Wahta Mohawks Citizenship Code

Enacted by Referendum February 22nd, 2014

1. Title

This code shall be known as Wahta Mohawks Citizenship Code and is inclusive of any name changes made from time to time.

2. Inherent Right

This Code is enacted pursuant to the inherent right of Wahta Mohawks to determine its own citizenship.

3. Purpose

The purpose of this Code is to

(1) Preserve the cultural and political integrity of Wahta Mohawks;
(2) Preserve the sovereignty of Wahta Mohawks through the exercise of inherent rights; and
(3) Provide the basis for the exercise of the rights and obligations of the citizens of Wahta Mohawks and others under its jurisdiction.

4. Enrolment

(1) A Registrar shall be appointed by the Council of Wahta Mohawks who shall be responsible for maintaining the Wahta Mohawks Citizenship Roll.

(2) All applications for Citizenship enrolment shall be made to the Registrar using such forms and regulations as may be outlined in Regulations enacted under section 9(1); provided that, in the absence of such forms and regulations, all applications shall be made in writing in a manner that clearly sets out the applicant's claim to entitlement and the provision of this Code under which the application is made.

(3) The duties of the Registrar include
   (a) Considering applications for enrolment,
   (b) Adding and deleting names from the Citizenship Roll, noting the date and particulars of each such addition or deletion;
   (c) Providing public information about the Citizenship Code; and
   (d) Such other duties as outlined in Regulations enacted under subsection 9(1).

(4) The Registrar shall make a decision on an application for enrolment within thirty days of receipt.

5. Entitlement

A person is entitlement if:

(1) That person was registered or entitled to registered as a citizen of Wahta Mohawks on the date this Citizenship Code came into force;

(2) That person, both of whose parents are entitled to Citizenship, in accordance with subsection (1);

(3) That person, having at least 25% Indian blood quantum, who has been legally adopted or adopted in accordance with Indian custom and the adoptive parent(s) are entitled to citizenship in accordance with subsection (1);

(4) That person has one parent who is entitled to citizenship in accordance with subsection (1), and applicant can prove at least 25% Mohawk blood quantum;

(5) That person, whose mother is entitled to citizenship in accordance with subsection (1), but was enfranchised under the terms of the Indian Act upon marriage to a non-Indian and the applicant has 25% Mohawk blood quantum;

(6) Descendants of persons who enfranchised by application who have 25% Mohawk blood quantum

6. Transfers

The following Indians may transfer citizenship to Wahta Mohawks with the consent of council;

(1) Any Indian who becomes the spouse of a citizen and who has 25% Indian blood quantum, Or
(2) Any Mohawk who has 25% Mohawk blood quantum

7. Persons Not Entitled to Citizenship

The following persons are not entitled to citizenship;

(1) A wife or widow who is not of Indian descent, who was enrolled by virtue of the Indian Act on marriage to a citizen, and whose name was subsequently omitted or deleted from the Indian Register pursuant to that Act before this Code came into force;

(2) The child of a person described in subsection (1), whose other parent is not a citizen nor entitled to be a citizen;

(3) Any person who voluntarily enfranchised under the provisions of the Indian Act for any reason;

(4) Persons not of Indian descent who acquired citizenship through marriage to a citizen under the provisions of the Indian Act, and who have since divorced.

8. Loss of Citizenship

(1) A person ceases to be a member when that person

(a) Renounces citizenship in Wahta Mohawks; or
(b) Becomes a citizen of another First Nation community; or
(c) Was subsequently determined on an appeal not to be entitled to enrolment as a citizen; or
(d) Obtains citizenship by providing information that the person knows to be false.

(2) Without limiting any other type pf liability, a person described in subsection (1)(d) shall be liable to repay any financial benefits received by virtue of having falsely acquired citizenship.

9. Procedure

(1) Council shall prescribe regulations and forms for citizenship purposes.

(2) The onus is in every case on the applicant to demonstrate entitlement to citizenship in accordance with this Code.

(3) No person shall become entitled to any payment of funds by or on behalf of Wahta Mohawks by reason of being enrolled as a citizen or ceasing to be a citizen, and no person who is not a citizen has any right or entitlement to land or the use of land except as provided herein.

(4) Wahta Mohawks, members of Council and the Registrar, are immune to all civil liability in connection with actions taken or decisions made in good faith on citizenship issues.

10. Appeals

(1) Appeals from decisions of the Registrar must be made to Council within 60 days following the Registrar's decision, using such forms and regulations as may be outlined in Regulations enacted under the authority of subsection 9(1), provided that, in the absence of such forms and regulations, all appeals shall be made in writing in a manner that clearly sets out the basis of the appeal.

(2) In the event of an appeal, the Registrar shall provide the applicant and Council with written reasons for the decision or action taken.

(3) Council shall thereupon set a date for the appeal and having heard all relevant submissions, will (a) confirm; or (b) overturn the Registrar's decision.

(4) The decision of Council on a membership appeal is final.

11. Residence

(1) Only citizens of Wahta Mohawks have the right, subject to any appropriate by-laws of Council, to reside in the Wahta Mohawks community and may exercise that right together with any dependent children of whom the citizen has lawful custody.

(2) Any other person who wishes to reside in the community may apply to Council for permission to do so.

(3) Council may, in its sole discretion, grant permission to reside and may set terms and conditions for such residence as it deems appropriate in the circumstances having regard to the availability of housing and community services, economic resources of the applicant, the applicants participation in community life and other facts relating to the general welfare of the community.

(4) Where a permittee breaches any of the terms or conditions set by Council, Council may, in its sole discretion at any time after the breach, terminate the residence by giving 30 days' notice to

the permittee to cease residing in the community. Such notice shall state the reason for termination.

(5) Any peace officer or bailiff may be called in aid to remove a permittee who has been given notice to leave in accordance with this Code and may use reasonable force to cause the said permittee to leave the community, together with any members of his or her family who are not citizens, together with their personal effects.

(6) Any person residing in the community without permission and any person who fails to leave when lawfully required to do so by Council, is guilty of any offense punishable on summary conviction by a fine not exceeding $1000.00 nor less than $250 or to imprisonment for a term not exceeding 30 days, or to both fine and imprisonment as provided herein.

(7) All decisions of Council on questions of residence are final.

12. <u>Amendment</u>

(1) This code may be amended if, at a referendum held for the purpose of considering one or more proposed amendments, a majority of the electors of Wahta Mohawks vote in favour of a proposed amendment.

(2) The electors who can vote at a referendum described in subsection (1) are those Wahta Mohawks Citizens who are entitled to vote in an election for the Chief and Council of Wahta Mohawks.