

Pimicikamak Cree Nation Law
Pimicikamak Neynuweywin Eskanesiwin Onasowewin

The Pimicikamak Citizenship Law

OFFICE CONSOLIDATION

This Law is made by Pimicikamak Cree Nation:

Whereas the Creator made the Cree peoples responsible for governing themselves, their lands and their traditional resources;

And Whereas all peoples have the right of self-determination, by virtue of which right they freely determine their political status and freely pursue their economic, social and cultural development;

And Whereas the right of self-determination includes the right of a people to determine its own identity and citizenship;

And Whereas traditional law of the Cree peoples recognizes the autonomy and jurisdiction of the Pimicikamak Cree Nation to govern itself and its traditional lands and resources;

And Whereas governance is a spiritual mandate carrying with it the responsibility to govern for the welfare of the people and of all life;

And Whereas the Parliament of Canada made the Indian Act;

And Whereas the Indian Act divided the Cree peoples into bands, and purported to define who is an Indian, and to specify which Indians are members of a band;

And Whereas section 10 of the Indian Act provides delegated authority for a band to determine its own membership subject to certain conditions;

And Whereas the Indian Act has divided the people and suppressed the Nation;

And Whereas the Nation has a right of self-determination and this right includes the right to determine its own identity according to its own laws;

Therefore the Nation, with approval of the Council of Elders and acceptance of the membership, makes this Law:

Name

1. This Law shall be known as **The Pimicikamak Citizenship Law**.

Definitions

2. In this Law, unless a different intention is expressed:
 - “accept” means to make permanent a right of citizenship in accordance with this Law;
 - “the Band” means the Cross Lake Band of Indians established by and under the Indian Act, whether known by that name or by the name “Cross Lake First Nation”;
 - “Bill C-31” means An Act to Amend the Indian Act (Canada), given Royal Assent on June 28, 1985;
 - “Chief” means the Chief of the Nation;
 - “citizen” means a person who is or was or is deemed to be or to have been a citizen according to this Law;
 - “Citizenship Committee” means the Citizenship Committee of the Nation, appointed according to this Law;

“Citizenship Register” means a written record maintained and certified by the registrar;

“Councillor” means a Councillor of the Nation;

“General Assembly” means a traditional assembly of citizens duly convened for the purpose of considering National matters;

“Indian Act” means the Indian Act (Canada), as amended;

“member” means a person who was registered as a member of the Band on or before the date this Law came into effect, and for greater certainty, includes a person who was registered by reason of Bill C-31 and a person who ceased to be registered for any reason;

“the Nation” means Pimicikamak Cree Nation;

“parent” means the mother or father of a person, and includes an adoptive parent where the adoption is recognized by or confirmed according to law of the Nation;

“publicly posted” means posted in a prominent place in the principal office of the Pimicikamak Cree Nation and made public in any other manner or place which Chief and Council may by regulation prescribe;

“registrar” means a person designated from time to time by Resolution of Chief and Council as being responsible for maintaining citizenship records of the Nation.

Citizens

3. Every person who was a member of the Band before this Law came into effect is a citizen of the Nation.
4. A person whose name and birth date are set forth in Schedule A is deemed to be a citizen of the Nation until 366 days after this Law comes into force and effect, or until attaining the age of 19 years, whichever is later.
5. A person, two of whose parents are citizens of the Nation, is a citizen of the Nation.
6. A person, one of whose parents is a citizen of the Nation, is deemed while ordinarily resident in Cross Lake to be a citizen of the

Nation until 366 days after this Law came into effect, or until attaining the age of 19 years, whichever is later.

7. While deemed to be a citizen according to this Law, a person shall have the same rights and duties as every other citizen, without distinction of any kind, except that their citizenship shall end, unless accepted, as provided by this Law.
8. While deemed to be a citizen a person 12 years or more of age shall be entitled to accept citizenship by completing and delivering to the registrar an application.

Registrar decides application

9. Upon receiving a completed application, the registrar shall if requested hear the applicant, or a representative authorized in writing, and may request and consider any information to determine whether the applicant is a citizen, and shall within a reasonable time provide a written decision to the applicant.

Posting

10. The registrar shall forthwith after providing a decision to the applicant in accordance with the preceding section ensure that copy of the application and decision are publicly posted for at least 10 days.

Appeal

11. The applicant or any citizen may appeal the decision of the registrar in writing by notice delivered to the registrar within 14 days of the decision or 7 days of the registrar posting public notification of the decision, whichever is later.

No appeal

12. If no appeal is filed in accordance with the preceding section, the decision of the registrar shall be final and binding upon all persons.

Effect of final decision

13. Upon a final decision by the registrar or the Judicial Council, as the case may be, that a person is a citizen in accordance with this Law, the registrar shall enter the name and birth date of the person in the Citizenship Register, and that person shall have the same rights and responsibilities as every other citizen, without distinction of any kind.

Application for admission

14. A person who is not a citizen or entitled to be a citizen in accordance with sections 3 to 8 may, upon paying to the Nation the fee prescribed by regulation to defray costs, apply to the registrar be admitted as a citizen.
15. The registrar shall refer the application to the Citizenship Committee.

Citizenship Committee

16. The Citizenship Committee of the Nation shall have up to five members, as follows:
- a) One citizen appointed by the Council of Elders by custom;
 - b) One citizen appointed by the Women's Council by custom;
 - c) One citizen appointed by the Youth Council by custom;
 - d) One citizen appointed by the General Assembly by custom, or by secret ballot if the General Assembly so determines; and
 - e) One citizen appointed by Chief and Council by Resolution.

Ineligible officials

17. The Traditional Chief, the Women's Chief, the Youth Chief, the Chief and Councillors, and the registrar shall not be appointed to nor sit on the Citizenship Committee.

Interim appointments

18. A position which is not filled in accordance with section 16 may be filled by Resolution of Chief and Council, provided that the Resolution shall designate the position as being filled in relation to one of subsections a, b, c or d.

Replacements

19. Members of the Citizenship Committee hold office at pleasure, and a member appointed either in accordance with, or in relation to, a subsection of section 16 may be replaced at any time in accordance with the same subsection.

Procedure

20. Subject to this Law, the Citizenship Committee may determine its own procedure.
21. All members of the Citizenship Committee shall be present throughout the public hearing and decision.
22. The Citizenship Committee may choose a Chairperson from time to time.
23. The Citizenship Committee may make decisions by consensus, but any two of the Committee may require a recorded vote upon any matter, and the Chairperson shall then have a deciding vote upon a tied vote.

Hearing

24. The Citizenship Committee shall decide upon the application of any person, for admission as a citizen, at one or more public hearings.
25. The Citizenship Committee shall hear the applicant in person or by representative authorized in writing, and shall hear any citizen who wishes to speak and may hear any other person.

Basis of decision

26. The Citizenship Committee may hear and consider anything whatsoever which in its sole discretion it deems may be useful, and should base its decision upon its understanding of the best interests of the Nation.

Information

27. The Citizenship Committee may ask the applicant to provide any information which it deems relevant to the application or to its decision, and if the applicant fails or refuses without reasonable excuse to provide the information requested, the Citizenship Committee may reject the application.

Record of decision

28. The registrar is responsible for ensuring that a decision of the Citizenship Committee is recorded in writing, and that a copy is provided to the applicant and that a copy is publicly posted for at least 14 days.

Review

29. The decision of the Citizenship Committee shall upon written request of an applicant be reviewed by the General Assembly.
30. A decision of the Citizenship Committee is not otherwise subject to review or appeal.
31. The General Assembly may by traditional consensus reverse a decision of the Citizenship Committee, failing which the decision shall be deemed to have been upheld by the General Assembly.
32. The decision of the General Assembly upon an application for admission as a citizen is not subject to review or appeal.

Notice

33. In convening a General Assembly to consider any matter relating to citizenship, Chief and Council shall give notice in the customary manner, with special mention of the matter to be considered.

Citizenship Register

34. The registrar shall enter the name and birth date of every citizen in the Citizenship Register and shall note particulars of the basis for citizenship.
35. The registrar shall strike from the Citizenship Register the name of any citizen whose citizenship is revoked, repudiated or abandoned in accordance with this Law.
36. Upon receiving evidence that a citizen has died, the registrar shall note in the Citizenship Register that the citizen is deceased.
37. The registrar may make any entry in the Citizenship Register as necessary to maintain a true record of the citizens of the Nation and may note reasons for any entry and may cross-reference any related file.
38. No person shall do anything to or with the Citizenship Register except as expressly authorized by law.
39. The registrar may maintain and, subject to this Law, make available a computer database corresponding to the Citizenship Register, but in case of any difference, the Citizenship Register shall be deemed to be the true record of the citizens of the Nation.
40. A person whose application under section 8 or section 14 has been denied may, one year or more after a final determination of that application, apply to the registrar again, and the registrar shall refer such reapplication to the Citizenship Committee as a new application.

Revocation

41. A person who is admitted to citizenship by the Citizenship Committee or by the General Assembly shall have the same rights and duties as every other citizen except that the General Assembly may, by consensus, upon written recommendation of the Citizenship Committee with reasons, and in the presence of the registrar, revoke their citizenship of within 5 years after the date of admission.

42. Where the General Assembly has duly revoked the citizenship of a person under section 33, the registrar shall strike the name of that person from the Citizenship Register and record the reasons.

Repudiation

43. A citizen who is at least 18 years of age may give notice of repudiation of citizenship in writing delivered to the registrar.

44. The registrar shall, if the notice of repudiation is not withdrawn in writing delivered to the registrar within one year, strike the name of the citizen from the Citizenship Register and record particulars of the repudiation.

Abandonment

45. The Citizenship Committee may, upon application in writing by three citizens, determine by unanimous decision that a person has abandoned their citizenship, and the registrar shall strike the name of that person from the citizenship register and shall record particulars of the application and decision.

46. The Citizenship Committee shall not make any determination as provided by section 45 if the citizen is less than 25 years of age, or has resided in Cross Lake at any time during the previous ten years.

47. Before making any determination as provided by section 45, the Citizenship Committee shall deliver to the last known address of the citizen a copy of the application and any supporting information, and a request for a response, and shall allow 90 days for a response.

Renewal

48. A citizen who has been determined to have abandoned citizenship may renew it by attending in person before the registrar in Cross Lake, and the registrar shall note the renewal and date of renewal in the Citizenship Register.

49. A person who renews their citizenship shall be deemed for the purposes of this Law to have never abandoned it.

Ceremony and oath

50. A person who accepts citizenship in accordance with section 8 or whose application under section 14 is granted should attend a traditional ceremony, and take an oath administered in Cree or English by the Traditional Chief or the Women's Chief, in the following form:

“I, [name], do solemnly undertake to uphold the constitution and Laws of the Nation and to faithfully discharge my responsibilities as a citizen and elector of the Nation.”

Correcting the record

51. Any person may deliver to the registrar a written application to rectify the Citizenship Register or any related record by entering or striking a name, or correcting any particular.

52. Upon receiving an application the registrar shall give public notice of it and shall, if requested, hear the applicant and any other person who may be directly affected by the application.

53. The registrar shall provide reasons for decision in writing.

54. The applicant or any other person who is directly affected by the decision may appeal the decision of the registrar in writing by notice delivered to the registrar within 14 days of the decision or 7 days of the registrar posting notification, whichever is later.

55. If no appeal is filed in accordance with section 54, the decision of the registrar shall be final and binding upon all persons.

Judicial Council

56. The registrar shall refer an appeal filed in accordance with section 11 or section 54 to the Judicial Council, and the Judicial Council shall decide the appeal at a public hearing called for that purpose.

Record

57. The registrar shall provide to the Judicial Council copies of the application, the decision appealed from, the reasons for decision, and any other relevant documents, 7 days before the hearing.

Procedure

58. The Judicial Council may determine its own procedure and, without limitation, may hear, or not hear, any person.

Basis of decision

59. The question to be decided upon an appeal is whether the registrar made an error in interpreting or applying this Law.

Decision is final

60. The decision of the Judicial Council on an appeal is final and binding upon all persons.

Record of decision

61. The Secretary to the Council is responsible for ensuring that a decision of the Judicial Council on an appeal is recorded in writing, and that a copy is provided to the applicant and that a copy is publicly posted for at least 10 days.

Record of decisions

62. The registrar is responsible for maintaining a permanent record of decisions of the Judicial Council relating to this Law and for providing copies to the Judicial Council upon request, or to any person upon payment of a fee prescribed by regulation.

Rights are collective

63. Rights of citizenship provided by this Law are collective rights and no person has any individual right to be or to become a citizen except as may be incidental to implementation of this Law for the benefit of the Nation.

Band membership

64. After this law comes into effect, a citizen of the Nation is a member of the Band, and a person who is not a citizen of the Nation is not a member of the Band.

Coordination

65. Subject to this Law, the registrar shall take all steps necessary to coordinate the implementation of this Law and achieve an orderly transition from the corresponding provisions of the Indian Act.

Copy of Law

66. The Secretary to the Council shall provide a certified copy of this Law to the Minister of Indian Affairs.

Certainty

67. For greater certainty:
- a) A citizen of the Nation has Treaty status under Treaty #5;
 - b) Nothing in this Law affects the status of any person as a citizen of Canada or of any other country or nation;
 - c) Where a provision of the Indian Act or any regulation made under the Indian Act is inconsistent with this Law, this Law shall prevail;
 - d) Nothing in this Law or done pursuant to this Law shall create a right to receive programs or services off reserve, or affect residency requirements of programs provided or funded by any government; and
 - e) Copyright in the Citizenship Register and in any computer database corresponding to it belong to the Nation.

Certificates

68. A citizen may, upon proof of identity and paying to the Nation a fee prescribed by regulation to defray costs, obtain from the registrar a certificate of citizenship in form

approved by Resolution of Chief and Council.

69. Any person may, upon paying to the Nation a fee prescribed by regulation, obtain from the registrar a certified true copy of any record in the Citizenship Register.
70. Any person may, upon paying to the Nation a fee prescribed by regulation and obtaining consent by Resolution of Chief and Council and accepting in writing any conditions which may be required, obtain from the registrar a copy of all the records in the Citizenship Register, and the registrar shall maintain a record of such consents, conditions and written acceptances.

Proposed by Chief and Council: 22 June, 1999

Approved by Council of Elders: 29 June, 1999

Approved by Women's Council: 29 June, 1999

Referred to Youth Council: 29 June, 1999

Accepted by General Assembly: 1 July, 1999

Adopted by Chief and Council: 1 July, 1999

Effective date: 2 July, 1999.

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Regulations

71. Chief and Council may by regulation provide for:
- a) methods and places for public posting required by this Law;
 - b) forms of application for the purposes of sections 8 and 51;
 - c) forms of notice of appeal for the purposes of sections 11 and 54;
 - d) the application fee for an application under section 14;
 - e) a form or forms of certificate for the purposes of section 68;
 - f) fees for certificates under section 68;
 - g) the fee for a certified true copy under section 69; and
 - h) the fee for a copy of the records under section 70.

Date of effect

72. This Law takes effect on the day after the day it is adopted.