NATION BRITISH COLUMBIA'S SENATE

Appeal Name: *Lemmens vs Ministry of Citizenship*

File: 213

Date: January 27, 2026

Between:

Jessica Lemmens

Applicant

And:

Ministry of Citizenship

Respondent

Reasons for Decision

Presiding Senators

Senators Edkins, Shepherd, Sayers, Murray, Lucier, Dore and Pope

Introduction

[1] On June 19, 2025, the MNBC Citizenship Registry advised Jessica Lemmens that an audit had been conducted under Article 6.1 of the MNBC *Citizenship Act* (the “Act”) regarding the completeness of citizenship files. As a result of this audit, it was determined that Jessica Lemmens citizenship file did not meet the requirements for Métis citizenship as set out in Article 3.1 of the Act.

[2] Further, that under Article 6.6 of the Act, a person whose file is placed under review by the Ministry of Citizenship would be ineligible to apply for further programs or service through MNBC. And, if a person's citizenship was revoked the person would continue to receive programs and services for sixty days following the review notice

[3] With the file being designated as insufficient for citizenship, under Article 6.1.b of the Act, Jessica Lemmens was advised that she would have sixty days from the stated date on the letter to provide supporting documentation that would satisfy the criteria under Article 3 of the Act for citizenship eligibility. If no additional supporting documentation was received, or, the supporting documentation provided was insufficient for objectively verifying the citizenship criteria under Article 3 of the Act, then her citizenship would be revoked. Notice of the revocation will be provided in writing and will be final.

[4] On August 20, 2025, MNBC Citizenship provided notice that the citizenship under review period on the file had concluded and that Jessica Lemmen's citizenship with Métis Nation British Columbia had been revoked. It was further stated that the audit assessment had determined that there was no connection to the historic Métis Nation through a verifiable Métis ancestor although Jessica Lemmen's ancestry may have indigenous people(s) within it, those ancestors must be distinct from other Nations, such as First Nations, to be verifiable as Métis. Furthermore, that the Ministry of Citizenship was unable to establish a Métis ancestral connection, which is the reason for Jessica Lemmen's ineligibility.

[5] Jessica Lemmens was advised that if further clarification on the verdict was needed, she was to reach out to the Ministry of Citizenship by email or by telephone. And, if Jessica Lemmens did not agree with the verdict and wished to pursue an appeal to visit the MNBC Senate webpage and fill out the Citizenship Appel Form noting that an appeal needed to be submitted within sixty (60) days from the date of the verdict notice.

[6] On August 30, 2025, the Senate received a request for a citizenship and/or central registry appeal hearing from Jessica Lemmens. 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 October 6, 2025.

Summary of the Case Law and MNBC Legislation

[7] 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.

[8] 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

[9] Section 61 of the MNBC *Constitution* 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.

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

[11] 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.

[12] 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

[13] H. Ducharme, genealogist, Société historique de Saint-Boniface supplied a second professional opinion by letter dated November 17, 2025. H. Ducharme indicated the following:

*“The information submitted for your client, Ms. Lemmens, has been reviewed. Based on the information given to us; as well as previous research, we are unable to confirm that Ms. Lemmens does indeed have distant Indigenous ancestry, being a link to Marie Anne Vautrin, previously Brule nee Maranda/Marshelle from Oregon, USA. However, the original union occurred outside of traditional Métis National Homeland 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.”*

*It was further stated that “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. Lemmen’s ancestors do **not** connect into the Historic Métis Nation as they were then known or their homeland.”*

The Standard of Review

[14] 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, Jessica Lemmens, not the respondent, the MNBC Ministry of Citizenship.

[15] 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

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

Genealogical Interpretation

[17] 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.

[18] Further, there was no evidence supplied by Jessica Lemmens to verify a distinct ethnic connection to the Métis.

[19] 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 Jessica Lemmen’s genealogy.

[20] Jessica Lemmens 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 her 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] It ought to be noted that should the parameters for MNBC citizenship change, or if Jessica Lemmens 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.