



# CITIZENSHIP LAW

TNL 03/2023

TNL 03/2016 Enacted: April 5, 2016 and repealed October 4, 2023  
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DEPOSITED IN THE TLA'AMIN  
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Signature of Law Clerk

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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

*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 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 51;

“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 19;

“Conditional Member” means an individual whose application has been approved in accordance with section 31;

“Conditional Membership Register” means the register setting out the names of all Conditional Members;

“First Nation list” means

- (a) the Indian Act band list, in the case of 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

“waiting period” means the period that starts on the day an individual is enrolled as a Conditional Member and ends three years after that day, unless it is extended under section 24, 26 or 28.

### **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 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 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 Conditional Membership Register may only be amended by adding or removing the names of Tla'amin Citizens, Conditional Members or individuals, as applicable, as provided by this Law.

## **PART 3 - CRITERIA FOR CONDITIONAL MEMBERSHIP AND CITIZENSHIP**

### **Eligibility criteria for conditional enrolment**

12. An individual is eligible to be enrolled as a 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 child under the laws recognized in Canada or Tla'amin Law by an individual who is of Tla'amin ancestry.

### **Determination of Tla'amin ancestry**

13. In making a determination under section 12(a) or 16 regarding an applicant's eligibility for enrolment on the basis of their Tla'amin ancestry, the Citizenship Committee will take into account evidence 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 12, 13, 14 and 16,
- (a) an individual who is of Homalco, 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 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 conditional enrolment**

**16.** Subject to section 49, the following individuals may be enrolled as Tla'amin Citizens without the requirement to first be enrolled as Conditional Members

- (a) 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; or
- (c) a child, including an adopted child, with one parent who
  - (i) is 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
    - (B) has established a continuing Tla'amin community connection.

### **Eligibility criteria for citizenship**

**17.** Subject to section 49, a 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 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 conditional enrolment or citizenship**

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

## **PART 4 - CITIZENSHIP REGISTRAR**

### **Citizenship Registrar**

**19.** The responsibilities of the Citizenship Registrar include

- (a) entering and removing the names of individuals on the Conditional Membership Register or the Citizenship Register at the direction of the Citizenship Committee; and
- (b) other responsibilities set out in this Law or the Citizenship Policy.

## **PART 5 - ENROLMENT APPLICATION**

### **Application for enrolment**

20. An individual may submit an application to the Citizenship Committee for enrolment as a Conditional Member or Tla'amin Citizen by fully completing an application in the form set out in the Citizenship Policy, including submitting any required information and records.

### **Application for citizenship**

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

### **Failure to apply for citizenship during waiting period**

22. Subject to sections 24, 26 and 28, if a Conditional Member does not apply to become a Tla'amin Citizen within three years of the start of the waiting period, they will cease to be a Conditional Member and the Citizenship Registrar will remove their name from the Conditional Membership Register.

### **First extension request**

23. At least 20 business days before the end of the waiting period described in section 22, a Conditional Member may request a six-month extension to the waiting period by submitting a request for the extension of the waiting period to the Citizenship Registrar.

### **Granting of first extension**

24. 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 23.

### **Second extension request**

25. No later than 20 business days before the end of the waiting period that has been extended under section 24, a Conditional Member who has been granted an extension may request and be granted a maximum of one additional six-month extension to the waiting period by submitting a request for the extension of the waiting 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**

27. No later than six months after the end of the waiting period, an individual may request a six-month extension of the 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**

28. The Citizenship Committee will review any request submitted under section 27 and determine whether to grant a six-month extension of the waiting period.

### **Limit on requests for extensions**

29. A Conditional Member who has been granted an extension of the waiting period under section 28 may not apply for a further extension.

### **Re-applying for conditional membership**

30. An individual who has ceased to be a Conditional Member may reapply for conditional membership no earlier than six months after they ceased to be a Conditional Member.

### **Decision on application**

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 Conditional Member under section 12 or as a Tla'amin Citizen under section 16 or 17, the Citizenship Committee will approve the application and instruct the Citizenship Registrar to enter the name of an applicant on the Conditional Membership Register or the Citizenship Register, as appropriate.

### **Refusal notice**

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 12 or as a Tla'amin Citizen under section 16 or 17 or is ineligible on the basis of the requirements of section 49, the Citizenship Committee must refuse to 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.

### **New information after refusal**

33. An applicant whose application for enrolment has been refused under section 32(1) may submit new information to the Citizenship Committee for its consideration within the prescribed time limits, unless the applicant has submitted an appeal under section 59.

### **Enrolment after submission of new information**

34. If, based on the new information submitted under section 33, the Citizenship Committee determines that the applicant should be enrolled as a Conditional Member or a Tla'amin Citizen, it must direct the Citizenship Registrar to enroll that applicant.

## **PART 6 - REMOVAL, REVOCATION AND RE-ENROLMENT**

### **Relinquishment of conditional membership**

35. On receipt of a notice in the form set out in the Citizenship Policy from an individual who
- (a) is a Conditional Member, or
  - (b) has legal authority to manage a Conditional Member's affairs

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 Conditional Member from the Conditional Membership Register.

### **Relinquishment of citizenship**

36. On receipt of a notice in the 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

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**

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

### **Revocation of enrolment**

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

- (a) were enrolled as a 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 40 to that individual advising that it intends to make an order removing the name of the individual from the Conditional Membership Register or the Citizenship Register, as appropriate.

### **Notice of intention to revoke**

**40.** A notice under section 39 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**

**41.** If, after considering the matter, including any representations made by the individual, the Citizenship Committee determines that an individual's enrolment as a Conditional Member or Tla'amin Citizen should be revoked for the reasons described in section 39(a) or (b), the Citizenship Committee

- (a) must, by order, instruct the Citizenship Registrar to remove the individual's name from the 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**

**42.** An order under section 41 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**

**43.** A copy of an order made under section 41 that has taken effect must be delivered in the same manner as provided in sections 32(1) and 32(2) to the individual whose name has been removed from the Conditional Membership Register or the Citizenship Register, as appropriate.

### **New information after revocation**

**44.** An individual whose name has been removed from the Conditional Membership Register or the Citizenship Register under section 41 may submit new information to the Citizenship

Committee for its consideration within the prescribed time limits, unless the applicant has submitted an appeal under section 59.

### **Withdrawal and reinstatement**

45. If, based on the new information submitted under section 44, the Citizenship Committee determines that the applicant should be reinstated, it must

- (a) withdraw its removal order; and
- (b) reinstate that individual's enrolment on the Conditional Membership Register or the Citizenship Register, as appropriate.

### **Reinstatement takes effect**

46. A reinstatement under section 45 is effective on the date the removal order is withdrawn.

### **Hardship considerations**

47. On the application of an individual whose enrolment on the Conditional Membership Register or the Citizenship Register has been reinstated under section 45, 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 41.

### **Decision is final**

48. If an individual referred to in section 44 does not

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

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

## **PART 7 - OTHER AGREEMENTS**

### **No entitlement**

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 a First Nation list, other than the list of status Indians affiliated with the Tla'amin Nation, referred to as the #554 First Nation list,

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

**Satisfactory evidence**

50. The Citizenship Committee must instruct the Citizenship Registrar to enter the name of an applicant referred to in section 49 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 49(a) or 49(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 49(c), they have requested that they be removed from the First Nation list on which they were registered;
- (b) the applicant meets the eligibility criteria under section 16 or 17; and
- (c) the Citizenship Committee determines that all other requirements are met.

**PART 8 - CITIZENSHIP COMMITTEE**

**Citizenship Committee**

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

**Citizenship Committee responsibilities**

52. The Citizenship Committee is responsible for

- (a) discharging its obligations under this Law, the Citizenship Policy, the Final Agreement and any rules and procedures that the Citizenship Committee may establish;
- (b) publishing the eligibility criteria and the procedures to apply for enrolment as a Conditional Member or a Tla'amin Citizen;
- (c) keeping confidential all information provided by and about applicants for enrolment and complying with any confidentiality requirements set out in regulations under this Law, 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 Conditional Membership Register or the Citizenship Register;
- (e) directing the Registrar to enter names on, or remove names from, the 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**

- 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.

### **Term of appointment**

- 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**

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

### **Quorum**

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

### **Chair**

- 57.** 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**

- 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 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, a decision made by the Citizenship Committee to

- (a) refuse an individual's application for enrolment as a Conditional Member or a Tla'amin Citizen under section 32(1), or
- (b) revoke an individual's enrolment as a Conditional Member or as a Tla'amin Citizen under section 41

to the Review and Appeal Panel.

### **No appeal of conditional enrolment**

**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 appealed to the Review and Appeal Panel.

### **Cannot serve concurrently**

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

### **Duties**

**62.** The Review and Appeal Panel will

- (a) hear and determine appeals of decisions made by the Citizenship Committee as set out in section 59;
- (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**

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

### **Action upon appeal**

**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**

**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 10 - ANCILLARY MATTERS**

### **Good faith performance**

**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.

### **Offence**

- 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 Conditional Member or a Tla'amin Citizen;
  - (b) attempts to become a Conditional Member or a Tla'amin Citizen; or
  - (c) assists another individual in becoming or attempting to become a Conditional Member or a Tla'amin Citizen.

- (2) An individual who commits an offence under subsection (1) is liable on conviction to a fine of up to \$5,000 or to imprisonment for up to six months.

### **Regulations**

- 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 whether an individual
    - (i) has Tla'amin ancestry under section 12 or 16;
    - (ii) has established, or has demonstrated a clear and genuine intention to establish, a continuing Tla'amin community connection under section 12 or 16;
    - (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 under section 17; 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**

- 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 conditional membership or Tla'amin citizenship on hold until the proposed changes to the Law have come into force.

**PART 11 - REPEAL AND CONSEQUENTIAL AND RELATED AMENDMENTS**

**Repeal of former Law**

71. The *Citizenship and Enrolment Law* (TNL 03/2016) is repealed.

**Consequential amendments to *Review and Appeal Law***

72. 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
- (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 PART 6 -41 of the *Citizenship Law*” in paragraph (b).

**Related amendments to *Interpretation Law***

73. Section 5 of the *Interpretation Law* is hereby amended by replacing the definition of “Tla’amin Citizen” with the following:

““Tla’amin Citizen” means an individual who is enrolled as such under the *Citizenship Law*.”

**Coming into force**

74. 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 4<sup>th</sup> day of October, 2023, at the Tla’amin Governance House, in the Province of British Columbia.**

**LEGISLATIVE HISTORY**

(Note: The Legislative History is for administrative purposes only and is not part of the Law.)

*Citizenship and Enrolment Law* [TNL 03/2016] enacted April 5, 2016.  
 Repealed and replaced by *Citizenship Law* [TNL 03/2023] enacted October 4, 2023.

**Amendments and Corrections**

Table of Legislative Changes

Name of Law	Order Number	Date Amended or Corrected	Section(s) Amended
<i>Citizenship Law</i>	TNO-LA 04/2023	October 4, 2023	Entire law replaced.  Key amendments included:  1. Deletion of provisions that are no longer relevant.  2. Requirement that all new applicants have Tla'amin ancestry;  3. Individuals with a 554 Indian status card (showing affiliation with the Tla'amin Nation) are not automatically eligible for citizenship;  4. Applicants for citizenship must show that they have, or intend to establish, a continuing Tla'amin community connection;  5. New conditional membership process established, with some exceptions;  6. Conditional members must wait at least two years before applying for citizenship, but must apply before the end of the three-year waiting period.  7. Conditional members may seek an extension to the three-year waiting period.

**Table of concordance**

<b><i>Citizenship Law</i></b> [TNL 03/2023]	<b><i>Citizenship and Enrolment Law</i></b> [TNL 03/2016]
Sections	Sections
Whereas	Whereas
1. Citation	1. Citation
2. Oversight	2. Oversight
3. Application	3. Application
4. Registered Indian Status	4. Registered Indian Status
5. Definitions	5. Definitions
6. Interpretation	6. Interpretation
7. Severability	7. Severability
8. Validity	8. Validity
9. Citizenship Register	9. Citizenship Register
10. Conditional Member Register	–
11. Amending the Citizenship Register or Conditional Member Register	–
12. Eligibility Criteria for conditional enrolment	10. Eligibility Criteria
13. Determination of Tla’amin ancestry	11. Determination of ancestry 12. Descendant
14. Ancestry evidence for applicants adopted as children	–
15. Additional ancestry considerations	–
16. Exceptions to conditional enrolment	–
17. Eligibility criteria for citizenship	–
18. No entitlement to conditional enrolment or citizenship	13. No entitlement to citizenship
19. Citizenship Registrar	14. Citizenship Registrar
20. Application for enrolment	15. Application for enrolment 16(a). Enrolment process
21. Application for citizenship	–

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22. Failure to apply for citizenship during waiting period	–
23. First extension request	–
24. Granting of first extension	–
25. Second extension request	–
26. Granting of second extension	–
27. Extension request after the waiting period	–
28. Review of extension request after the waiting period	–
29. Limit on requests for extensions	–
30. Re-applying for conditional membership	–
31. Decision on application	17. Decision on application
32. Refusal notice	18. Refusal notice
33. New information after refusal	19. New information
–	20. Removal only in accordance with this Law
34. Enrolment after submission of new information	
35. Relinquishment of conditional membership	
36. Relinquishment of citizenship	21. Request for removal 33. Request for removal
37. Limits on re-enrolment	34. Limits on re-enrolment
38. Deceased	22. Deceased
39. Revocation of enrolment	23. Revocation of enrolment
40. Notice of intention to revoke	24. Notice
41. Order	25. Order
42. Order takes effect	26. Order takes effect
43. Delivery	27. Delivery
44. New information after revocation	28. New information
45. Withdrawal and reinstatement	29. Withdrawal and reinstatement
46. Reinstatement takes effect	30. Reinstatement takes effect
47. Hardship considerations	31. Hardship considerations
48. Decision is final	32. Decision is final
49. No entitlement	35. No entitlement
50. Satisfactory evidence	36. Satisfactory evidence
–	37. Enrolment applications prior to Effective Date
–	38. Dissolution of Enrolment Committee
51. Citizenship Committee	39. Citizenship Committee
52. Citizenship Committee responsibilities	40. Citizenship Committee responsibilities
–	41. Composition of the Citizenship Committee

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53. Citizenship Committee member eligibility	42. Citizenship Committee member eligibility
54. Term of appointment	43. Holding position
55. Proceedings	44. Proceedings
56. Quorum	45. Quorum
57. Chair	46. Chair
58. Decision-making	47. Decision-making
–	48. Appeal of applications submitted prior to Effective Date
–	49. Dissolution of Enrolment Appeal Board
59. Appeal of decisions on applications	16(c). Enrolment process 50. Appeal of applications submitted after Effective Date
60. No appeal of conditional enrolment	–
61. Cannot serve concurrently	51. No member to be the same
62. Duties	52. Duties
63. Representation	53. Representation
64. Action upon appeal	54. Action upon appeal
65. Judicial review	16(d). Enrolment process 55. Decision pending final review
–	56. General
66. Good faith performance	57. Good faith performance
67. Offence	58. Offence
68. Regulations	59. Regulations
69. Policy	–
70. Placing applications on hold	–
71. Repeal of former Law	–
72. Consequential amendments to Review and Appeal Law	–
73. Related amendments to Interpretation Law	–
74. Coming into force	60. Coming into force

**Regulations enacted under this Law (*can be updated at any time*):**

*Citizenship Regulation TNReg 01/2023*] (replaces *Citizenship and Enrolment Regulation* [TNReg 07/2016].)

**Note:** The Law Clerk may update the Legislative History section of a Law as required.