



CITIZENSHIP LAW

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CITIZENSHIP LAW

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PREAMBLE

WHEREAS:

- A. Tla'amin Ta'ow (*teachings*) are our traditional teachings and unwritten laws that our Ancestors lived by. In creating written laws, we continue to honour and uphold our Ancestral practices, teachings and core values. Through our laws, we reinforce the principles of respect, unity and connection to our lands and resources. We vow to keep these teachings and principles in mind in all that we do as Tla'amin people;
- B. Through this Law and other Tla'amin enactments, we are continuing to exercise our inherent right of self-determination. The Tla'amin Government will govern in an accessible, accountable and transparent manner;
- C. As we have always done, we continue to occupy our lands and carry out our Ta'ow (*teachings*) that require us to be stewards of our lands and resources today and always, and we are committed to the responsible, sustainable stewardship of lands, waters, air and other resources. In upholding our responsibilities, we will continue to seek the guidance of the Creator, our Ancestors and the knowledge of Tla'amin Elders as we protect and make decisions about managing our lands and resources;
- D. Our vision of self-government and of a healthy, self-sufficient Tla'amin Nation began long ago with our Ancestors and our leadership of the past. Many of those who were involved in shaping and advancing our vision have passed on and we acknowledge their contributions and sacrifice. They put in place the foundation that we have built upon today. Those respected ones have cleared the path so that we, the Tla'amin Nation, could achieve our vision; of "one heart, one mind, one Nation";
- E. It is on this basis that we accept the obligations and responsibilities inherent in governing and work to blend our traditional and modern-day governing approaches, including the development of laws with respect to Tla'amin citizenship and enrolment;
- F. Through our written *Constitution* and this *Citizenship Law*, we reinforce our Nation's objectives including Tla'amin unity, good faith engagement among ourselves and with our neighbours and maintaining enduring connections to our lands and resources;
- G. Further, we are committed to pursuing the economic, social and cultural wellbeing of our Nation with the aim of sustaining and improving the quality of life for present and future Tla'amin generations;
- H. It is our intention to accomplish this through a fair, efficient, accessible and transparent process by which an individual may become enrolled as a Tla'amin Citizen;
- I. We vow to keep our Ta'ow (*teachings*) and these principles in mind in all that we do as Tla'amin people. The Tla'amin Nation adopts this Law based on these values and principles;
- J. Under section 31 of the *Constitution*, the Tla'amin Government may exercise any right, power, privilege or authority, and may carry out any duty, function or obligation, of the Tla'amin Nation or Tla'amin Government in accordance with Tla'amin law, the

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Constitution and the Final Agreement including making any law within the authority of the Tla'amin Government;

- K. Under paragraph 1 of Chapter 15 [*Governance*] of the Final Agreement, the Tla'amin Nation has the right to self-government, and the authority to make laws, as set out in the Final Agreement;
- L. Under paragraph 53 of Chapter 15 [*Governance*] of the Final Agreement, the Tla'amin Nation has the authority to make laws in relation to Tla'amin citizenship; and
- M. Under paragraph 3 of Chapter 15 [*Governance*] of the Final Agreement, the authority of the Tla'amin Nation to make laws in relation to a subject matter under the Final Agreement includes the authority to make laws and do other things as may be necessarily incidental to exercising its authority.

NOW THEREFORE the Legislative Assembly enacts as follows:

PART 1 - INTRODUCTORY PROVISIONS

Citation

1. This Law may be called the *Citizenship Law*.

Oversight

2. The Speaker of the Legislative Assembly is responsible for the oversight of this Law.

Application

3. This Law applies to the process by which an individual may become enrolled as, or cease to be, a ~~Provisional Enrollee~~Conditional Member or a Tla'amin Citizen.

Registered Indian status

4. This Law does not affect the status of any individual as a registered Indian under the *Indian Act* (Canada).

Definitions

5. In this Law,

"Chair" means the chairperson of the Citizenship Committee appointed under section 57;

"Citizenship Committee" means the citizenship committee established under section 514754;

"Citizenship Policy" means the citizenship policy approved by order of the Executive Council under this Law;

"Citizenship Register" means the register setting out the names of all Tla'amin Citizens;

"Citizenship Registrar" means the individual appointed to carry out the responsibilities set out in section 194649;

~~"Provisional Enrollee"~~"Conditional Membership Register" means the register setting out the names of all Conditional Members;

"Conditional Member" means an individual whose application has been approved in accordance with section 312734;

~~"Provisional Enrollment Register"~~"First Nation list" means:-

(a) the register setting out Indian Act band list, in the names of all Provisional Enrollees a "band" within the meaning of the *Indian Act*, or

(b) the list of status individuals affiliated with the First Nation, in the case of a First Nation that is not a band; and

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~~“Provisional Period”~~ “waiting period” means the period that starts on the day an individual is enrolled as a ~~Provisional Enrollee~~ Conditional Member and ends three years after that day, unless it is extended under section ~~242424~~, ~~2226~~ or ~~282428~~.

Interpretation

6. (1) In addition to the terms defined in this Law, terms used in this Law may be defined in the *Interpretation Law*.
- (2) Only those defined terms that are capitalized in section 5 or in the *Interpretation Law* are presented capitalized in the text of this Law, and all other defined terms are presented in lower case.
- (3) References to “this Law” include any regulations made under this Law.

Severability

7. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

8. Nothing under this Law must be rendered void or invalid by
 - (a) an error or omission in a notice, form or other document given or authorized under this Law; or
 - (b) a failure of the Tla’amin Nation or a Tla’amin official to do something within the required time.

PART 2 - CITIZENSHIP AND ~~PROVISIONAL ENROLLMENT REGISTER AND~~ ~~CRITERIA~~ CONDITIONAL MEMBERSHIP REGISTERS

Citizenship Register

9. The Citizenship Register established by the Sliammon First Nation under paragraph 14(f) of Chapter 22 [*Eligibility and Enrolment*] of the Final Agreement must be maintained by the Citizenship Registrar in accordance with this Law.

Conditional Membership Register

10. A ~~Provisional Enrolment~~ Conditional Membership Register must be maintained by the Citizenship Registrar in accordance with this Law.

Amending the Citizenship Register or Conditional Membership Register

11. The Citizenship Register and the ~~Provisional Enrolment~~Conditional Membership Register may only be amended by adding or removing the names of Tla'amin Citizens, ~~Provisional Enrollees~~Conditional Members or individuals, as applicable, as provided by this Law.

PART 3 - CRITERIA FOR CONDITIONAL MEMBERSHIP AND CITIZENSHIP

Eligibility criteria for ~~provisional enrolment~~conditional enrolment

12. An individual is eligible to be enrolled as a ~~Provisional Enrollee~~Conditional Member if that individual ~~or, in the case of a child, one of their parents~~ has established, or has demonstrated a clear and genuine intention to establish, a continuing Tla'amin community connection and
- (a) is of Tla'amin ancestry; or
 - (b) was adopted as a ~~minor~~ child under the laws recognized in Canada or Tla'amin Law by an individual ~~that~~who is of Tla'amin ancestry.

Determination of Tla'amin ancestry

13. In making a determination under section ~~124012(a)~~ or ~~164346~~ regarding an applicant's eligibility for enrolment ~~as a Provisional Enrollee or Tla'amin Citizen~~ on the basis of their ~~own or their adoptive parent's~~ Tla'amin ancestry, the Citizenship Committee will take into account evidence ~~satisfactory to the Citizenship Committee~~ of the applicant's direct descent on the side of either parent from one or more individuals recognized as having Tla'amin ancestry. Such evidence may include documentation such as a birth certificate or a statutory declaration from an individual or individuals other than the applicant.

Ancestry evidence for applicants adopted as children

14. A determination under section 12(b) or sub-paragraph 16(c)(ii) with respect to the Tla'amin ancestry of an applicant's adoptive parent will take into account the same type of evidence as that considered in respect of applicants under section 13.

Additional ancestry considerations

15. For the purposes of sections ~~124012~~, ~~134443~~, 14 and ~~164346~~;
- (a) an individual who is of Homalco ~~or~~, Klahoose or K'ómoks ancestry and transferred to become a member of the Sliammon Indian Band on or before July 10, 2012 and did not subsequently transfer to another ~~Indian Band~~First Nation is deemed to be of Tla'amin ancestry; and
 - (b) the child of an individual who obtained their Tla'amin citizenship through adoption by an individual who is of Tla'amin ancestry may not rely on their parent's status as a Tla'amin Citizen to claim Tla'amin ancestry.

Exceptions to ~~provisional enrollment~~ conditional enrolment

44.16. Subject to section 494549, the following individuals may be enrolled as Tla'amin Citizens without the requirement to first be enrolled as ~~Provisional Enrollees~~ Conditional Members:

- (a) ~~a child~~ an individual, including an individual who was adopted as a child, whose parents are both Tla'amin Citizens;
- (b) an individual who is of Tla'amin ancestry and was registered as a member of the Sliammon Indian Band on the day prior to the Effective Date; ~~and~~ or

(c) a child, including an adopted child, with one parent who: _____

~~(b)~~ is: _____

- (i) a Tla'amin Citizen;
- (ii) is of Tla'amin ancestry; and

(iii) either:

(A) was registered as a member of the Sliammon Indian Band on the day prior to the Effective Date; or

(A)(B) has established a continuing Tla'amin community connection.

Eligibility criteria for citizenship

45.17. Subject to section 494549, a ~~Provisional Enrollee~~ Conditional Member is entitled to be enrolled as a Tla'amin Citizen, if they or, in the case of a child, one of their parents can demonstrate that they have established, and ~~intend~~ have a clear and genuine intention to maintain a continuing Tla'amin community connection and have met any other criteria for citizenship that are established by regulation.

No entitlement to ~~provisional enrollment~~ conditional enrolment or citizenship

46.18. An individual is not entitled to be enrolled and have their name entered on the ~~Provisional Enrollment~~ Conditional Membership Register or on the Citizenship Register, except as provided for in this Law.

PART 3 - PART 4 - CITIZENSHIP REGISTRAR

Citizenship Registrar

47.19. The responsibilities of the Citizenship Registrar include

- (a) entering and removing the names of individuals on the ~~Provisional Enrollment~~ Conditional Membership Register or the Citizenship Register at the direction of the Citizenship Committee; and

- (b) other responsibilities set out in this Law or ~~prescribed by regulations under this Law~~ the Citizenship Policy.

~~PART 4~~ **PART 5 - ENROLMENT OR RE-ENROLMENT APPLICATION**

Application for enrolment

~~18-20.~~ An individual may submit an application to the Citizenship Committee for enrolment ~~or re-enrolment~~ as a ~~Provisional Enrollee~~ Conditional Member or a Tla'amin Citizen by fully completing an application in the ~~prescribed form as required by regulations under this Law~~ set out in the Citizenship Policy, including submitting any required information and records.

Application for citizenship

~~19-21.~~ No earlier than two years after the start of the ~~Provisional Period~~ waiting period, a ~~Provisional Enrollee~~ Conditional Member may submit an application to the Citizenship Committee to become a Tla'amin Citizen ~~in the prescribed form as required by regulations under this Law~~, including submitting any ~~required~~ information and records required by the regulations under this Law or the Citizenship Policy.

Failure to apply for citizenship during waiting period

~~20-22.~~ Subject to sections ~~242424~~, ~~2226~~ and ~~282428~~, if a ~~Provisional Enrollee~~ Conditional Member does not apply to become a Tla'amin Citizen within three years of the start of the ~~Provisional Period~~ waiting period, they will cease to be a ~~Provisional Enrollee~~ Conditional Member and the Citizenship Registrar will remove their name from the ~~Provisional Enrollment~~ Conditional Membership Register.

No later than First extension request

~~21-23.~~ At least 30 days before the end of the ~~Provisional Period~~ waiting period described in section ~~221922~~, a ~~Provisional Enrollee~~ Conditional Member may request a six-month extension to the ~~Provisional Period~~ waiting period by submitting a request for the extension of the ~~Provisional Period~~ waiting period to the Citizenship Registrar.

Granting of first extension

~~22-24.~~ The Citizenship Registrar will grant an extension to the ~~Provisional Time Period~~ waiting period to any ~~Provisional Enrollee~~ Conditional Member who applies within the ~~required~~ time frame ~~set out in section 23~~.

Second extension request

~~23-25.~~ No later than 30 days before the end of the ~~Provisional Period~~ waiting period that has been extended under section ~~242424~~, a ~~Provisional Enrollee~~ Conditional Member who has been granted an extension may request and be granted a maximum of one additional six-month extension to the ~~Provisional Period~~ in accordance with the process described in sections 20 and 21 waiting period by submitting a request for the extension of the ~~waiting Period~~ Period to the Citizenship Registrar.

Granting of second extension

26. The Citizenship Registrar will grant an extension to the waiting period to any Conditional Member who applies within the time frame set out in section 25.

Extension request after the waiting period

24-27. No later than six months after the end of the ~~Provisional Period~~waiting period, an individual who has failed to submit a request for an extension within the time periods described in sections 232023 and 252225 may request a six-month extension of the ~~Provisional Period~~waiting period by submitting their request to the Citizenship Committee together with a description of the reasons they were unable to submit the request within the required time period, including any extenuating circumstances, and any supporting documentation.

Review of extension request after the waiting period

25-28. The Citizenship Committee will review any request submitted under section 272327 and determine whether to grant a six-month extension of the ~~Provisional Period~~waiting period.

Limit on requests for extensions

26-29. A ~~Provisional Enrollee~~Conditional Member who has been granted an extension of the ~~Provisional Period~~waiting period under section 282428 may not apply for a further extension.

Re-applying for conditional membership

27-30. An individual who has ceased to be a ~~Provisional Enrollee~~Conditional Member may reapply for ~~provisional-enrollment~~conditional membership no earlier than six months after they ceased to be a ~~Provisional Enrollee~~Conditional Member.

Decision on application

28-31. Where the Citizenship Committee determines that an applicant has provided it with satisfactory evidence that the applicant meets the eligibility criteria to be accepted as a ~~Provisional Enrollee~~Conditional Member under section 124012 or as a Tla'amin Citizen under section 164316 or 174417, the Citizenship Committee will approve the application and instruct the Citizenship Registrar to enter the name of an applicant on the ~~Provisional Enrollment~~Conditional Membership Register or the Citizenship Register, as appropriate.

Refusal notice

29-32. (1) If the Citizenship Committee determines that an applicant has not provided it with satisfactory evidence that the applicant meets the eligibility criteria to be accepted as a Conditional Member under section 124012, 13 or 14 or as a Tla'amin Citizen under section 16 or 17, or is ineligible on the basis of the requirements of section 494549, the Citizenship Committee must refuse to ~~enroll or re-enroll~~ the applicant and deliver to the applicant a written notice of its decision including reasons for the refusal.

- (2) Written notice of a decision under subsection (1) is sufficiently delivered to an applicant if it is
- (a) personally given to the applicant; or
 - (b) sent by registered mail to the applicant's address shown in the application for enrolment ~~or re-enrolment.~~

New information after refusal

~~30.33.~~ **30.33.** — An applicant whose application for enrolment ~~or re-enrolment~~ has been refused under section ~~32.2932~~ (1) may submit new information to the Citizenship Committee for its consideration ~~at any time~~ within the prescribed time limits ~~before, unless~~ the applicant ~~requests has submitted~~ an appeal ~~or requests a judicial review of the decision~~ under section ~~30.59~~.

Enrolment after submission of new information

~~31.34.~~ **31.34.** If, based on the new information submitted under ~~subsection (1),~~ section 33, the Citizenship Committee determines that the applicant should be enrolled ~~or re-enrolled as a~~ Conditional Member or a Tia'amin Citizen, it must direct the Citizenship Registrar to enroll ~~or re-enroll~~ that applicant.

Appeal or judicial review process

~~32.~~ **32.** An applicant, on their own behalf, or on behalf of an individual whose affairs the applicant has the legal authority to manage, may

- ~~(a) appeal a decision of the Citizenship Committee to the Review and Appeal Panel in accordance with section 55; or~~
- ~~(b) seek judicial review of a decision of the Review and Appeal Panel in accordance with section 60.~~

PART 5 - PART 6 - REMOVAL, REVOCATION AND RE-ENROLMENT

Request for removal

Relinquishment of conditional membership

~~33.35.~~ **33.35.** On receipt of a notice in the ~~prescribed~~ form set out in the Citizenship Policy from an individual who

- (a) is a ~~Provisional Enrollee~~ Conditional Member, or
- (b) has legal authority to manage a ~~Provisional Enrollee's~~ Conditional Member's affairs

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~~requesting removal of the Provisional Enrollee's name from the Provisional Enrolment~~who has chosen to relinquish their conditional membership and has requested that their name be removed from the ~~Conditional Membership~~ Register, the Citizenship Committee must instruct the Citizenship Registrar to remove the name of that ~~Provisional Enrollee~~ ~~Citizen~~~~Conditional Member~~ from the ~~Provisional Enrollee~~~~Conditional Membership~~ Register.

Relinquishment of citizenship

~~34-36.~~ On receipt of a notice in the ~~prescribed~~ form ~~set out in the Citizenship Policy~~ from an individual who

- (a) is a Tla'amin Citizen, or
- (b) has legal authority to manage the Tla'amin Citizen's affairs

~~requesting removal of the Tla'amin Citizen's~~who has chosen to relinquish their Tla'amin citizenship and has requested that their name be removed from the Citizenship Register, the Citizenship Committee must instruct the Citizenship Registrar to remove the name of that Tla'amin Citizen from the Citizenship Register.

Limits on re-enrolment

~~37.~~ An applicant who has requested that their name be removed from the ~~Conditional Membership Register or the Citizenship Register under section 35 or 36~~ may only re-enroll as a ~~Conditional Member or Tla'amin Citizen once.~~

Deceased

~~35-38.~~ Upon receiving satisfactory evidence that a ~~Provisional Enrollee~~~~Conditional Member~~ or Tla'amin Citizen is deceased, the Citizenship Registrar must remove the name of that individual from the ~~Provisional Enrolment~~~~Conditional Membership~~ Register or the Citizenship Register, as appropriate.

Revocation of enrolment

~~36-39.~~ If the Citizenship Committee has reason to believe that an individual's enrolment as a ~~Provisional Enrollee~~~~Conditional Member~~ or Tla'amin Citizen should be revoked because they

- (a) were enrolled as a ~~Provisional Enrollee~~~~Conditional Member~~ or a Tla'amin Citizen on the basis of false representation, fraud or by knowingly concealing material facts or circumstances, or
- (b) were not entitled to be enrolled,

the Citizenship Committee must send a written notice in accordance with section ~~403540~~ to that individual advising that it intends to make an order removing the name of the individual from the ~~Provisional Enrolment~~~~Conditional Membership~~ Register or the Citizenship Register, as appropriate.

Notice of intention to revoke

~~37-40.~~ A notice under section ~~393439~~ must

- (a) set out the reasons for the intended order; and
- (b) state that the individual is entitled to make representations as to why the order should not be made by filing an answer with the Citizenship Committee within 20 business days of the date the individual receives the notice.

Order

~~38-41.~~ If, after considering the matter, including any representations made by the individual, the Citizenship Committee determines that an individual's enrolment as a ~~Provisional Enrollee~~ Conditional Member or ~~a~~ Tla'aminn Citizen should be revoked for the reasons described in section ~~393439~~ (a) or (b), the Citizenship Committee

- (a) must, by order, instruct the Citizenship Registrar to remove the individual's name from the ~~Provisional Enrolment~~ Conditional Membership Register or the Citizenship Register, as appropriate; and
- (b) must, if it makes an order under paragraph (a), deliver a copy of that order to the Executive Council.

Order takes effect

~~39-42.~~ An order under section ~~413641~~ takes effect 20 business days after it is delivered to the Executive Council, unless within that ~~20-~~ business day period the Executive Council disallows the order.

Delivery

~~40-43.~~ A copy of an ~~effective~~ order made under section ~~413641~~ that has taken effect must be delivered in the same manner as provided in sections ~~322832~~ (1) and ~~322832~~ (2) to the individual whose name has been removed from the ~~Provisional Enrolment~~ Conditional Membership Register or the Citizenship Register, as appropriate.

New information after revocation

~~41-44.~~ An individual whose name has been removed from the ~~Provisional Enrolment~~ Conditional Membership Register or the Citizenship Register under section ~~413641~~ may submit new information to the Citizenship Committee for its consideration at any ~~within the prescribed time~~ before ~~limits, unless~~ the applicant requests ~~has submitted~~ an appeal under section ~~595559~~.

Withdrawal and reinstatement

~~42-45.~~ If, based on the new information submitted under section ~~443944~~, the Citizenship Committee determines that the applicant should be ~~enrolled or re-enrolled~~ reinstated, it must

- (a) withdraw its removal order; and

- (b) reinstate that individual's enrolment on the ~~Provisional Enrolment~~Conditional Membership Register or the Citizenship Register, as appropriate.

Reinstatement takes effect

~~43.46.~~ A reinstatement under section ~~454045~~ is effective on the date the removal order is withdrawn.

Hardship considerations

~~44.47.~~ On the application of an individual whose enrolment on the ~~Provisional Enrolment~~Conditional Membership Register or the Citizenship Register has been reinstated under section ~~454045~~, the Executive Council may make any order it considers necessary and advisable to address any hardship considerations demonstrated by the individual as a result of the removal order made under section ~~413641~~.

Decision is final

~~45.48.~~ If an individual referred to in section ~~443944~~ does not

- (a) submit new information, or
- (b) commence an appeal

within the prescribed time limits, the removal of their name from the ~~Provisional Enrolment~~Conditional Membership Register or the Citizenship Register is final.

~~Limits on re-enrolment~~

~~46. An applicant may only re-enroll as a Tla'amin Citizen once.~~

~~PART 6 - PART 7 - OTHER AGREEMENTS~~

No entitlement

~~47.49.~~ Despite any other provision in this Law, an applicant is not entitled to be enrolled and to have their name entered on the Citizenship Register, if the applicant is also

- (a) receiving benefits as a member of an aboriginal group that is a signatory to another treaty or land claims agreement in Canada,
- (b) enrolled under another treaty or land claims agreement in Canada, or
- (c) registered on ~~an Indian Banda~~ First Nation list, other than the list of status Indians affiliated with the Tla'amin Nation, referred to as ~~Band~~the #554 First Nation list ~~#554~~,

and the applicant must inform the Citizenship Committee if that is the case.

Satisfactory evidence

48-50. The Citizenship Committee must instruct the Citizenship Registrar to enter the name of an applicant referred to in section ~~494549~~ on the Citizenship Register if

- (a) the applicant provides evidence satisfactory to the Citizenship Committee that
 - (i) in the case of an applicant referred to in section ~~494549~~(a) or ~~494549~~(b), they have ceased receiving benefits or withdrawn from enrolment under the other treaty or land claims agreement or, if there is no enrolment procedure or registry under the other treaty or land claims agreement, they will not exercise or assert rights as a beneficiary under the other treaty or land claims agreement, or
 - (ii) in the case of an applicant referred to in section ~~494549~~(c), they have requested that they be removed from the First Nation ~~band~~ list on which they were registered;
- (b) the applicant meets the eligibility criteria under section ~~40, 13 or 14; and 1646 or 17; and~~
- (c) the Citizenship Committee determines that all other requirements are met.

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~~PART 7 - PART 8 - CITIZENSHIP COMMITTEE~~

Citizenship Committee

49-51. Members of the Citizenship Committee are appointed by the Executive Council to make determinations in respect of enrolment applications.

Citizenship Committee responsibilities

50-52. The Citizenship Committee is responsible for

- (a) discharging its obligations under this Law, ~~or any regulations made under this Law, under the Citizenship Policy,~~ the Final Agreement and ~~under any rules and procedures that the Citizenship Committee may establish;~~
- (b) publishing the eligibility criteria and the procedures to apply for enrolment ~~or re-enrolment as a Provisional Enrollee as a Conditional Member~~ or a Tla'amin Citizen;
- (c) keeping confidential all information provided by and about applicants for enrolment ~~or re-enrolment~~ and complying with any confidentiality requirements set out in regulations under this Law ~~or in, the Citizenship Policy, any other Tla'amin enactment or a policy under~~ any other Tla'amin enactment;
- (d) determining whether an applicant is eligible to have their name entered on the ~~Provisional Enrolment~~ ~~Conditional Membership~~ Register or the Citizenship Register;

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- (e) directing the Registrar to enter names on, or remove names from, the ~~Provisional Enrolment~~Conditional Membership Register or the Citizenship Register, as required under this Law; and
- (f) establishing its own rules and procedures consistent with this Law and the Citizenship Policy.

Citizenship Committee member eligibility

51-53. To be eligible for appointment as a member of the Citizenship Committee, an individual must

- (a) be eligible to be a Tla'amin Citizen and in good standing with the Tla'amin Nation; and
- (b) have a good understanding of Tla'amin culture, ancestry and Tla'amin Institutions.

Holding position

Term of appointment

52-54. A member of the Citizenship Committee holds their position for a four-year term or until the member

- (a) resigns;
- (b) dies; or
- (c) is removed from office by order of the Executive Council,

whichever is sooner. A member of the Citizenship Committee may be re-appointed for a further term after the end of their four-year term.

Proceedings

53-55. Subject to this Law and the ~~regulations~~Citizenship Policy, the Citizenship Committee may determine its own schedule, location, rules and procedures for its meetings.

Quorum

54-56. The quorum for the Citizenship Committee is a majority of its members.

Chair

~~55-57. The members of the Citizenship Committee must appoint a chair from among themselves who is~~The Chair will be appointed by the Executive Council and will be responsible for

- (a) chairing all meetings;
- (b) giving directions to the personnel assisting the Citizenship Committee to perform its responsibilities; and

- (c) signing all decisions and orders of the Citizenship Committee.

Decision-making

~~56-58.~~ The Citizenship Committee must attempt to reach its decisions by consensus, but if consensus is not possible, a decision must be made by a motion passed by a majority of its members.

~~PART 8-PART 9 - ENROLMENT APPEALS AND REVIEW AND APPEAL PANEL~~

Appeal of decisions on applications

~~59.~~ Subject to section 60, an applicant on their own behalf, or on behalf of an individual whose affairs they have the legal responsibility to manage, may appeal, by written notice within the prescribed time limits, ~~may appeal~~ a decision made by the Citizenship Committee to:

- (a) refuse an individual's application for enrolment ~~or re-enrolment under section 28(4) as a Conditional Member or to a Tla'amin Citizen under section 32(1), or~~
- (b) revoke an individual's enrolment as a ~~Provisional Enrollee~~ Conditional Member or as a Tla'amin Citizen under section ~~413644~~

to the Review and Appeal Panel.

~~No member to appeal of conditional enrollment~~

~~57-60.~~ A decision of the Citizenship Committee to initially enroll an applicant as a Conditional Member, rather than as a Tla'amin Citizen, may not be the same ~~appealed to the Review and Appeal Panel.~~

Cannot serve concurrently

~~58-61.~~ A member of the Citizenship Committee may not concurrently serve as a member of the Review and Appeal Panel.

Duties

~~59-62.~~ The Review and Appeal Panel will

- (a) hear and determine appeals of decisions made by the Citizenship Committee as set out in section ~~595559;~~
- (b) conduct hearings in public, unless it determines in a particular case that there are reasons for confidentiality that outweigh the public interest in having an open hearing;
- (c) provide written reasons for each decision to each appellant and, if applicable, to the parties who directly participated in the appeal;

- (d) maintain a record of decisions and
 - (i) provide decisions to the Citizenship Committee, and
 - (ii) deposit a copy of decisions in the Tla'amin Registry; and
- (e) if requested, provide to Executive Council a report on the appeal process, and that report may be provided to the Legislative Assembly.

Representation

60-63. An applicant, or a witness appearing before the Review and Appeal Panel may be represented by an agent.

Action upon appeal

64-64. The Review and Appeal Panel may

- (a) require by summons, any individual to appear before the board as a witness and to produce any relevant document in their possession; and
- (b) direct a witness to answer, on oath or by solemn affirmation, any relevant question posed to the witness.

Judicial review

62-65. All decisions of the Review and Appeal Panel are final and binding, subject to an applicant making an application on their own behalf, or on behalf of an individual whose affairs they have the legal authority to manage, for judicial review of a decision made by the Review and Appeal Panel to the Supreme Court of British Columbia on the grounds that the panel

- (a) acted without or beyond jurisdiction or refused to exercise its jurisdiction;
- (b) failed to observe procedural fairness;
- (c) erred in law; or
- (d) based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the evidentiary material before it.

PART 9 - PART 10 - ANCILLARY MATTERS

Good faith performance

63-66. No action lies against the Citizenship Registrar, the Citizenship Committee, the Review and Appeal Panel or any of their members for anything done or omitted to be done in good faith in the performance or intended performance of a duty under this Law.

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Offence

- ~~64-67.~~ (1) An individual commits an offence under this Law if that individual, by false representation, fraud, or knowingly concealing material facts or circumstances
- (a) becomes a ~~Provisional Enrollee~~Conditional Member or a Tla'amin Citizen;
 - (b) attempts to become a ~~Provisional Enrollee~~Conditional Member or a Tla'amin Citizen; or
 - (c) assists another individual in becoming or attempting to become a ~~Provisional Enrollee~~Conditional Member or a Tla'amin Citizen.
- (2) An individual who commits an offence under subsection ~~(4)~~(1) is liable on conviction to a fine of up to \$5,000 or to imprisonment for up to six months.

Regulations

~~65.~~ The Executive Council must make a regulation that sets the criteria for determining, as required under section 10, whether an individual:

- ~~(a) has Tla'amin ancestry; and~~
- ~~(b) has established, or has demonstrated a clear intention to establish, a continuing Tla'amin community connection in order to become a Provisional Enrollee.~~

~~66.~~ The Executive Council must make a regulation that sets out:

- ~~(a) the criteria for determining under section 14 whether a Provisional Enrollee has met the requirements for becoming a Tla'amin Citizen, including establishing and intending to maintain a continuing Tla'amin community connection; and~~
- ~~(b) any other criteria for becoming a Tla'amin Citizen.~~

~~67-68.~~ The Executive Council may make any regulations required for the operation of this Law, including:

- (a) the removal of members of the Citizenship Committee;
- (b) appointments that may be made under this Law;
- (c) timelines and any other matters that must be prescribed under this Law; and
- (d) any other matters that may be required.

Policy

~~69.~~ The Executive Council must develop and, by order, approve the Citizenship Policy, which must include:

- (a) a description of the process for determining under section [12](#), [16](#) or [17](#) whether an individual

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(i) has Tla'amin ancestry;

(ii) has established, or has demonstrated a clear and genuine intention to establish, a continuing Tla'amin community connection;

(iii) in the case of a Conditional Member, has established and has demonstrated a clear and genuine intention to maintain a continuing Tla'amin community connection; and

(b) forms as required under this Law.

and may include such other matters and other forms and documents as the Executive Council determines appropriate.

Placing applications on hold

68-70. Where new rules with respect to the consideration of applications for Tla'amin citizenship are under development, the Executive Council may, by order, direct the Citizenship Committee to place applications for ~~provisional enrolment~~conditional membership or Tla'amin citizenship on hold until the proposed changes to the ~~Law or a regulation under this~~ Law have come into force.

Consequential amendments to Review and Appeal Law

71. Section 16(1) of the *Review and Appeal Law* is hereby amended by:

(a) replacing the words "enroll or re-enroll under 18(1) of the *Citizenship and Enrolment Law*" with "refuse an individual's application for enrolment as a Conditional Member or a Tla'amin Citizen under section 32(1) of the *Citizenship Law*" in paragraph (a), and

~~(a)~~(b) replacing the words "revoke an individual's enrolment as a Tla'amin Citizen under section 25 of the *Citizenship and Enrolment Law*" with "revoke an individual's enrolment as a Conditional Member or as a Tla'amin Citizen under section 41 of the *Citizenship Law*" in paragraph (b).

Coming into force

69-72. This Law comes into force on the date of its enactment by the Legislative Assembly.

THIS LAW IS HEREBY DULY ENACTED by the Legislative Assembly on the _____, at the Tla'amin Governance House, in the Province of British Columbia.