

M'CHIGEENG ANISHINAABEK BELONGING LAW 2019

Preamble

Dibendaagziwin Naaknigewin
Belonging Law

Mii maanda kina wiya ge-naagdoopa ezhi-dibendaagog naaknigewin.
This is what everyone surely must follow, the Belonging Law.

Giishpin wiya kwedwed ji-debendaagzid wii-biitaaged M'Chigeeng.
If he or she should ask to belong as a Citizen of M'Chigeeng.

M'Chigeeng debendaagzijig gii-zhitoona'aa maanda naaknigewin.
Citizens of M'Chigeeng have authored this law.

M'Chigeeng Anishinaabeg wii-jiiyewag zaagjiya'iinh kina enchiwaad Anishinaabeg.
M'Chigeeng Anishinaabek are part of the broader Anishinaabek Nation.

Maanda naaknigewin naadmaagemgad ezhi-Anishinaabewaadizing enaagdowaad.
This law is consistent with Anishinaabe customs, traditions, and practices.

Ngichi piitendaanaa Anishinaabemwin miinwaa Anishinaabewaadiziwin.
We have a high regard for the Language and the Anishinaabe life.

Naadmaadig ji-mshko-gaabwiyek miinwaa ji-zaag'idyig.
Help each other to stand strong and to have a heart.

1) Authority

M'Chigeeng Anishinaabek, pursuant to its inherent jurisdiction over its Citizenship and section 10 of the *Indian Act*, assumed control of its Citizenship in 1987. This M'Chigeeng Anishinaabek Belonging Law replaces all previous iterations of the Membership Codes of the M'Chigeeng Anishinaabek.

2) Definitions in this Law

- a) "*Adopted*" means the adoption of a child (under the age of 18 years) according to the custom of the M'Chigeeng Anishinaabek or an order for adoption;
- b) "*Band List*" refers to the list of names that is maintained by the Department of Indian and Northern Affairs;

- c) "*Chief and Council*" means the duly elected council chosen according to the *M'Chigeeng First Nation Custom Election Code* and its regulations;
- d) "*Citizen*" means a person whose name is included in the Citizenship Register. In Anishinaabemowin, Citizen translates into Debendaagzijig;
- e) "*Citizenship Appeals Committee*" means a committee of persons who are appointed by the Chief and Council to hear appeals related to Citizenship;
- f) "*Citizenship Committee*" means a committee of persons who are on the Citizenship Register and are appointed by the Chief and Council to act in an advisory capacity and to make recommendations to the Chief and Council;
- g) "*Citizenship Register*" is a comprehensive list containing the name, date of birth, sex and parentage and last known address of every Debendaagzijig of the M'Chigeeng Anishinaabek pursuant to the Law;
- h) "*Department*" refers to the Department of Indian and Northern Affairs that has the responsibility for maintaining the Indian Register and Band Lists;
- i) "*Debendaagzijig*" refers to the citizens of the M'Chigeeng Anishinaabek. In English, Debendaagzijig translates to those who belong.
- j) "*Indigenous*" refers to a person who:
 - i) is a Debendaagzijig of a First Nation in Canada or is a status Indian pursuant to the *Indian Act*; or
 - ii) is a Member of a Tribe located in the United States of America.
- k) "*Law*" means this M'Chigeeng Anishinaabek Belonging Law, 2019;
- l) "*M'Chigeeng Anishinaabek*" means the peoples of what is known as M'Chigeeng and are also known as the M'Chigeeng Anishinaabek of Manitoulin Island and the geographical area and populace over which the Chief and Council have authority, *M'Chigeeng Indian Reserve #22*, and *M'Chigeeng First Nation*;
- m) "*Pending Debendaagzijig* " refers to a person who has been approved for Citizenship, subject to a two (2) year provisional. This person will be recorded on the Citizenship Register and may reside on M'Chigeeng reserve lands, but may not be granted reserve land, housing, voting rights or other benefits as determined by Chief and Council until the provisional period has elapsed;

- n) "*Sponsor*" means an individual who is on the Citizenship Register, is at least eighteen (18) years old, and otherwise meets the criteria as outlined herein; and
- o) "*Spouse of a Debendaagzijig* " means a person who is married to a Debendaagzijig , whether by a traditional customary, religious or civil ceremony, and includes a common-law partner.
 - i) A "common-law partner" means a person who is cohabitating with a Debendaagzijig in a conjugal relationship for a continuous twenty-four (24) month period and includes same-sex relationships.

3) **Administration**

- a) The Debendaagzijig of M'Chigeeng Anishinaabek hereby authorize and delegate to the Chief and Council the authority to administer Citizenship under the provisions of this Law and its associated regulations.
- b) The Debendaagzijig of M'Chigeeng Anishinaabek hereby authorize and delegate to the Citizenship Appeals Committee the authority to administer the Appeals process under the provisions of this Law and its associated regulations.
- c) The Citizenship Register shall be held and maintained at the head office of M'Chigeeng Anishinaabek.
- d) The Chief and Council shall be responsible for carrying out the duties and functions and exercising any and all of the powers under this Law, including:
 - i) Maintaining, in accordance with the Law, the Citizenship Register;
 - ii) Appointing the members of the Citizenship Committee and the Citizenship Appeals Committee; and
 - iii) Receiving and reviewing, and accepting or rejecting applications for Citizenship.
- e) The Chief and Council shall assign persons to administer its duties in respect of the Citizenship Committee. Such duties will be described in regulations that shall be developed and amended from time to time.
- f) The name of every person who is a Debendaagzijig of the M'Chigeeng Anishinaabek and is entitled to be registered shall be entered in the Citizenship Register.
- g) The Citizenship Committee shall recommend the acceptance or rejection of any initial application to the Chief and Council. The Chief and Council shall, upon receipt of the recommendations of the Citizenship Committee, accept or reject the

application. Such applications shall be approved by a minimum of seven (7) members of the Chief and Council. The Chief and Council shall provide, in writing, valid reason(s) for the decision if it does not act upon the recommendations of the Citizenship Committee.

- h) The Citizenship Appeals Committee shall receive and review all appeals regarding a Chief and Council decision to approve or reject a Citizenship application in accordance with the associated regulations.

4) Persons Entitled to Citizenship as of Right

- a) The following persons are entitled to Citizenship in M'Chigeeng Anishinaabek:

- i) Indigenous persons, of any age, whose names appeared on the Band List maintained by the Department of Indian and Northern Affairs for the M'Chigeeng Anishinaabek or were entitled to have their names on the list immediately prior to this Law coming into force; and

- ii) A person, of any age, with at least one (1) biological or adoptive parent who is, or, if no longer living, was listed or entitled to be listed on the Citizenship Register as Debendaagzijig.

- b) The Citizenship Committee will verify that these current persons, or their parent(s) or guardian(s), continue to accept citizenship with M'Chigeeng Anishinaabek and will provide the updated list of Debendaagzijig to Chief and Council for approval to the Citizenship Register, no later than thirty (30) days following the coming into force of this Law.

- c) The Citizenship Committee will, after thirty (30) days, simply accept a valid applicant who meets the criteria set out in 4(a)(i) and (ii).

- d) The Chief and Council must approve these Debendaagzijig to be placed on the Citizenship Register and the process and forms to apply for citizenship under this section will be set out in the regulations.

5) People Who May Apply for Citizenship and are not Entitled to Citizenship under Section 4

- a) The following persons may make application, in the prescribed form as set out in the regulations, to Citizenship in M'Chigeeng Anishinaabek:

- i) An Indigenous person who is also the Spouse of a Debendaagzijig; and
- ii) An Indigenous person who wishes to transfer to M'Chigeeng First Nation.

6) People who are not Eligible to Apply for Citizenship

- a) The following persons are not eligible for Citizenship:
 - i) A non-Indigenous person.

7) Application for Citizenship

- a) Applicants shall state the name of their Sponsor in the application. The Sponsor shall attest, in writing, to the applicant's connection with the M'Chigeeng Anishinaabek and his/her commitment to, and knowledge of, the history, customs, traditions, culture and rights of the M'Chigeeng Anishinaabek.
- b) A Sponsor must meet the following requirements:
 - i) must be a Debendaagzijig of M'Chigeeng Anishinaabek and reside on M'Chigeeng Reserve; and
 - ii) must be at least eighteen (18) years of age.
- c) Following the acceptance of the application by Chief and Council, Chief and Council shall add the Applicant's name to the Citizenship Register as a Pending Citizen.
- d) A Pending Citizen shall be placed on a provisional period of two (2) years.
- e) Pending Citizenship applications may be revoked during the provisional period if the Sponsor or Applicant request the application for citizenship be revoked.
- f) Following the 2-year provisional period, the new Debendaagzijig shall enjoy their privileges and responsibilities as Debendaagzijig.

8) Appeals

- a) Any applicant may appeal the rejection of his/her Citizenship application to the Citizenship Appeals Committee, in the prescribed form as set out in the regulations and must include payment of the application fee as determined by the regulations.
- b) The Citizenship Appeals Committee shall review all appeals regarding an acceptance or rejection of an application.

- c) The Citizenship Appeals Committee must make a decision within 10 months from the date of receipt of the appeal.
- d) If an appeal is rejected by the Citizenship Appeals Committee, the Committee must provide the applicant with written reasons for denial.
- e) The Citizenship Appeals Committee shall inform the Chief and Council of its decision within three (3) business days of the issuance of the decision.
- f) All decisions of the Citizenship Appeals Committee may be overturned by the Chief and Council. All decisions of the Chief and Council are final and binding.
- g) A decision of the Chief and Council may be reviewed by the Federal Court solely by reason that the Chief and Council failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction under this Law.
- h) An application for judicial review of a final decision of the Citizenship Appeals Committee or the Chief and Council must be made within fifteen (15) days of the date the decision was filed with the administration office.
- i) An applicant may not make an application to court in respect of a matter under this Law or its regulation without first exhausting the remedies available before the Citizenship Appeals Committee.

9) Renouncement or Transfer of Citizenship

- a) A Debendaagzijig may renounce his/her Citizenship in the M'Chigeeng Anishinaabek by applying, in the prescribed form as set out in the Regulations, along with the prescribed fee (as determined from time to time by Chief and Council), to the Chief and Council requesting that his/her name be removed from the Citizenship Register on a date specified by the Debendaagzijig.
- b) The Debendaagzijig renouncing his/her Citizenship may not make claim to any funds of the M'Chigeeng Anishinaabek.
- c) A Debendaagzijig under the age of eighteen (18) years may not renounce his/her Citizenship, however, their parent or legal guardian may renounce his/her Citizenship.
- d) A Debendaagzijig who has renounced or transferred his or her Citizenship, will be required to sell or transfer his or her property situated on the M'Chigeeng Reserve to a Debendaagzijig of the M'Chigeeng Anishinaabek, or to the M'Chigeeng Anishinaabek itself, prior to their effective transfer of Citizenship.

- e) No application for transfer to M'Chigeeng Anishinaabek shall be considered of a Debendaagzijing of another Band or First Nation unless the applicant agrees to renounce such Citizenship upon admission to the M'Chigeeng Anishinaabek, in accordance with the application process outlined herein, and such admission shall be conditional upon such renunciation.

10) Privileges of Debendaagzijing

- a) Everyone whose name is on the M'Chigeeng Anishinaabek Citizenship Register may reside on the land of the M'Chigeeng Anishinaabek and may enjoy privileges that may be accorded to its Debendaagzijing by the Chief and Council from time to time. Access to such privileges are not guaranteed where funding and/or services are contingent on specified criteria beyond the control of Chief and Council.

11) Responsibilities of Debendaagzijing

- a) Everyone who is a Debendaagzijing of M'Chigeeng Anishinaabek has the responsibility to:
 - i) Uphold the mission statement of M'Chigeeng Anishinaabek;
 - ii) Honour the customs, traditions of M'Chigeeng Anishinaabek;
 - iii) Comply with all codes, laws and regulations of M'Chigeeng Anishinaabek;
 - iv) Hold respect for all life, including the waters, lands, and animals;
 - v) Contribute to the preservation, resurgence, and advancement of Anishinaabek culture and language; and
 - vi) Maintain active ties and good relations with our community.

12) Coming into Effect of the Law

- a) This Law shall take effect from the day immediately following a referendum in which this Law is approved.

13) Amendments to the Law

- a) This Law must be ratified by a majority of the Debendaagzijing voting in a referendum.
- b) Amendments to this Law must be ratified by a majority of the Debendaagzijing voting in a referendum.
- c) A majority must be determined as the majority of Debendaagzijing who cast a ballot in a referendum.

14) Regulations

- a) Chief and Council shall make regulations under this Law.
- b) Chief and Council can amend these Regulations by First Nation Council Resolution.