
MÉTIS VOICES. OTIPEMISIWAK MÉTIS GOVERNMENT.



CITIZENSHIP ACT

Journey to Otipemisiwak Métis Government

SEPTEMBER 2023

Otipemisiwak Métis Government Citizenship Act

Table of Contents

PREAMBLE	1
PART I: INTRODUCTORY PROVISIONS	2
Short title	2
Application	2
Definitions	2
PART II: CITIZENSHIP ELIGIBILITY CRITERIA	3
Right of citizenship.....	3
Collectively held Métis rights	3
Citizenship eligibility criteria	4
Acceptance by the Métis Nation.....	4
Ineligibility	4
Metis Settlements	4
Citizens’ duty to notify	4
PART III: REGISTRAR	5
Registrar	5
Duties of Registrar.....	5
Delegation of duties.....	5
Impartiality of Register.....	5
PART IV: REGISTER OF CITIZENS	5
Establishment of the Register of Citizens	5
Maintenance of the Register of Citizens	5
Information in Register of Citizens	6
PART V: CITIZENSHIP APPLICATION.....	6
DOCUMENTARY REQUIREMENTS FOR CITIZENSHIP	6
Citizenship application requirements	6
Citizenship application form	7
Documentary and information requirements for citizenship application	7
Oath of citizenship.....	7
Citizenship application exceptions	7
CITIZENSHIP APPLICATION PROCESS	8

Applying for citizenship for another	8
Burden of proof	8
Processing of citizenship application	8
Registrar's decision	8
Reapplication for citizenship	9
PART VI: REGISTRATION IN REGISTER OF CITIZENS	9
Registration.....	9
Date citizenship is effective.....	9
Date citizenship ceases	9
Citizenship cards	9
PART VII: REMOVAL FROM REGISTER OF CITIZENS.....	9
Removal from Register of Citizens	9
Renunciation of citizenship	9
Review of files in Register of Citizens.....	10
Notice of proposed removal	10
Notice of removal	10
Death of Citizen.....	11
PART VIII: APPEALS	11
Judicial Branch procedure applies	11
Right to appeal.....	11
Appeal on another's behalf.....	11
Appeal period	11
Notice of appeal.....	11
Stay of Registrar's decision.....	12
Appellate burden of proof	12
Procedure for appeal.....	12
No appeal.....	12
PART IX: PRIVACY	12
Confidentiality of information in Register of Citizens.....	12
Access to information in Register of Citizens.....	12
Use of information in Register of Citizens.....	12
PART X: FALSE REPRESENTATION	13
No registration through false representation	13

Restitution.....	13
PART XI: TRANSITION.....	13
Transition of Registry and Registrar	13
Transition for registration of members of the Métis Nation of Alberta Association	13
PART XII: GENERAL.....	14
Immunity	14
Power to make regulations	14
Commencement.....	14
SCHEDULE A: OATH OF CITIZENSHIP	15

PREAMBLE

WHEREAS section 4.2 of the *Otipemisiwak Métis Government Constitution* provides that the National Definition of Métis is “a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation;”

WHEREAS section 4.6 of the *Otipemisiwak Métis Government Constitution* provides that the Otipemisiwak Métis Government shall maintain a law regarding citizenship that must, at a minimum, include the following:

- (a) the establishment and maintenance of a Register of Citizens;
- (b) the documentary requirements for citizenship and the application process;
- (c) the privacy rights of Citizens and the ability of the Otipemisiwak Métis Government to collect data through the Register to be used for the benefit of all Citizens and the Métis Nation within Alberta; and
- (d) an appeals process related to decisions made regarding citizenship;

WHEREAS section 13.2 of the *Otipemisiwak Métis Government Constitution* provides that the Otipemisiwak Métis Government’s goals and responsibilities include maintaining a single, credible, objectively verifiable, and non-political Register of Citizens for the Métis Nation within Alberta;

WHEREAS section 31.1 of the *Otipemisiwak Métis Government Constitution* provides that, prior to the coming into force of the *Otipemisiwak Métis Government Constitution*, the Métis Nation of Alberta Association’s Provincial Council shall adopt by resolution all laws required by the *Otipemisiwak Métis Government Constitution*;

NOW THEREFORE the Otipemisiwak Métis Government enacts as follows:

PART I:INTRODUCTORY PROVISIONS

Short title

1 This Act may be cited as the *Citizenship Act*.

Application

2 This Act applies to:

- (a) the establishment and maintenance of the Register of Citizens; and
- (b) the process for granting citizenship as a Citizen of the Métis Nation within Alberta; and
- (c) the appeals process related to decisions made regarding citizenship.

Definitions

3 In this Act:

- (a) “**Act**” means the *Otipemisiwak Métis Government Citizenship Act*, including any amendments to the Act;
- (b) “**appellant**” means a person who submits a notice of appeal under section 42 of this Act;
- (c) “**applicant**” means a person who submits a citizenship application to the Registrar;
- (d) “**Citizen**” means a Métis individual who is registered as a Citizen of the Métis Nation within Alberta in the Register of Citizens;
- (e) “**citizenship**” means the status of being a Citizen;
- (f) “**citizenship application**” means a person’s citizenship application form and all documents and information required under Part V of this Act;
- (g) “**citizenship application form**” means the most recent standardized application form made available by the Registrar pursuant to section 19 of this Act;
- (h) “**Constitution**” means the *Otipemisiwak Métis Government Constitution*;
- (i) “**distinct from other Aboriginal peoples**” means distinct for cultural and nationhood purposes;
- (j) “**Historic Métis Nation**” means the Aboriginal people then known as Métis or Half-breeds who resided in the Historic Métis Nation Homeland;

(k) “**Historic Métis Nation Homeland**” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-breeds, as they were then known;

(l) “**Judicial Branch**” means a decision-making body of the Otipemisiwak Métis Government as provided for in the Constitution and Otipemisiwak Métis Government Law;

(m) “**Métis Nation**” means the Aboriginal people descended from the Historic Métis Nation that is now comprised of all Métis Nation citizens and that is one of the “[A]boriginal peoples of Canada” within the meaning of section 35 of the *Constitution Act, 1982*;

(n) “**Métis Nation within Alberta**” means the Métis collectivity that:

(i) includes of all of its Citizens, all Métis who live within Alberta, and the Métis communities of the Territories of the Métis Nation within Alberta; and

(ii) is an indivisible, indissoluble, and united Métis collectivity that is an inseparable and distinct part of the Métis Nation;

(o) “**Register of Citizens**” means the Register of Citizens maintained by the Registrar and established under section 15 of this Act; and

(p) “**Registrar**” means the person employed under section 11 of this Act.

PART II: CITIZENSHIP ELIGIBILITY CRITERIA

Right of citizenship

4 (1) Citizenship in the Métis Nation within Alberta is a fundamental right of all Métis.

(2) A person’s eligibility for citizenship in the Métis Nation within Alberta is independent of their place of residence.

Collectively held Métis rights

5 (1) Nothing in this Act restricts the right of every Citizen to exercise their individual rights as Citizens of the Métis Nation within Alberta.

(2) Every Citizen is entitled to exercise the collectively held inherent Métis rights as well as other rights and interests held by the Métis Nation within Alberta in accordance with the Constitution and Otipemisiwak Métis Government Law.

(3) Every Citizen mandates the Otipemisiwak Métis Government to assert and advance their collectively held Métis rights, interests, and claims on behalf of themselves, their community, and the Métis Nation within Alberta, including by negotiating and arriving at agreements and other constructive arrangements that advance, determine, recognize, and respect Métis rights.

Citizenship eligibility criteria

6 To be eligible for citizenship, a person must meet all the following criteria:

- (a) self-identify as Métis;
- (b) be distinct from other Aboriginal peoples;
- (c) be of Historic Métis Nation ancestry; and
- (d) be accepted by the Métis Nation.

Acceptance by the Métis Nation

7 By becoming registered as a Citizen of the Métis Nation within Alberta, a person is accepted by the Métis Nation for the purposes of section 6(d) of this Act.

Ineligibility

8 A person who otherwise meets the citizenship eligibility criteria under this Act must not be registered as a Citizen if they are:

- (a) enrolled as a member or citizen on the register or list of another Indigenous government, including another Métis Nation Government, which is recognized by Canada through a concluded self-government agreement with Canada to which the Otipemisiwak Métis Government or the Métis Nation within Alberta is not a party;
- (b) on a Band list or on the Indian Register maintained under the *Indian Act*; or
- (c) on a list of members maintained by a Band in accordance with its membership rules established in accordance with the *Indian Act*.

Metis Settlements

9 Notwithstanding section 8 of this Act, a member of a Metis Settlement within the meaning of Alberta's *Metis Settlements Act* may apply and may be eligible to be a Citizen.

Citizens' duty to notify

10 Citizens must notify the Registrar as soon as practical of:

- (a) any change to their name(s) or residential or mailing addresses; and
- (b) any change or information that may affect whether they meet the citizenship eligibility criteria under this Part of the Act.

PART III:REGISTRAR

Registrar

11 The Otipemisiwak Métis Government must employ a Citizen ordinarily resident in Alberta to serve as the Registrar.

Duties of Registrar

12 The Registrar's duties include:

- (a) maintaining the Register of Citizens, including by entering and removing the names of persons in the Register of Citizens;
- (b) processing citizenship applications;
- (c) making decisions regarding the acceptance of citizenship applications;
- (d) responding to requests for access to information in the Register of Citizens; and
- (e) performing all other duties assigned to them under Otipemisiwak Métis Government Law.

Delegation of duties

13 The Registrar may delegate, in writing, the performance of any of the Registrar's duties or the exercise of any of the Registrar's powers to an employee of the Otipemisiwak Métis Government.

Impartiality of Register

14 The Registrar and any Otipemisiwak Métis Government employees supervised by the Registrar must exercise their duties and functions and maintain and operate the Register of Citizens impartially and in good faith.

PART IV:REGISTER OF CITIZENS

Establishment of the Register of Citizens

15 (1) The Register of Citizens is hereby established as the single register for Citizens of the Métis Nation within Alberta.

(2) The Otipemisiwak Métis Government must at all times maintain the Register of Citizens.

Maintenance of the Register of Citizens

16 (1) The Registrar must maintain and periodically review the Register of Citizens so that it is credible and objectively verifiable.

(2) The Registrar must cause the Register of Citizens to be kept safe by administrative, physical, and technological safeguards that are reasonable and consistent with the purposes of this Act.

Information in Register of Citizens

17 (1) The following information about each Citizen must be included in the Register of Citizens:

- (a) the Citizen's legal and preferred name(s);
- (b) the Citizen's residential and mailing addresses;
- (c) the Citizen's sex marker or gender marker listed on valid identification;
- (d) the Citizen's date of birth;
- (e) the date on which the Citizen was registered as a Citizen;
- (f) the Citizen's Métis Citizenship ID number; and
- (g) when a person ceases to be a Citizen:
 - (i) the date on which that person ceases to be a Citizen; and
 - (ii) the reason that person ceased to be a Citizen.

(2) The Register of Citizens may include any other information about Citizens collected to assist the Otipemisiwak Métis Government in fulfilling its purpose, goals, and responsibilities, including:

- (a) any information collected from a citizenship application;
- (b) ancestral and contemporary connection to the Métis communities of the Territories of the Métis Nation within Alberta for the purpose of identifying the beneficiaries of Métis harvesting rights;
- (c) any information collected through the harvester application; or
- (d) any other information approved by a Cabinet resolution or in an Otipemisiwak Métis Government Law.

PART V: CITIZENSHIP APPLICATION

DOCUMENTARY REQUIREMENTS FOR CITIZENSHIP

Citizenship application requirements

18 To be eligible for registration as a Citizen, a person must submit to the Registrar:

- (a) a completed standardized citizenship application form; and
- (b) all documents and information required under section 20 of this Act.

Citizenship application form

- 19** (1) The Registrar must make copies of the citizenship application form publicly available.
- (2) The Registrar may make changes to the citizenship application form in keeping with the purposes and spirit of this Act.

Documentary and information requirements for citizenship application

20 The following documents must be included in an application for citizenship in accordance with any applicable regulations made by the Cabinet or policies of the Registrar:

- (a) a genealogy (family tree) that outlines the applicant's Historic Métis Nation ancestry;
- (b) a copy of one (1) of the following:
 - (i) live birth registration;
 - (ii) birth certificate showing full names of biological parent(s);
 - (iii) copy of baptismal certificate with legible church seal and officiates signature; or
 - (iv) any other document that in the opinion of the Registrar demonstrates the applicant's parentage in an objectively verifiable manner;
- (c) a copy of one (1) piece of valid photo identification; and
- (d) additional documents or information in support of an application for citizenship that may be requested by the Registrar.

Oath of citizenship

- 21** (1) To be eligible for registration as a Citizen, a person must take the oath of citizenship.
- (2) The oath of citizenship is attached as Schedule A and forms part of this Act.

Citizenship application exceptions

22 The Cabinet may make regulations governing the documentary requirements for citizenship that derogate from section 20 subsection (c) or section 21 of this Act, except that any such rules must be consistent with the credible and objectively verifiable nature of the Register of Citizens.

CITIZENSHIP APPLICATION PROCESS

Applying for citizenship for another

23 (1) A parent, guardian, or legal representative who provides proof of their lawful authority to represent a child under 16 years of age or a person who is legally incompetent may apply for citizenship on behalf of the child or legally incompetent person.

(2) A person must be 16 years of age or older to apply for citizenship on their own behalf.

Burden of proof

24 The applicant has the burden of proving they meet the citizenship eligibility criteria under Part II of this Act.

Processing of citizenship application

25 (1) The Registrar must process and review all citizenship applications in a timely manner.

(2) If the Registrar receives a citizenship application that is not completed in accordance with this Act, before making a decision under section 26 of this Act, the Registrar must send a written notice to the applicant:

- (a) indicating the missing documents or information required under this Act; and
- (b) informing the applicant that they are entitled to submit the missing documents or information to the Registrar.

(3) For the purpose of reviewing a citizenship application, the Registrar may conduct additional investigations in respect of an applicant's eligibility for citizenship as the Registrar considers appropriate.

Registrar's decision

26 (1) The Registrar must accept a citizenship application only if:

- (a) the citizenship application is completed in accordance with this Act; and
- (b) the Registrar is satisfied that the applicant meets the criteria in Part II of this Act.

(2) If subsection 1(a) or subsection 1(b) is not met, the Registrar must notify an applicant in writing of:

- (a) the reasons the Registrar rejected the citizenship application; and
- (b) the procedure and timeline for commencing an appeal of the Registrar's decision.

Reapplication for citizenship

27 A person whose citizenship is denied or has their name removed from the Register of Citizens may submit a new citizenship application only if that person has new information that materially affects their eligibility for citizenship pursuant to Part II of this Act.

PART VI:REGISTRATION IN REGISTER OF CITIZENS

Registration

28 If the Registrar accepts an applicant's citizenship application under section 26 of this Act, the Registrar must enter the applicant's name in the Register of Citizens as soon as practicable.

Date citizenship is effective

29 Citizenship is effective on the date a person's name is entered in the Register of Citizens.

Date citizenship ceases

30 Citizenship ceases on the date a person's name is removed from the Register of Citizens.

Citizenship cards

31 (1) The Citizens' Council must approve a citizenship card for the Métis Nation within Alberta.

(2) Subject to Otipemisiwak Métis Government policies, the Registrar must issue a person a citizenship card upon registration as a Citizen.

PART VII:REMOVAL FROM REGISTER OF CITIZENS

Removal from Register of Citizens

32 (1) The Registrar must remove a person's name from the Register of Citizens only in accordance with this Part.

(2) No Citizen may lose their citizenship by reason of suspension of certain rights or benefits by operation of an Otipemisiwak Métis Government Law.

Renunciation of citizenship

33 (1) A Citizen may renounce their citizenship by delivering a notice in the prescribed form to the Registrar.

(2) Upon receipt of a notice under subsection (1):

(a) the Registrar may take steps to confirm the intention of a Citizen who delivered the notice; and

(b) if confirmed, the Registrar must remove the Citizen's name from the Register of Citizens.

(3) A Citizen removed from the Register of Citizens under subsection (2) may reapply for citizenship.

Review of files in Register of Citizens

34 (1) The Registrar may review a Citizen's file in the Register of Citizens to ensure compliance with the criteria under Part II of this Act:

(a) on the Registrar's own initiative; or

(b) if a Citizen submits a written request for a review that includes:

(i) the Citizen's full name and contact information; and

(ii) the reasons for the requested review.

(2) If, after reviewing a file in the Register of Citizens, the Registrar is not satisfied that the Citizen meets the criteria under Part II of this Act, the Registrar must proceed in accordance with section 35 of this Act.

Notice of proposed removal

35 Before removing a Citizen's name from the Register of Citizens under section 36 of this Act, the Registrar must send a written notice to that Citizen:

(a) stating the reasons for the proposed removal from the Register of Citizens;

(b) informing the Citizen that the Citizen is entitled to make representations regarding the proposed removal by delivering a written response to the Registrar; and

(c) indicating the timeline for delivering a written response.

Notice of removal

36 (1) After considering any written response received pursuant to section 35 of this Act, if the Registrar is not satisfied that the Citizen meets the criteria under Part II of this Act, the Registrar must send a written notice to that Citizen:

(a) stating the reasons for the removal from the Register of Citizens; and

(b) informing the Citizen of the procedure and timeline for commencing an appeal of the Registrar's decision.

(2) If a person does not file an appeal of the Registrar's decision within 30 days of the notice of the Registrar's decision under subsection (1), the Registrar must remove that person's name from the Register of Citizens.

Death of Citizen

37 Following the death of a Citizen, the Registrar must amend the Register of Citizens to indicate that person is no longer a Citizen.

PART VIII: APPEALS

Judicial Branch procedure applies

38 Unless otherwise indicated in this Act, the rules under the *Judicial Branch Act* apply to an appeal under this Part.

Right to appeal

39 (1) Any person who the Registrar has decided is not eligible for citizenship under sections 26 or 36 of this Act is entitled to appeal the Registrar's decision to the Judicial Branch.

(2) A person must be 16 years of age or older to appeal the Registrar's decision on their own behalf.

Appeal on another's behalf

40 A parent, guardian, or legal representative who provides proof of their lawful authority to represent a child under 16 years of age or a person who is legally incompetent may appeal a decision of the Registrar under sections 26 and 36 on behalf of the child or legally incompetent person.

Appeal period

41 A person must submit a notice of appeal to the Judicial Branch within 30 days of the date of the notice of the Registrar's decision under sections 26 or 36 of this Act.

Notice of appeal

42 A notice of appeal of a decision by the Registrar under sections 26 or 36 of this Act must include:

- (a) the appellant's name and address;
- (b) the appellant's completed citizenship application and any additional documents submitted to the Registrar;
- (c) copies of all correspondence with the Registrar, including the Registrar's written decision being appealed;
- (d) the grounds of appeal; and
- (e) the appellant's signature.

Stay of Registrar's decision

43 If a person files an appeal of a decision under section 36 of this Act in accordance with this Part, the Registrar must not remove that person's name from the Register of Citizens until all rights of appeal are exhausted.

Appellate burden of proof

44 The appellant bears the burden of proof.

Procedure for appeal

45 Within 30 days of receiving a notice of appeal under section 42 of this Act, the Judicial Branch must give written notice to the appellant, Registrar, and any other affected parties stating:

- (a) whether the appeal will be determined by oral or written submissions; and
- (b) any procedural directions for determining the appeal as the Judicial Branch considers necessary or advisable.

No appeal

46 All decisions of the Judicial Branch in relation to eligibility for citizenship are final, without appeal, and are not subject to judicial review, unless provided for under Otipemisiwak Métis Government Law.

PART IX: PRIVACY

Confidentiality of information in Register of Citizens

47 The Registrar must maintain the confidentiality of the information in the Register of Citizens in accordance with Otipemisiwak Métis Government Law.

Access to information in Register of Citizens

48 The Registrar must grant access to information held by the Registrar in accordance with the procedures set out in Otipemisiwak Métis Government Law.

Use of information in Register of Citizens

49 The Otipemisiwak Métis Government may use information held by the Registrar in furtherance of the Otipemisiwak Métis Government's purpose, goals, and responsibilities in accordance with Otipemisiwak Métis Government Law.

PART X:FALSE REPRESENTATION

No registration through false representation

50 No person may by false representation, fraud, or knowingly concealing a material fact or material circumstance:

- (a) become a Citizen;
- (b) attempt to become a Citizen; or
- (c) assist another individual to become or attempt to become a Citizen.

Restitution

51 (1) If the Judicial Branch determines that a person contravened section 50 of this Act, the Judicial Branch may order that person to reimburse the Otipemisiwak Métis Government any benefits received from Otipemisiwak Métis Government during the time the person was fraudulently registered as a Citizen.

(2) Any liability under this section is in addition to and not in place of any other consequences provided by law, including Otipemisiwak Métis Government Law.

PART XI:TRANSITION

Transition of Registry and Registrar

52 On the date the Constitution comes into force:

- (a) the Registry of the Métis Nation of Alberta becomes the Register of Citizens; and
- (b) the Registrar of the Métis Nation of Alberta becomes the Registrar under this Act.

Transition for registration of members of the Métis Nation of Alberta Association

53 (1) On the date the Constitution comes into force, all members of the Métis Nation of Alberta Association become Citizens of the Métis Nation within Alberta.

(2) Members of the Métis Nation of Alberta Association registered as Citizens:

- (a) may use their Métis Membership card until the Registrar issues them a citizenship card for the Métis Nation within Alberta; and
- (b) are deemed to have taken the oath of citizenship.

PART XII:GENERAL

Immunity

54 No proceedings lie against the Registrar or any person acting under the direction of the Registrar for anything done, or omitted to be done:

(a) in accordance with Otipemisiwak Métis Government Law; and

(b) in good faith in the exercise or performance or the intended exercise or performance of a power, duty, or function under this Act.

Power to make regulations

55 The Cabinet may make regulations it considers necessary or advisable for the purposes of this Act.

Commencement

56 This Act comes into force on the date the Constitution comes into force.

SCHEDULE A: OATH OF CITIZENSHIP

I agree to the Otipemisiwak Métis Government's laws, regulations, and policies, as amended from time to time and voluntarily authorize the Otipemisiwak Métis Government to assert and advance collectively held Métis rights, interests, and claims on behalf of myself, my community and the Métis Nation within Alberta, including negotiating and arriving at agreements that advance, determine, recognize and respect Métis rights. In signing this oath, I also recognize that I have the right to end this authorization at any time by renouncing my citizenship.

