

INHERENT RIGHT TEMPLATE

Key Elements of a Stand Alone Citizenship Code (24 Elements) MODEL

1. Preamble

- Expresses the beliefs, values, philosophy and, or principles of the First Nation;

2. Title

- States the title of the code;
 - This Citizenship Code will be called or cited as the *Stand Alone First Nations Citizenship Code*

3. Purpose

- Explains the intent, reason or purpose of the code;

4. Jurisdiction and Authority

- Explains and asserts that the First Nations has the authority and jurisdiction to decide on their citizenship
- Explains who or what body/entity/committee/Council will decide or affirm the citizenship of a person
- May explain the difference between membership and citizenship;

5. Definition

- Defines technical, legal or ambiguous words;

6. Entitlement and Eligibility Criteria for Citizenship

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- **Entitlement** means the right to, or the right to be entitled to citizenship because of one's birth; it is an inherent right.
- **Eligibility** to citizenship implies that a person has to meet certain criteria to apply to be recognized or enrolled as a citizen.
- **Explains who has entitlement to First Nation citizenship**
- **Explains the *specific* criteria to apply for citizenship**

7. Non - Member Resident

- **This is a common element of a citizenship code**
- **Explains who and what defines a non - member resident;**
- **May explain certain conditions, restrictions or probation for a non – member resident;**

8. Citizenship Committee

- **Explains who will decide or affirm a person's citizenship**
- **Explains the Committee's composition;**
- **Explains whether the Committee members are appointed, elected or volunteers**
- **Explains the rules and procedures the Committee must follow when deciding on a person's citizenship;**

9. Application Process for Citizenship

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- **Explains that a person is a citizen at birth and that they do not need to apply for citizenship**
- **Explains that if a person does not have *automatic* (at birth) citizenship then the person must apply for their citizenship**
- **Explains the application process;**
- **Explains what documentation is required to apply;**

10. Appeal and Review Process

- **Explains that a person has the right to appeal a decision concerning their citizenship**
- **Explains who will review the appeal;**
- **Explains how the appeal will be reviewed;**
- **Explains how the decision will be made;**
- **Explains how the person will be notified of the decision of the review of the appeal**
- **Explains on what grounds a person can make an appeal;**
- **Explains how many times a person can make on appeal**
- **May explain that a fee is required to submit an appeal**
- **May explain that a person can make a written or verbal presentation if a person's citizenship is refused**
- **May state that the decision of an appeal is final and binding**

11. Reinstatement of Citizens

- **This is not an essential element of a citizenship Code**

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- **Explains that a person is entitled to be a citizen if that person lost their status due to the regulations of the *Indian Act***
- **Explains that the person must apply for citizenship**

12. Adoption of Children

- **Explains that a child may be adopted and whether that child will be a citizen when they reach the age of majority**
- **Explains that customary adoptions are respected and that a child will be a citizen**
- **Explains that only legally sanctioned adoptions will be accepted**

13. Citizen's Rights and Benefits

- **Explains the rights and benefits a citizen is entitled to;**
 - A citizen has the right to;
 - Vote
 - Hold a political office
 - Receive education funding
 - Receive housing assistance
 - Be buried on the Territory

14. Privileges of Non - Member Resident

- **This is not an essential element of a citizenship code**

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- **May explain that a non - member resident may have certain rights**
- **May state that a non-member resident does not confer benefits, rights or entitlements from the community**
- **May state that a non-member resident may have to pay certain fess for services**

15. Roles and Responsibilities of a Citizen

- **Explains the roles and responsibilities of a citizen;**

16. Obligations of Non - Member Resident

- **This is not an essential element of a citizenship code**
- **May explain that a non - member resident is obligated to;**

17. Suspension, Revocation and Renouncement of Citizenship

- **Explains the reason(s) why a person's citizenship would be suspended or revoked;**
- **Explains why a person's citizenship would be revoked or renounced;**

18. Offences and Penalties

- **This is not an essential element of a citizenship Code**
- **Explains what constitutes an offence and what fines that person must pay**

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19. Registrar

- **The Registrar is a person**
- **The Registrar is *usually* the only person who records the names of the members onto the registry or official citizenship list**
- **Explains the Registrar's duties and responsibilities.**

20. Registry

- **Is the First Nation's "Official" list of citizens**
- **The registry is administered and maintained by the Registrar**
- **The Registry can be referred to as:**
 - **First Nations Registry**
 - **Band List**
 - **Citizenship List**
 - **Citizenship Registry**
- **Explains where the registry will be kept and who has access to it**
- **States whether the Registry will be sent to Indian and Northern Affairs Canada**

21. Regulations

- **This is not an essential element of a citizenship code**
- **Explains that the Citizenship Committee can make regulations or rules as to how they will decide on citizenship**

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22. General Provisions

- **This is not a essential element of a citizenship code**
- **May state that the *Preamble* is an essential part of the code**
- **May state budget or funds for the implementation and administration of the code**

23. Amendment Process

- **Explains that the citizenship code may be amended or changed, from time to time**
- **Explains the process of how the code will be changed**
- **Explains how such changes will be accepted or ratified**

24. Enactment of Code

- **Explains when and how the code will be passed or ratified**
- **Explains that previous code(s) will be repealed**