

Schedule "A"

Teslin Tlingit Citizenship Code

1.0 Definitions

"Adopted Child" means a person who, while a minor, is adopted in accordance with the laws on adoption, which include Teslin Tlingit Council Law or Teslin Tlingit customary laws.

"Arbitrator" is either an individual appointed by the Chair of the Dispute Resolution in accordance with section 3.11.2.2 of the Teslin Tlingit Council Final Agreement to hear and determine an appeal from any decision of Teslin Tlingit with respect to an enrollment application or a Teslin Tlingit or Yukon First Nation individual chosen by both the Clan and the applicant, or the Citizenship Committee on behalf of the applicant, to hear and determine an appeal from any decision of a Clan's refusal to uphold a citizenship application.

"Beneficiary" includes a person who qualifies to be enrolled under the Teslin Tlingit Council Final Agreement in accordance with section 3.2.2.1 and 3.2.3 of the Teslin Tlingit Council Final Agreement, specifically,

A person is eligible for enrollment as a Yukon Indian Person under one of the Yukon First Nation Final Agreements if that Person is a Canadian Citizen and:

- 3.2.2.1 establishes that he is of 25 percent or more Indian ancestry and was Ordinarily Resident in the Yukon between January 1, 1800 and January 1, 1940;
- 3.2.2.2 establishes that he is a Descendant of a Person living or deceased eligible under 3.2.2.1; or
- 3.2.2.3 establishes that he is an Adopted Child of a Person living or deceased eligible under 3.2.2.1 or 3.2.2.2.

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- 3.2.3 Notwithstanding the requirement for Canadian citizenship in 3.2.2, a Person who is not a Canadian citizen is eligible for enrollment as a Yukon Indian Person under one of the Yukon First Nation Final Agreements if that Person meets one of the criteria set out in 3.2.2.

"Citizen" means any person who is enrolled as a Beneficiary under the Teslin Tlingit Final Agreement, who is not enrolled under any other land claims agreement in Canada, who is recognized by one of the Teslin Tlingit Clans, and is not a citizen of any other First Nation.

"Citizenship Committee" means the committee established under this Citizenship Code.

"Immediate Family Member" with respect to any person, means:

- (i) the person's Spouse, parent, child, or grandchild;
- (ii) the Spouse of the person's child; or
- (iii) the child of the person's Spouse, if that child is treated as a child of the person.

“*Minor*” means a person who has not yet reached the age of majority as determined from time to time by the Laws of Yukon.

“*Peacemaker Court*” means the body established by the *Teslin Tlingit Peacemaker Court & Justice Council Act: ax’kha xh’adu wus’yé* (November 2011).

“*Registrar*” means the person appointed by the Executive Council to be responsible to maintain the Teslin Tlingit Citizenship List.

“*Spouse*” means a husband or a wife and includes a common-law spouse in accordance with the Laws of General Application or Teslin Tlingit custom.

“*Teslin Tlingit Council Final Agreement*” means the Teslin Tlingit Council Final Land Claims Agreement, dated May 29, 1993 and which came into effect on February 14, 1995.

“*Teslin Tlingit ancestry*” means a direct descendant of a Teslin Tlingit by either maternal or paternal lineage, notwithstanding any intervening adoption and independent of whether any child of the line was born within or outside a marriage.

“*Teslin Tlingit Citizenship List*” means the list of persons who are confirmed as Citizens of the Teslin Tlingit Council.

2.0 Official Teslin Tlingit Citizenship List

2.1 The Citizenship Committee will have the authority to confirm the official Teslin Tlingit Citizenship List, based upon the March 2012 list filed with the Government of Canada as required under section 21(5) of the Teslin Tlingit Self-Government Agreement.

3.0 Teslin Tlingit Citizenship Requirements

3.1 An individual is entitled to become a Citizen of the Teslin Tlingit Council and be enrolled on the Teslin Tlingit Citizenship List if he or she satisfies the following criteria:

- 3.1.1 qualifies to be enrolled or is enrolled as a Beneficiary under section 3.2.2 of the Teslin Tlingit Council Final Agreement;
- 3.1.2 confirms that she or he is not enrolled under any other Settlement Agreement (Land Claims Agreement);
- 3.1.3 is recognized by a Teslin Tlingit Clan; and
- 3.1.4 elects to be listed as a TTC Citizen and to be removed from any other self-governing First Nation Citizenship list.

3.0 Applications:

- 3.1 Any adult person may apply to the Citizenship Committee to be enrolled as a Citizen.
- 3.2 A Minor may apply on his or her own behalf to the Citizenship Committee to be enrolled as a Citizen.
- 3.3. Any adult person may apply to the Citizenship Committee to enroll a Minor as a Citizen.

- 3.4. Any person who, by order of a court in Canada or pursuant to Legislation, has been vested with the authority to manage the affairs of an adult incapable of managing his or her own affairs may apply to the Citizenship Committee on behalf of the adult.

4.0 Procedures to Apply for Citizenship

- 4.1 The Registrar will provide any individual seeking to become a Teslin Tlingit Citizen with an application form that identifies the citizenship requirements and outlines the application process.

- 4.2 If an individual seeks to enroll under the Teslin Tlingit Council Final Agreement, the applicant will file an application with the Registrar, supported with by the following documentation:

- 4.2.1 birth certificate;
- 4.2.2 confirmation of beneficiary status in accordance with section 3.2.2 of the Teslin Tlingit Council Final Agreement;
- 4.2.3 confirmation that the applicant is not enrolled under another aboriginal land claims settlement agreement in Canada in accordance with section 3.4.0 of the Teslin Tlingit Council Final Agreement; and
- 4.2.4 any other information that the Citizenship Committee considers necessary.

- 4.3 If an applicant is enrolled under the Teslin Tlingit Council Final Agreement as a Beneficiary and requires Clan recognition, the applicant will provide the Registrar with the following documentation:

- 4.3.1 birth certificate;
- 4.3.2 confirmation of maternal or paternal Teslin Tlingit ancestry; and
- 4.3.3 any other information that the Citizenship Committee deems necessary.

- 4.4 If an applicant's Teslin Tlingit ancestry comes from their mother, the applicant does not need to provide any additional information.

- 4.5 If an applicant's Teslin Tlingit ancestry come from their father, additional information regarding the applicants mother's heritage is required to assist the Citizenship Committee to determine the most suitable Teslin Tlingit Clan to recognize the applicant. Such information may include confirmation of whether the mother is:

- 4.5.1 Tlingit inclusive of particular clan;
- 4.5.2 Aboriginal and comes from a clan based system;
- 4.5.3 Aboriginal; or
- 4.5.4 Non-Aboriginal.

- 4.6 The Registrar will forward all documentation to the Citizenship Committee immediately upon receipt.

- 4.7 Upon receipt the Citizenship Committee will review the application. The Citizenship Committee will notify the applicant of the date, time and location of a hearing in writing at least 10 working days prior to the hearing date.

- 4.8 The application will be heard within 90 days from the date the Citizenship Committee received the application.

- 4.9 All information received for the purpose of a Citizenship application will be treated as confidential and may not be released without the written consent of the applicant.
- 5.0 Citizenship Committee**
- 5.1 The Citizenship Committee will be comprised of seven Teslin Tlingit Citizens, as represented by one Clan member nominated from each of the five Teslin Tlingit Clans, one Elder nominated by the Elders Council and one Youth nominated by Executive Council.
- 5.2 The Citizenship Committee nominations will be confirmed by a General Council resolution.
- 5.3 The Citizenship Committee members' terms will be for a period of 5 years.
- 5.4 The Citizenship Committee will have the authority to:
- 5.4.1 decide and confirm an individual's enrollment application pursuant to section 3.10.1 of the Teslin Tlingit Final Agreement and in accordance with section 4.1 of this Code;
 - 5.4.2 provide recommendations to Clans to provide Clan recognition of a Teslin Tlingit Beneficiary;
 - 5.4.3 reconsider applications where Clans have refused the Committee's recommendations; and
 - 5.4.4 review, decided and confirm renewal applications.
- 5.5 The Citizenship Committee will have the following responsibilities:
- 5.5.1 provide fair and confidential hearings;
 - 5.5.2 review and decide on applications in a timely manner, no longer than 90 days from the date the Citizenship Committee received the application;
 - 5.5.3 determine whether a child has been adopted in accordance with Teslin Tlingit custom or by Legislation;
 - 5.5.4 notify the Registrar in a timely manner of the Citizenship Committee's decision; and
 - 5.5.5 provide written reasons to any applicant whose application has been denied.
- 5.6 The Citizenship Committee will have the authority to establish its own forms and rules for the conduct of their own proceedings.
- 5.7 The Citizenship Committee may seek the advice of the Elders Council on any issue. The Citizenship Committee may also request the Elders Council's support of a Citizenship Committee's recommendation for Clan recognition by filing a joint recommendation by the Elders Council and Citizenship Committee to the respective Clan.
- 5.8 For the purpose of a section 4.2 applications, the Citizenship Committee will notify the Government in writing of the Citizenship Committee's decision to enroll an individual under the Teslin Tlingit Council Final Agreement. An individual's enrollment shall come into effect 30 days from the Government's receipt of the Citizenship Committee's notice.
- 5.9 For the purposes of a section 4.3 application, the Citizenship Committee may make a recommendation for a Teslin Tlingit Clan to recognize and confirm an applicant as a Clan member in accordance with the following guidelines:
- 5.9.1 If the mother is non Aboriginal the applicant be considered to be recognized by the father's paternal grandfather's clan or father's maternal great grandfather's clan;

- 5.9.2 If the mother is Aboriginal, a recommendation needs to be considered in the context of the mother's tradition, namely does the mother come from a clan-based society;
 - 5.9.3 If the mother is Tlingit whose clan is recognized within Teslin Tlingit, the applicant could be considered by the corresponding Teslin Tlingit Clan; or
 - 5.9.4 If the mother is Tlingit whose clan is not recognized as one of the five Teslin Tlingit Clans, the applicant's Clan placement should be considered in accordance with the applicant's moiety.
- 5.10 No member of the Citizenship Committee will participate in a citizenship hearing when the matter involves the Committee member's immediate family.

6.0 Citizenship Registrar

- 6.1 The Executive Council will appoint a person to be responsible to manage all applications for Citizenship and to maintain the Teslin Tlingit Citizenship List.
- 6.2 The Registrar will maintain a current list of the names and addresses of all persons who are registered as Teslin Tlingit Citizens.
- 6.3 The Registrar will:
- 6.3.1 receive and acknowledge receipt of applications from persons applying under this Citizenship Code;
 - 6.3.2 ensure that each applicant at the time of filing the application provides an address for delivery of communication from the Registrar or the Citizenship Committee;
 - 6.3.3 supply application forms to any individual seeking to either be enrolled under the Teslin Tlingit Final Agreement or apply to become a Citizen;
 - 6.3.4 ensure that the applicant provides all the necessary documentation before forwarding the application to the Citizenship Committee;
 - 6.3.5 immediately notify each applicant in writing of the Citizenship Committee's decision;
 - 6.3.6 advise the applicant, in writing, of appeal procedures should their application be denied; and
 - 6.3.7 place the name of the applicant on the Teslin Tlingit Citizenship List if their application has been approved.
- 6.4 The Registrar will keep up to date files of all records of applicants and minutes of Citizenship Committee meetings.

7.0 Appeal

- 7.1 If the Citizenship Committee rejects an enrollment application, pursuant to section 4.2 or refuses to make a decision within 120 days upon receipt of the application, then an appeal will lie to a single arbitrator appointed by the Chairperson of the Dispute Resolution, in accordance with section 3.10.2.2 of the Teslin Tlingit Council Final Agreement.
- 7.2 In the case where a Clan refuses to endorse and apply the Citizenship Committee's recommendation to provide Clan recognition of an applicant, the Clan Leader will advise the Citizenship Committee in writing along with supporting reasons for the Clan's decision.
- 7.3 In the case where a Clan has refused to uphold a citizenship application and will not recognize the applicant as a clan member, the applicant may apply to the Peacemaker Court, within three

months from the date of the Clan's written notice to the Citizenship Committee, to have the matter resolved through mediation.

- 7.4 Failure to achieve a resolution through mediation an applicant may appeal the matter to the Teslin Tlingit Peacemaker Court (Stage 2) on the grounds that the Clan failed to observe the principles of natural justice. The Peacemaker Court will have two months from the receipt of the application to review the application, hold a hearing and reach a final decision.

Transitional Measure

- 7.5 Until such time as the Peacemaker Court assumes its adjudicative authority in Stage 2 an applicant can appeal a Clan's decision to an arbitrator, chosen by both the Clan and the applicant, or the Citizenship Committee on behalf of the applicant, who will have the authority to determine and hear the appeal and make a final decision on the grounds that the Clan failed to observe the principles of natural justice. The arbitrator will have two months from the receipt of the application to review the application, hold a hearing and reach a final decision.

- 7.6 In either case the Peacemaker Court (Stage 2) or the arbitrator will have the authority to overturn the Clan's decision and direct the Clan to reconsider the Citizenship application under appeal, based on the findings of the appeal body.

8.0 Loss or termination of Citizenship

- 8.1 Any individual who is in violation of the Citizenship Code requirements and fails to resolve the violation in a reasonable period of time upon notice will have their Citizenship terminated.