

**METIS NATION OF SASKATCHEWAN
CITIZENSHIP ACT**

RATIFIED NOVEMBER 6, 1999

ARTICLE ONE - TITLE

1. This Act may be cited as "The Métis Nation of Saskatchewan Citizenship Act, 1999."

ARTICLE TWO - INTERPRETATION

2. In this Act:

- 2.1. "Act" shall mean the Métis Nation of Saskatchewan Citizenship Act.
- 2.2. "Appeals" shall mean any written objection by a person who has been rejected entry in the Métis Nation of Saskatchewan Central Registry or by a Métis Nation of Saskatchewan citizen who is objecting to the registration of any person to the Métis Nation of Saskatchewan Central Registry.
- 2.3. "Child" shall mean a child of a Métis citizen.
- 2.4. "Citizenship Appeal Board" shall mean the Métis Nation of Saskatchewan Citizenship Appeal Board.
- 2.5. "Membership" shall mean citizenship.
- 2.6. "Métis" shall mean a Métis citizen as defined by the Métis Nation of Saskatchewan Constitution.
- 2.7. "Métis community" shall mean the Locals as set out by the Constitution.
- 2.8. "Métis Local" shall mean a Métis Local listed in Schedule I of the Métis Nation of Saskatchewan Constitution.
- 2.9. "Métis Nation Legislative Assembly" shall mean the governing authority of the Métis Nation of Saskatchewan, as set out in the Constitution.
- 2.10. "Records" shall mean any records used to support an application for citizenship including historical records, church records, archival records, census records and oral history from Métis Elders.
- 2.11. "Registered" shall mean registered as a Métis under this Act.
- 2.12. "Registrar" shall mean the Registrar appointed by the Senate to administer the Central Registry.

ARTICLE THREE - COMMUNITY ACCEPTANCE

3. In this Act:

3.1. The Métis Nation of Saskatchewan shall accept a person as Métis if the person can produce records denoting the person as having Métis ancestry and is accepted by a Métis community and if the person complies with the following conditions:

3.1.1. The person normally resides within the community or jurisdiction of the Métis Nation of Saskatchewan; and

3.1.2. The person expressly held him/herself out to be Métis in the community or jurisdiction;

3.2. The authorized Métis Local must make its decision impartially and in good faith.

ARTICLE FOUR - REGISTRATION PROCESS

4. In this Act:

4.1. A person who wishes to be registered as a Métis may apply to a Métis Nation of Saskatchewan Local.

4.2. The Métis Nation of Saskatchewan Local President or Secretary must issue a card recognizing the person as Métis if they meet the requirements of this Act, but not before they are registered by the Registrar.

4.3. The parent or guardian of a child under 16 years of age may apply for registration on behalf of the child.

4.4. The guardian of a person who is under a mental or legal disability may apply for registration on behalf of the person.

4.5. No person is obliged to apply for registration.

4.6. In the case of an application for registration, the applicant must provide historical and genealogical evidence, such as the records or documents of a government, church or community, including oral testimony from a Métis Elder reduced to writing, to show that the person is a descendant of a Métis.

4.7. The Registrar shall review applications for registration and shall register a person as a Métis only if:

4.7.1. The person is entitled to be registered as a Métis pursuant to this Act and

4.7.2. The application is properly made.

4.8. Following the coming into force of this Act, the Registrar shall establish and implement a process to seek out and encourage the registration of all persons who are entitled to be registered as Métis.

ARTICLE FIVE - VOLUNTARY REMOVAL FROM REGISTRY

5. In this Act:

- 5.1. A person who is registered as a Métis citizen may, at any time, voluntarily remove him/herself from the registry.**
- 5.2. The Registrar shall remove a person who, by written request, declares that he or she no longer wishes to be registered as a Métis.**
- 5.3. A person who has removed him/herself from the registry may re-apply for registration.**

ARTICLE SIX – CENTRAL REGISTRY

6. In this Act:

- 6.1. The Registrar shall maintain a uniform system for the registration of the citizens of the Métis Nation of Saskatchewan.**
- 6.2. The following minimum information about a Métis citizen may be included in the Central Registry:**
 - 6.2.1. The person's name;**
 - 6.2.2. The person's address or place of residence;**
 - 6.2.3. The person's date of birth;**
 - 6.2.4. The person's marital status and the name of any spouse;**
 - 6.2.5. The dates of any marriages;**
 - 6.2.6. The names and dates of birth of any children of the person;**
 - 6.2.7. The Local under which the person has applied for registration;**
 - 6.2.8. The Mother's full name and date of birth;**
 - 6.2.9. The Father's full name and date of birth;**
 - 6.2.10. The other information submitted in support of the person's application for registration; and**
 - 6.2.11. Such genealogical information about the person as may exist.**

- 6.3. The Registrar may collect and register additional demographic information about Métis citizens.
- 6.4. The Registrar shall treat the registry as confidential.
- 6.5. The Registrar shall cause the registry system to be kept safely by administrative, physical and technological safeguards that are reasonable and consistent with this Act.
- 6.6. The Registrar with the consent of the Provincial Metis Council may enter into agreements with the government of a province or territory or with the government of Canada respecting the collection and exchange of information for the better functioning of the registry system but may not disclose confidential information without the consent of the registrant.
- 6.7. The process for registration shall be such that:
 - 6.7.1. A person makes application to a Métis Local for citizenship by completing the Métis Nation of Saskatchewan Citizenship Application Form.
 - 6.7.2. The President of the Métis Local submits the Citizenship Application Form to the Registrar for consideration and entry into the Registry.
 - 6.7.3. The Registrar rejects or registers the person into the Registry and notifies the Métis Local President in writing of the decision.
 - 6.7.4. In the event that the Registrar accepts the registration, the Registrar forwards a signed standardized Métis Nation of Saskatchewan Citizenship Card to the Métis Local President or Secretary who then issues the standardized Métis Nation of Saskatchewan Citizenship Card to the person.
 - 6.7.5. The standardized Métis Nation of Saskatchewan Citizenship Cards shall be numbered consecutively following the Métis Local numbers.
 - 6.7.6. Only the standardized Métis Nation of Saskatchewan Citizenship Cards shall be recognized as legitimate for the purposes of the Constitution and this Act.
 - 6.7.7. The Provincial Métis Council will be responsible for the development of the Métis Nation of Saskatchewan Citizenship Application Form and the standardized Citizenship Card.

ARTICLE SEVEN - REGISTRY OFFICE

7. A Registry Office shall be established, based on available fiscal resources.
 - 7.1. The Registry Office shall consist of:
 - 7.1.1. The Registrar and

7.1.2. The staff of the Registry Office.

7.2. The Registry Office

7.2.1. is separate and independent from the public service of the Métis Nation but the staff of the Registry Office shall be considered to be members of the public service for the purpose of employment benefits;

7.2.2. Shall act impartially and in good faith in the exercise of its functions; and

7.2.3. Is under the administrative direction of the Senate; and

7.2.4. Shall retain and provide copies of the standardized Métis Nation of Saskatchewan Citizenship Application Form and the standardized Métis Nation of Saskatchewan Citizenship Cards to Métis Local Presidents.

ARTICLE EIGHT - THE REGISTRAR

8. The Registrar:

8.1.1. Shall be appointed and directed by the Senate.

8.1.2. Shall hold office for a term set by the Senate.

8.1.3. May be removed from office only by the Senate.

8.1.4. Shall report in writing to the Métis Nation Legislative Assembly and the Provincial Métis Council through the Senate.

8.1.5. Shall maintain the Central Registry.

8.1.6. Shall administer this Act.

8.1.7. Shall accept and review applications for citizenship submitted on the standardized Citizenship Application Form by a Métis Local President and decide whether a person is entitled to be registered pursuant to this Act.

8.1.8. Shall respond in writing to the Métis Local President on the decision of an application for citizenship.

8.1.9. Shall make decisions on the voluntary removal from the registry of individuals pursuant to this Act.

8.1.10. Shall forward Appeals to the Citizenship Appeal Board on the issue, pursuant to this Act.

8.1.11. Shall ensure that the relevant files are provided to the Citizenship Appeal Board in cases of appeal.

- 8.1.12. Shall ensure that a final report is written and filed on any appeal that comes before the Registrar or the Citizenship Appeal Board.
- 8.1.13. Shall manage the staff of the Registry Office.
- 8.1.14. Shall have a seal of office that may be reproduced by the Registrar in any manner and has the same effect whether it is manually applied or otherwise reproduced.
- 8.1.15. Shall deliver an annual report to the Provincial Métis Council, to be submitted to the Métis Nation Legislative Assembly, through the Senate, within 60 days following the end of each calendar year.

ARTICLE NINE - CITIZENSHIP APPEAL BOARD

9. The Citizenship Appeal Board shall:

- 9.1. Hear and resolve appeals from a decision of the Registrar.
- 9.2. Be composed of three Senators, appointed by the Métis Nation Legislative Assembly, for a term of three years but may be removed for cause by the Métis Nation Legislative Assembly. A Senator who is a member of the Citizenship Appeal Board and whose term has expired may be re-appointed.
- 9.3. Appoint one member of the Citizenship Appeal Board to be the Chairperson of the Citizenship Appeal Board.
- 9.4. Have an official seal, which shall be judicially noticed.
- 9.5. Shall have, in regards to attendance, swearing in and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record.
- 9.6. Shall be responsible for all citizenship appeals, the decision of which is subject only to appeal to the Métis Nation Legislative Assembly.
- 9.7. Shall conduct appeal hearings in accordance with such rules of procedures as are necessary and as are ratified by the Provincial Métis Council.
- 9.8. May appoint a person to inquire into and report on any matter before making a decision on it.
- 9.9. May sit and make a determination with a majority of members in attendance.
- 9.10. May make such orders and regulations as are necessary for the purpose of carrying out this Act, subject to ratification by the Provincial Métis Council.

- 9.11. Make recommendations to the Métis Nation Legislative Assembly in the event of final appeal by a person regarding registry.

ARTICLE TEN - CITIZENSHIP APPEALS

10. The process for Appeals will be such that:

- 10.1. The Appellant bears the burden of proof.
- 10.2. Any person who has made application on the Métis Nation of Saskatchewan Citizenship Application Form to a Métis Local President and is denied registry by the Métis Local President is entitled to appeal this decision in writing to the Registrar within thirty (30) days of the President's decision.
- 10.3. Any person whose Citizenship Application Form has been forwarded by a Métis Local President to the Registrar and has been rejected in writing by the Registrar may appeal in writing to the Citizenship Appeal Board within thirty (30) days of the Registrar's decision.
- 10.4. Any person whose application has been rejected by the Citizenship Appeal Board may appeal in writing to the Métis Nation Legislative Assembly, whose decision shall be final and binding, complying with the requirements set out in the Métis Nation of Saskatchewan Legislative Assembly Act, and shall do so within thirty (30) days of the Citizenship Appeal Board's decision.
- 10.5. All appeals by a person regarding rejection of registration by the Local President or Registrar or Citizenship Appeals Board must include:
 - 10.5.1. The name and address of the person who has been rejected;
 - 10.5.2. The Local to which application was made;
 - 10.5.3. The evidence submitted as proof of Métis ancestry;
 - 10.5.4. Copies of all correspondence regarding the appeal;
 - 10.5.5. The signature of the person who has been rejected; and
 - 10.5.6. The date of submission of the appeal.
- 10.6. Any person whose registration is being objected to shall be given a reasonable opportunity to make representation in the case at each level, and shall receive copies of all correspondence regarding the appeal.
- 10.7. The decision of the Citizenship Appeal Board must be in writing, signed by the deciding members of the Citizenship Appeal Board, and forwarded to the affected parties within 14 days of the date of its decision.

10.8. The Registrar shall take whatever steps are necessary to implement the decision of the Citizenship Appeal Board.

10.9. All appeals are confidential and shall be treated as such by all involved parties.

ARTICLE ELEVEN - FINANCES

11. The remuneration and employment benefits of the Registrar, the staff of the Registry Office and the Citizenship Appeals Board shall be established by the Métis Nation of Saskatchewan Treasury Board, based on available fiscal resources.

ARTICLE TWELVE - GRANDFATHER CLAUSE

12. In Grandfathering existing memberships:

12.1. Those members currently listed on the Métis Local Membership Lists will have two years from the date of the ratification of this Act, to make application for entry into the Central Registry. Once the two years has passed, those members who have not made proper application on the Métis Nation of Saskatchewan Citizenship Application Form, will automatically be removed from the system.

12.2. Only those members who have made proper application and have been entered into the Central Registry will receive the standardized Métis Nation of Saskatchewan Citizenship Card.

ARTICLE THIRTEEN - ENACTMENT

13. This Act:

13.1. Comes into force upon ratification by the Métis Nation Legislative Assembly.

13.2. Is binding on all citizens of the Métis Nation of Saskatchewan and its Affiliates and organizations.

13.3. Repeals all former citizenship legislation.

13.4. Has received ratification on this 6th day of November, 1999.