



**PROPOSAL OF  
A NEW CITIZENSHIP  
CODE SUBMITTED  
TO THE VOTE OF  
THE MEMBERS  
OF THE WWFN**

December 8, 2022

To all members of the Wolastoqiyik Wahsipekuk First Nation

Qey,

In 2016, the Wolastoqiyik Wahsipekuk First Nation (WWFN) General Assembly of members asked the Grand Council to review our current Citizenship Code.

As a result, the Grand Council of the WWFN mandated our working group, the Citizenship Code Review Committee, to make recommendations to the Grand Council on possible changes to our Citizenship Code. The goal was to reflect the changes in the WWFN over the past 30 years, as the current Citizenship Code dates back to 1987.

As a result, the Citizenship Code Review Committee submitted its recommendations to the Grand Council in December 2020. Following receipt of this report, Grand Council members provided comments and feedback to the members of the Review Committee to continue their work.

The members of the Review Committee then began, with the assistance of a law firm specializing in Indigenous law, to draft a new Citizenship Code. This work was a long one, but it was essential to the sustainability of our nation. Several meetings, discussions and exchanges between the lawyers and the members of the Review Committee took place. The draft of the new Citizenship Code, as it is presented to you today, has therefore been carefully thought out.

You should also know that all members of the Review Committee shared their vision and their respective backgrounds in an open and respectful manner, which was essential to the realization and completion of this project.

The members of the Citizenship Code Review Committee are therefore very proud to present this draft of the new Citizenship Code and we hope that it will meet the expectations of the members of our nation.

We hope to see you vote in large numbers for the future of our nation!

Woliwon

Members of the Citizenship Code Review Committee

Édith Bélanger

Jocelyn Dionne

Simon Brière

Léandre Nicolas

Nicole Aubin

Mathieu Desjardins

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## Introduction

This booklet provides you with a summary and a more detailed summary of the draft new Citizenship Code proposed by the Citizenship Code Review Committee.

The majority of the proposed changes are intended to clearly and consistently codify the current practice of the WWFN in the enrolment process for new First Nation citizens. A few key principles are also being amended or updated. These are prominently listed in this document.

The adoption of this proposed new Citizenship Code is the responsibility of Wolastoqiyik, therefore a membership vote by mail will take place between November 9 and December 8, 2022.

### Information session

To allow WWFN members the opportunity to ask questions of the review committee, an online briefing will be held on Wednesday, November 16, 2022, at 6:00 p.m.

#### To log in:

The login link will be transmitted in the *Proposed New Citizenship Code Voted on by WWFN Members— December 8, 2022*, section of the WWFN website within an hour prior to the event:

- Go to <https://wolastoqiyikwahsipekuk.ca>
- From the menu at the top right of the screen select WWFN— Public Consultations and Referendums— Proposed New Citizenship Code to be voted on by WWFN Members— December 8, 2022

The event will take place on the Zoom platform. It will be possible for members to log in and ask, in writing or verbally, their questions.

\*Make sure to update the platform before the event if necessary.

The briefing will also be streamed live on the WWFN Facebook page. Written questions in the comments section will be accepted, but it will not be possible to ask questions verbally via Facebook.

## Important Information

You can order the complete draft of the new Citizenship Code by contacting us at 418 860-2393 or 1 888 399-2393. You can also consult the complete version of the draft new Citizenship Code on the WWFN website:

- Go to <https://wolastoqiyikwahsipekuk.ca>
- From the menu at the top right of the screen select WWFN— Public Consultations and Referendums— Proposed New Citizenship Code to be voted on by WWFN Members— December 8, 2022
- On this page you will find this document, important information about the consultation and general information about the consultation process.

For more information on the new WWFN Citizenship Code project, please contact:

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For more information regarding the ballot and the mail-in ballot kit, please contact:

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The term citizen is used in the proposed new Citizenship Code and in this document to refer to all members of the WWFN. Thus, a citizen-wolastoqiyik wahsipekuk represents both a status member under the Indian Act and/or a non-status member of the WWFN. This designation was established by the Citizenship Code Review Committee so as not to create a distinction based on the *Indian Act* between members of the WWFN.

*In order to simplify the reading of the document, the masculine generic is used without discrimination.*

## Summary

### Draft New Citizenship Code—Some Key Principles

- In the future, the WWFN would not accept new “associate” members to the Nation;

This decision was carefully considered by the members of the Citizenship Code Review Committee. The members of the Review Committee all felt that family members of Wolastoqiyik Wahsipekuk citizens make an invaluable contribution to the community life of the Nation and that the Wolastoqiyik Wahsipekuk First Nation wants them to feel valued by the Nation and to be able to participate in the community life of the Nation, even though they are not citizens of the Nation.

- Only one generation after the last adjudicated member could become a citizen of the WWFN;

This decision has been carefully considered by the Citizenship Code Review Committee. After much analysis, the members agreed that it is best to let the current wave of new members resulting from the Descheneaux case pass before extending the right to be a citizen of the Nation to other generations.

For example, according to Aboriginal Services Canada, the WWFN has experienced a 43.1% increase in the number of members registered in the Federal Indian Registry between March 2008 and January 2021 (Source: ASC, February 2021).

Therefore, the purpose of this decision is to ensure that the services and organization of the WWFN can adequately accommodate the large influx of new members. In the same vein, a review of the Citizenship Code every 10 years has been scheduled to include a review of this decision in light of the changing numbers of citizens.

- Individuals applying for an administrative transfer who are not related to one of the seven Wolastoqiyik Wahsipekuk families would be subject to a probationary period during which their rights and privileges would be limited;
- There would be a clear and consistent process for appealing and reviewing decisions of the Registrar and Council of Elders;
- The quorum for amending future versions of the Citizenship Code would be at least 30% of the citizens of the WWFN, of which at least 15% would have to be present at a special general meeting scheduled for that purpose. Changes would have to be passed by a simple majority (50% + 1) of the voting citizens;
- A review process of the Citizenship Code at least every 10 years would be required.

# Detailed Summary

## PREAMBLE

WHEREAS the inherent rights of the Wolastoqiyik Wahsipekuk First Nation include the right to determine its own identity and membership and the right to determine the structures of its institutions and to select its members according to its own procedures;

WHEREAS, the Wolastoqiyik Wahsipekuk First Nation has undergone an impressive cultural revitalization since the adoption of the 1987 Citizenship Code and the citizens of the Nation aim, with this new Code, to solidify the gains made and to lay the groundwork for even greater flourishing in the years to come;

## TITLE I: DEFINITIONS

Art. 1. alphabetical presentation of some key terms in the proposed new Citizenship Code, such as

(h) “Direct ancestry”—a line of kinship that links a person with his or her originators from one generation to the next

(o) “Seven wolastoqiyik wahsipekuk families”—the Athanase, Aubin, Brière, Denis, Jenniss, Launière and Nicolas families.

## TITLE II: PRELIMINARY PROVISIONS

Art 3. This Code establishes the rules governing membership in the WWFN. It constitutes the codification of the existing practices and customs of the WWFN in relation to the determination of membership in the Nation.

Art. 5 Principles for the interpretation of the Code:

- Protect the cultural and political integrity of the WWFN;
- To maintain and revitalize the customs, language, traditions and political systems;
- Membership in the WWFN is limited to those who have a direct ancestral link to one or more of the seven Wolastoqiyik Wahsipekuk families.

Art. 6 The term member of the WWFN is replaced by citizen of the WWFN to better reflect the connection to a distinct nation, the WWFN.

## TITLE III: WOLASTOQIYIK WAHSIPEKUK CITIZENSHIP

### Section I – Persons entitled to citizenship

Art. 10 Persons registered, or entitled to be registered, in the Federal Indian Registry as being affiliated with the WWFN, and therefore having a direct ancestral link to one or more of the seven Wolastoqiyik Wahsipekuk families (federal card beginning with [054]), are entitled to citizenship.

One generation after the persons registered in the federal register, therefore the children of the persons registered or entitled to be registered in the federal register, are also entitled to citizenship.

### Section II – “Citizens associated with a Maliseet Citizen”

Art. 12 and 13 For the future only, the category of membership associated with a Wolastoqey citizen under the current Code is abolished. Members who have the status of associate members upon adoption of the new Code, if any, retain their privileges.

Art. 14 to 16 An associate member loses his or her privilege to be an associate if a divorce occurs, if a legal separation occurs or at the end of the common life. It is the responsibility of each member to notify the registrar of the occurrence of any of these events.

### Section III – Standards of Conduct Associated With Wolastoqiyik Wahsipekuk Citizenship

Art. 18 These standards are intended as a guide. A WWFN citizen shall, among other things:

- Demonstrate an interest in and respect for Wolastoqey history and culture, as well as Wolastoqey Latuwewakon;
- Respect the laws and policies of the WWFN;
- Pay attention to the best interests of the WWFN when they are involved in the affairs of the WWFN;

### Section IV – Renunciation of Citizenship

Art. 19 to 23 It is possible for a citizen to explicitly renounce his or her Wolastoqiyik citizenship if, for example, he or she wishes to change bands. In such cases, the registrar must, among other things, confirm the real will of the person making the request and the reasons for the request.

## TITLE IV: THE CITIZENSHIP REGISTRY

### Section I – The Registry

Art. 24 to 26 These articles specify the information that must be included in the Nation’s register. It is a codification of the existing practice within the Nation.

### Section II – The confidential nature of the registry and the right to request its correction

Art. 27 and 28 A person may consult the information recorded under his or her name in the register, but all other information is confidential.

## **TITLE V: THE REGISTRAR**

### **Section I – The registrar**

Art. 29 to 32. With equal competence, a citizen of the Nation has priority for the position of Registrar.

### **Section II – Duties of the Registrar**

Art. 33 to 35. The registrar must maintain the register in accordance with the provisions of the Code. This includes preparing and distributing forms, providing explanations and information, analyzing applications for citizenship, etc.

### **Section III – Records Management by the Registrar**

Art. 36 to 38. The registrar shall keep the records of citizens in a secure manner. Each file is kept indefinitely, in order to preserve the collective memory of the Nation.

### **Section IV – The lists to be maintained**

Art. 39 to 41. In addition to the register, the registrar shall maintain a list of citizens, deceased persons and associated citizens, including only the surnames and given names of the citizens. These lists are public and may be consulted upon request to the registrar.

## **TITLE VI: APPLICATION FOR CITIZENSHIP BY A PERSON OF WOLASTOQEY WAHSIPEKUK ANCESTRY**

This section explains how to apply for citizenship in the WWFN.

### **Section I – Who can apply**

Art. 42. Any person who believes that he or she has a direct ancestral connection with one of the seven Wolastoqiyik Wahsipekuk families may apply, if that person is not already on the list of another band, with the exception of persons on the general list (commonly referred to as the 816 list) of the federal Indian Registry.

### **Section II – The Application**

Art. 43 and 44. The application, in order to be in conformity, must contain the duly completed application form, the birth certificate, proof of direct ancestry with one of the seven Wolastoqiyik wahsipekuk families and any other document deemed necessary by the registrar.

### **Section III – Analysis of the Application by the Registrar**

Art. 45 to 48. If the registrar concludes that a person is not entitled to be a citizen of the WWFN, the Registrar must inform the person who made the application in writing, explaining the reasons for the

decision. The registrar must also advise the applicant that he or she may appeal the decision in accordance with art. 59 and following of the Code.

If the registrar accepts an application for citizenship, the registrar must present the application to the Council of Elders of the Nation.

### **Section IV – The Role of the Council of Elders**

#### **Division A – Analysis of Citizenship applications accepted by the Registrar**

Art. 50 to 53. The Council of Elders analyzes the applications accepted by the registrar to ensure the accuracy of the registrar's conclusion.

If the Council of Elders accepts the application, it shall forward it to the Grand Council for the adoption of a resolution granting citizenship to the applicant.

Art. 54 to 58. If the Council of Elders is of the opinion that the decision of the registrar is not justified, the Council of Elders may either request additional information from the registrar and return the file to him or refuse the citizenship application.

If the application for citizenship is refused by the Council of Elders, the Council of Elders must notify the applicant in writing of the reasons for the decision. The Council of Elders must also inform the applicant of his or her right to request a review of the decision by the Review Committee formed in accordance with sections 87 and following of the Code.

#### **Division B – Review of Registrar's decisions to refuse a citizenship application**

Art. 59 to 62. If a person whose application for citizenship has been denied by the registrar requests a review by the Council of Elders, the Council of Elders shall convene the registrar to discuss the case and render a decision which may be appealed by the person whose application has been denied, in accordance with Title VIII.

### **Section V – The adoption by the Grand Council of the resolution granting citizenship**

Art. 63 to 66. If an application for citizenship is accepted by the Registrar and the Council of Elders, the Grand Council shall pass a resolution granting citizenship to the applicant unless the Grand Council is able to demonstrate, in a clear and convincing manner, that the applicant is not entitled to Wolastoqiyik wahsipekuk citizenship.

In such a case, the Grand Council shall refer the application to the Review Committee formed pursuant to sections 87 and following of the Code.

### **Section VI – Subsequent Applications**

Art. 67 In all cases, a person whose application for citizenship has been refused may make a new application, in accordance with section 42 and following, if he or she has new evidence.

## TITLE VII: APPLICATION FOR WOLASTOQIKIK WASHIPEKUK CITIZENSHIP BY A PERSON FROM ANOTHER INDIGENOUS NATION OR COMMUNITY IN WOLASTOQIYIK

This title explains the procedure to follow if a person from another nation wishes to perform what is commonly called a band transfer.

### Section I – Who can apply

Art. 68 and 69. A person on the list of another nation or community or a person on the general list (commonly referred to as list 816) of the Federal Indian Registry who has **NO** direct ancestry with one of the seven Wolastoqiyik families may apply for citizenship.

### Section II – The Application

Art. 70 to 72. The application must be made by submitting several documents to the registrar, including:

- The form created for this purpose;
- A copy of the birth certificate
- Proof of Indian status
- A certificate of good conduct
- A document explaining why the person wants to become a Wolastoqiyik Wahsipekuk citizen
- A statutory declaration from two Wolastoqiyik Wahsipekuk citizens explaining how the applicant will contribute to the development of the WWFN

### Section III – Consideration of the request by the Council of Elders

Art. 73 to 78. The Council of Elders must analyze the documentation received and decide whether to accept or reject the application, taking into account, among other things, the best interests of the WWFN.

If the application is rejected by the Council of Elders, the Council of Elders must inform the applicant in writing, also indicating the right to request a review of the decision in accordance with Article 87 and following of the Code.

If the application is accepted by the Council of Elders, the documents supporting the decision are sent to the Grand Council for final approval.

### Section IV – Approval of the application by the Grand Council

Art. 79 and 80. The Grand Council may approve or reject the application. If it rejects the application, it must notify the applicant in writing and inform him of his right to request a review of the decision in accordance with Articles 87 and subsequent of the Code.

### Section V – The “Acculturating Citizen.”

Art. 81 to 85. If an application under this title is accepted by the Council of Elders and the Grand Council, the person becomes an “acculturated citizen,” unless there is an exception, for example, if the child has a parent who is a Wolastoqiyik Wahsipekuk.

The acculturation period is a sort of “probation” period that lasts 5 years and where the citizen has the same rights as any other citizen of the WWFN with the exception of the right to vote, the right to run for office, the right to represent the WWFN in an official capacity, and the right of his or her children to become citizens.

## TITLE VIII: REVIEW

### Section I – The Request for Review

Art. 87 to 89. A person whose application for citizenship has been denied by the Council of Elders or the Grand Council may apply within thirty (30) days for review by the Review Committee.

### Section II – The composition of the Review Committee

Art. 90 to 95. The Review Committee must be constituted when the registrar receives a request for review. Nominations shall be called for three (3) citizens of the WWFN who are at least 18 years of age. This Committee shall include, to the extent possible:

- Representatives from three different Wolastoqiyik Wahsipekuk families;
- A citizen who may be eligible to be appointed to the Council of Elders, but who does not sit on it;
- A citizen with legal training;
- A citizen who sits on a WWFN Committee.

### Section III – The Review Process

Art. 96 to 103. The registrar shall provide the Committee with all necessary documentation and administrative support. The Committee may engage outside legal services as it deems necessary.

The Committee hears the review in the form of a hearing, which may be held in person or remotely, at which it may hear testimony, request additional documentation, all in the presence of the person who requested the review.

### Section IV – The Review Committee’s decision

Art. 104 to 108. The Review Committee’ decision shall be made by a majority of its members within 30 days of the hearing. The decision of the Review Committee shall be final and without appeal.

## TITLE IX: THE TEN-YEAR CODE REVIEW

### Section I – The Ten-Year Review of the Code

Art. 109 and 110. The Code shall be reviewed by a Ten-Year Review Committee every ten (10) years to ensure its sustainability.

### Section II – Notice to Citizens

Art. 111 and 112. Eight (8) years after the adoption of the Code, the Registrar shall notify the citizens of the WWFN that the review process has begun and that citizens who wish to do so may apply to serve on the Ten-Year Review Committee.

### Section III – Formation of the Ten-Year Review Committee

Art. 113 to 120. The Ten-Year Review Committee shall consist of the registrar and seven (7) citizens of the WWFN selected according to the following criteria, to the extent possible:

- at least two people on the Council of Elders;
- at least two persons under the age of 30;
- at least one person on a WWFN committee with a mandate related to cultural or indigenous rights issues;
- at least one person who was on the last committee to review the Code;
- at least four (4) of the seven Wolastoqiyik Wamspekwuk families must be represented on the membership of the Ten-Year Review Committee.

Selection of members is made by the Grand Council of the WWFN.

The Committee is chaired by the registrar and is responsible for its own operations. It may request the support of external legal services.

### Section IV – The Report of the Ten-Year Review Committee

Art. 121 to 125. The Committee shall review the Citizenship Code as a whole and produce a report within fifteen (15) months of its formation explaining its findings as to, among other things, whether the Code continues to reflect the values and objectives of the WWFN.

The report shall set out such amendments, if any, as the Committee believes are necessary. It is then submitted to the Grand Council of the WWFN. The Grand Council then has four (4) months to respond to the Committee members as to whether it agrees to propose the amendments to the citizens of the WWFN in accordance with article 126 and following of the Code. The Committee's report and the Grand Council's response shall be tabled at the next General Assembly of the WWFN.

## TITLE X: AMENDMENT OF THE CITIZENSHIP CODE

### Section I – Authority to Amend the Code

Art. 126 and 127. The Special General Assembly of the citizens of the WWFN is the only body that has the power to amend this Code.

### Section II – Calling a Special General Meeting to consider amendments to the Code

Art. 128 to 131. The rules and procedures of the WWFN regarding the convening and conduct of meetings must be followed.

### Section III – Voting Rights and Voting Procedures

Art. 132 to 136. Voting by mail or electronic voting may be permitted for the amendment to the Citizenship Code, all at the discretion of the Grand Council and in accordance with the procedures set out in the other rules and regulations of the WWFN.

### Section IV – Conduct of the Special General Meeting

Art. 137 to 142. The quorum for the special general assembly to vote on proposed amendments to the Code shall be fifteen percent (15%) of the citizens entitled to vote.

- An amendment is adopted if:
- The 15% quorum is established;
- At least thirty percent (30%) of the citizens entitled to vote have voted, including absentee and electronic ballots if any;
- An absolute majority (fifty percent [50%] plus one [1]) of the votes counted, including absentee and electronic votes, if any, are in favour of the amendment.

### Section V – Request for Special General Assembly by Petition

Art. 143 to 145. The submission to the Great Council of a petition signed by twenty percent (20%) of the citizens of the WWFN requiring an amendment or amendments to this Code shall obligate the Great Council to call a special general meeting to consider the proposed amendments.

## TITLE XI: TRANSITIONAL PROVISIONS

Art. 147 and 148. The Code comes into force the day after the announcement that it has been adopted. At that time, the former Code is abolished and the current citizenship applications become subject to the present Code.