



IN THE MÉTIS NATION BRITISH COLUMBIA'S SENATE

Appeal Name: *Bates vs Ministry of Citizenship*

File: 216

Date: June 3, 2026

Between:

Michelle Louise Bates and David Arthur Bates

Applicant

And:

Ministry of Citizenship

Respondent

Reasons for Decision

Presiding Senators

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

Introduction

[1] On November 28, 2025, the Ministry of Citizenship, Métis Nation British Columbia (MNBC) advised David Bates and Michelle Bates (née Rathwell) by separate letters that “The Ministry of Citizenship has completed your application assessment and has determined that you are not eligible for citizenship with MNBC”.

[2] Furthermore, it was stated in the letters that “To be eligible for citizenship with MNBC, you must be able to establish a connection to the historic Métis Nation through a verifiable Métis 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”.

[3] On January 16, 2026, the Senate, via the Ministry of Citizenship, received a request for citizenship and/or central registry appeal hearing request from Michelle and David Bates. 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. A complete electronic citizenship application file for Michelle and David Bates was subsequently received from the Ministry of Citizenship for review and consideration by the Senate.

Summary of the Case Law and MNBC Legislation

[4] 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.

[5] The definitive Supreme Court of Canada 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 the 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

[6] Section 63 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.

- a) 63.1 “Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in Historic Métis Nation Homeland.
- b) 63.2 “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) 63.3 “Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Historic Nation citizens and is one of the “aboriginal peoples of Canada” within Section 35 of the *Constitution Act* of 1982
- d) 63.4 “Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.

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

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.

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

Second Genealogical Opinion – Société Historique de Saint-Boniface

[10] Halley Ducharme, genealogist, Société Historique de Saint-Boniface supplied a second professional opinion by letter dated April 13, 2026. Halley Ducharme indicated the following:

« The information submitted by your client, Ms. Rathwell has been carefully reviewed. It appears there is proof of Métis Ancestry on the Smith/Omand in which we were asked to review.

Our research concludes there is proof of Métis ancestry confirmed within the genealogical line we were asked to examine. Ancestor Ann Smith (nee Omand) born in Norway House in 1829 takes scrip in Headingly, Manitoba on the 11th of August 1875. Therefore, Ms. Rathwell's ancestors do connect into the Historic Métis Nation as they were then known or their homeland”.

Standard of Review

[11] 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 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 lies with the applicants, Michelle and David Bates, not the respondent, the MNBC Ministry of Citizenship.

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

Analysis

MNBC Policy and Procedure Adherence

[13] The applicants did request that a review of policies and procedures be conducted. However, the Senate, upon review, found the MNBC Ministry of Citizenship did not violate or overlook any policies or procedures. Additionally, the applicant requested that the Senate determine if the interpretation of the Registrar was consistent with the “National Definition” in the MNBC *Citizenship Act*.

Genealogical Interpretation

[14] The MNBC Ministry of Citizenship and the Société Historique de Saint-Boniface have put forth contrary opinions on whether there is a link and/or ancestor that identifies as Métis and connects into the Historic Métis Nation.

[15] The MNBC Ministry of Citizenship concluded that “*Michelle Louise Bates has no Metis ancestors or a connection to the historic homeland. Her ancestors did work in the HBC fur trade, some of her ancestors retired to and lived in the homeland, and she did have an indigenous Grandmother 8 generations ago*” however, they note that this ancestor “*was born circa 1780 in Moose Factory, Ontario*” and thus outside of the Métis Homeland and therefore disqualifying descendants that later resided within the homeland as Métis.

[16] At the time of the Ministry of Citizenship’s determination they were not yet in possession of a second opinion from the Société Historique de Saint-Boniface though one had been requested. They did instead reference a previously requested Société Historique de Saint-Boniface opinion that provided a genealogical review of Michelle and David Bate’s ancestor Ann Smith (née Omand) and the sister of her mother Jane Brown, stressing that the line “*originates outside of the homeland this being in Moose Factory, Ontario...* “. The Ministry also made note that Jane Brown applied for scrip in 1876 but the application was cancelled; however, genealogical evidence shows that Jane Brown died in 1857 and thus would have been ineligible to apply for scrip.

[17] The MNBC Senate notes that in ***Marks v. MNBC Registrar and Smith (2021)*** that the Ministry of Citizenship put forth evidence through Brodie Douglas, MNBC Métis Historian stating in reference to Ann Omand “*Jane Brown who was her mother and a Metis. So Ann Smith Oman (sic) comes from a Metis. Her mother was Metis thereby her child being Metis*”. The citizenship that was in question in that appeal was upheld.

[18] The Applicants applied separately to the Société Historique de Saint-Boniface for genealogical verification on December 5th, 2025

[19] The Senate also takes note of the historical record where upon many Métis residing in the Métis Nation Homeland during the time of Ann Omand and her descendants residence would have traced their family lines to communities outside what are now accepted as the Métis Nation Homeland boundaries, but were clearly seen by the Métis Nation communities as members during the 19th coalescence of identity as a recognizable separate nation.

[20] Upon consideration of the three parts of the National Definition as specified in the *MNBC Citizenship Act*, Michelle Bates and David Bates have shown:

- i) There is appropriate documentation that proves their historic Métis Nation Ancestry.
- j) There is appropriate documentation that proves a Métis ancestry that connects to the Historic Métis Nation Homeland
- k) There is appropriate documentation to identify a historic Métis ‘distinctiveness’

Decision

[21] The MNBC Senate deliberated at length on the information submitted before arriving at a conclusion on this appeal.

[22] The MNBC Senate finds unanimously in favour of the APPLICANTS.

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