

DÉLĪNĚ GOT'ĪNĚ GOVERNMENT

CITIZENSHIP ACT

SEPTEMBER 1, 2016

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The Délıne Got'ıne Government enacts as follows:

Citation

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

Application

2. This *Act* applies to the granting, renunciation and revocation of DFN Citizenship.

Definitions

3. In this *Act*:

“Adopted” or “Adoption” means adoption under an adoption law recognized in Canada, under a DGG Law or under this *Act*;

“Beneficiary” means a person enrolled as a Délıne participant in the enrolment register pursuant to Chapter 4 of the SDMCLCA;

“Child” or “Children” means a person or persons not having attained the age of majority in accordance an Act of legislature of the Northwest Territories;

“Citizenship Registrar” means the person appointed by DKK under section 25 of this *Act* to maintain the Citizenship Register;

“Délıne Citizenship Register” means the register established under section 24 of this *Act*;

“Délıne Final Self-Government Agreement” (“DFSGA”) means the Délıne Final Self-Government Agreement negotiated between the Délıne First Nation Band and the Délıne Land Corporation, the Government of the Northwest Territories and the Government of Canada;

“Délıne First Nation Band” (“DFN Band”) means the band recognized by Canada pursuant to the *Indian Act* (Canada) and bearing number 754;

“Délıne Got'ıne ʔeʔadó” means the Constitution of the Délıne First Nation, as amended from time to time;

“Délıne K'aowadó Kə” (“DKK”) means the body described in section 3.4.1(b) of the DFSGA and established by Part 1, Division 2 of the *DGG Government Organization Act*;

“Délıne Land Corporation” (“DLC”) has the same meaning as in the DFSGA;

“Dene K'ə Dats'eredı Kə” (“DKDK”) means the body described in section 3.4.1(b) of the DFSGA and established by Part 1, Division 2 of the *DGG Government Organization Act*;

“**DFN Citizen**” means a person who is a citizen pursuant to Chapter 5 of the DFSGA or pursuant to this *Act*;

“**DGG Law**” means laws of the DGG made pursuant to the Jurisdictions of the DGG set out in the DFSGA and regulations made pursuant to those laws;

“**Effective Date**” means the date on which the DFSGA comes into force, which is September 1, 2016;

“**Resident**” means a resident of the Délı̄ne District; and

“**SDMCLCA**” means the Sahtú Dene and Metis Comprehensive Land Claim Agreement.

PART 1 – ENTITLEMENT TO CITIZENSHIP

Automatic Citizenship

4. An individual shall be enrolled as a DFN Citizen if that individual was a member of the Délı̄ne First Nation Band or the Délı̄ne Land Corporation immediately prior to the Effective Date.

Eligibility Criteria

5. An individual is entitled to be enrolled as a DFN Citizen if that individual:
 - (a) was entitled to be a member of the DFN Band or the Délı̄ne Land Corporation immediately prior to the Effective Date; or
 - (b) is eligible to be a citizen under subsections 7(b) or (c).

No Entitlement

6. Despite any other provision in this *Act*, an applicant is not entitled to have his or her name entered on the Délı̄ne Citizenship Register and does not meet the eligibility criteria of sections 4 and 5 if the applicant is also
 - (a) enrolled under another agreement that addresses Aboriginal self-government in Canada,
 - (b) enrolled under another land corporation established pursuant to the SDMCLCA, or
 - (c) on an *Indian Act* band list other than the DFN Band list.

PART 2 – APPLICATIONS FOR CITIZENSHIP

Applications for Citizenship

7. An individual may apply to the Citizenship Registrar for DFN Citizenship if that individual
 - (a) is eligible under section 5 of this *Act*;

- (b) is a descendant of an individual eligible to be a DFN Citizen; or
- (c) was Adopted as a Child under laws recognized in Canada or in accordance with any other DGG Law by a person who is eligible for enrolment under this *Act*.

Application Processes

8. (1) A person, on his or her own behalf, or on behalf of a Child or an adult whose affairs the person has the legal authority to manage, may apply to the Citizenship Registrar to become a DFN Citizen by submitting an application in the form required.
- (2) Each applicant has the burden of satisfying the Citizenship Registrar that the applicant meets the eligibility criteria.

Approving Citizenship

9. The Citizenship Registrar must approve the application if he or she is satisfied that:
- (a) the applicant meets the criteria in section 5; and
 - (b) the application meets the requirements of this *Act* and applicable policies.

Granting Citizenship

10. The applicant shall be granted DFN Citizenship upon the date of approval of the application by the Citizenship Registrar.

Right to Reapply

11. A person who has renounced his or her DFN Citizenship or enrolment may reapply for DFN Citizenship or enrolment under this *Act* in accordance with applicable policies.

PART 3 – REMOVAL FROM CITIZENSHIP LIST

No Removal

12. The name of a person may not be removed from the Délînę Citizenship Register as a DFN Citizen except in accordance with this *Act*.

Request for Removal

13. On receipt by the Citizenship Registrar of a notice in the form required requesting removal from the Délînę Citizenship Register from an individual
- (a) who is a DFN Citizen, or
 - (b) on behalf of a DFN Citizen for whom that individual has legal authority to manage the DFN Citizen's affairs,

the DKK must instruct the Citizenship Registrar to remove the name of that DFN Citizen from the Délînę Citizenship Register.

Upon Death

14. The Citizenship Registrar shall remove the name of a DFN Citizen from the Délıne Citizenship Register on receiving satisfactory evidence that the DFN Citizen has died.

No Longer Entitled

15. The Citizenship Registrar shall remove the name of a DFN Citizen from the Délıne Citizenship Register on receiving satisfactory evidence that the DFN Citizen has been enrolled:
 - (a) under another agreement that addresses Aboriginal self-government in Canada;
 - (b) under another land corporation established pursuant to the SDMCLCA; or
 - (c) under an *Indian Act* band list other than the DFN Band list.

PART 4 – REVOCATION OF CITIZENSHIP

Revocation of Citizenship

16. (1) Where a person is granted citizenship under section 10 and the Citizenship Registrar determines that the person has become a DFN Citizen on the basis of false information, fraud or by knowingly concealing material facts or circumstances, the Citizenship Registrar may revoke that person's citizenship.
 - (2) The Citizenship Registrar must send a written notice to that person advising of the intention to remove the name of the person from the Délıne Citizenship Register.

Notice

17. Notice under section 16 must set out
 - (a) the reasons for the intended removal, and
 - (b) that the person is entitled to appeal the decision of the Citizenship Registrar and the process for filing the appeal.

PART 5 – APPEAL PROCESS

Appeal

18. An applicant, by written notice within 30 days of receiving the notice under section 17, may appeal the decision made by the Citizenship Registrar to the DKDK.

Duties of Dene K'ə Dats'eredı Kə

19. The DKDK shall
 - (a) establish its procedures, including confidentiality provisions, for hearing citizenship appeals,
 - (b) hear and determine appeals of decisions made by the Citizenship Registrar in accordance with this *Act*, including decisions refusing applications for citizenship,

- (c) provide written reasons for each decision to each appellant,
- (d) instruct the Citizenship Registrar to add the name of the applicant to the Délneé Citizenship Register if it determines that the applicant meets the eligibility criteria,
- (e) maintain a record of its decisions, and
- (f) provide to the DKK a report on the appeal process, if requested.

Representation

20. An applicant, or a witness appearing before the DKDK, may be represented by legal counsel or by an agent.

Decision Making

21. The DKDK shall attempt to reach all decisions under this *Act* by consensus, but if consensus is not possible, a decision may be made by majority vote.

Decision on Appeal

22. Where, on appeal from the decision of the Citizenship Registrar, the DKDK determines that the applicant has provided satisfactory evidence that the applicant meets the eligibility criteria to be granted DFN Citizenship, the DKDK shall instruct the Citizenship Registrar to enter the name of the applicant on the Délneé Citizenship Register.

Decision Final Pending Review

23. All decisions of the DKDK are final and binding, subject to an application to the Supreme Court of the Northwest Territories to review a decision of the DKDK.

PART 6 – CITIZENSHIP REGISTER

Register

24. (1) The Délneé Citizenship Register will be established and maintained by the DKK in accordance with this *Act*.
- (2) The Délneé Citizenship Register may only be amended by adding or removing the names of DFN Citizens or persons as provided by this *Act*.

Citizenship Registrar

25. The DKK must appoint a Citizenship Registrar whose responsibilities include:
- (a) impartially and objectively discharging its obligations under this *Act* and applicable policies;
 - (b) publishing the eligibility criteria and the application procedures for DFN Citizenship;

- (c) establishing required forms and notices;
- (d) receiving and reviewing applications for DFN Citizenship;
- (e) determining whether the applicant is eligible to have his or her name added to the Délıne Citizenship Register;
- (f) entering and removing the names of persons on the Délıne Citizenship Register as required;
- (g) keeping confidential all required information provided by and about applicants for DFN Citizenship, in accordance with policies under this *Act*, or under any other DGG Law; and
- (h) such other matters required to fulfill his or her responsibilities under this *Act* or assigned by the DKK.

PART 7 – DÉLİNE K’AOWÉDÓ KĒ

Délıne K’awədó Kə Responsibilities

26. The DKK is responsible for
- (a) discharging its obligations under this *Act*, the DFSGA, the SDMCLCA, the Délıne Got’ıne ʔeʔadó and any other DGG Law or procedure that it establishes,
 - (b) developing additional laws or policies as are necessary to fulfill the purpose of the *Act*,
 - (c) establishing the Délıne Citizenship Register and any schedules or appendices to it,
 - (d) appointing the Citizenship Registrar,
 - (e) keeping confidential all required information provided by and about applicants for citizenship, in accordance with DGG Law, and
 - (f) directing the Citizenship Registrar to update the Délıne Citizenship Register as required.

PART 8 – ANCILLARY MATTERS

General

27. In addition to those matters set out in Part 7, the DKK may also provide for any other matter it considers necessary and advisable for the purposes of this *Act*, including, but not limited to
- (a) the making of any application for DFN Citizenship under this *Act*, including, but not limited to

- (i) information to be included in applications, and
- (ii) records that must be submitted with applications,
- (b) the maintenance of the Délîneq Citizenship Register,
- (c) the administration of any oath, solemn affirmation or declaration,
- (d) forms, notices and time limits,
- (e) fees,
- (f) documentation or other evidence respecting eligibility criteria, and
- (g) transitional matters.

No Right of Entry

28. A person is not entitled to a right of entry into Canada or a right to Canadian citizenship or permanent residence in Canada by virtue of being granted DFN Citizenship.

Amendment

29. This *Act* may be amended in accordance with DGG Law.

Commencement

30. This *Act* comes into effect on the date of its enactment.

Conflict

31. In the event that the provisions of this *Act* conflict with the provisions of the DFSGA, the provisions of the DFSGA prevail.
32. In the event that the provisions of this *Act* conflict with the provisions of the Délîneq Got'îneq ʔeʔadó, the provisions of the Délîneq Got'îneq ʔeʔadó prevail.
33. In the event that the provisions of the DFSGA conflict with the provisions of the Délîneq Got'îneq ʔeʔadó, the provisions of the DFSGA prevail.
34. In the event that the provisions of the DFSGA conflict with the provisions of the SDMCLCA, the provisions of the SDMCLCA prevail.