



A-Kii, Bemaadzjik, E-Niigaanwang
The Land, The People, The Future

Membership Transfer Policy

WHEREAS

The Nipissing First Nation has developed this policy pursuant to its Gichi-Naaknigewin as an interim measure in regards to membership and debendaagziwaad.

The determination of membership or debendaagziwaad in the Nipissing First Nation is an existing Aboriginal right of Nipissing First Nation debendaagziwaad;

Nipissing First Nation's legal traditions and customary laws in regards to membership and debendaagziwaad attempt to balance individual rights and interests with the collective rights and interests of the First Nation as a whole;

PURPOSE:

To provide guidance to the chief and council on support for requests for membership transfers to Nipissing First Nation.

DEFINITIONS

"**Common Law**" means to live together in a conjugal (marriage like) relationship for a period of at least two years.

"**Custody Order**" means a judgement or other order of the court providing for legal custody of a minor child.

"**Debendaagziwaad**" (Debendaagizid – singular form) refers to the people of Nipissing First Nation. Those people who are recognized as "those who belong" to the Nipissing First Nation.

"**Justice Circle**" means a session held between the applicant and community representatives selected by the applicant and the First Nation, to discuss the application and review adherence to this policy.

2. CRITERIA

2.1 The following people shall be considered for membership in Nipissing First Nation:

2.1.1 Any former member of Nipissing First Nation member who transferred to another First Nation who wishes to return to Nipissing First Nation.

2.1.2 A status Indian from another First Nation who is a direct descendent of a Nipissing First Nation member;

- 2.1.3 A status Indian from another First Nation married or living in a Common Law relationship with a Nipissing First Nation member;
- 2.1.4 A status Indian member of another First Nation who as a minor was raised under the guardianship of a Nipissing First Nation member;
- 2.1.5 Despite anything in this policy a person shall not be recommended for membership transfer to Nipissing First Nation if they have committed an indictable offense for which a pardon has not been granted.

3. ONUS OF PROOF

- 3.1 The onus of proof of entitlement to a transfer of membership to Nipissing First Nation is the responsibility of the applicant.

4 PROCEDURES

- 4.1 All applications will be reviewed by the Nipissing First Nation Membership clerk who shall send all information to Nipissing First Nation Chief and Council;
- 4.2 Nipissing First Nation Chief and Council shall meet on a semi-annual basis, on or about April and October of each year to consider membership transfer applications. Any Chief and Council support for transfers will be signified by a band council resolution.
- 4.2 Before an application is considered they shall submit the following to the Nipissing First Nation Membership clerk:
 - i) Consent of both parents or guardian(s) of any minor applicant;
 - ii) Long form birth Certificate;
 - iii) any custody orders (if applicable);
 - iii) any marriage certificates or evidence of common law relationship which can include a joint declaration of conjugal relationship (if applicable);
 - iv) a Family Tree;
 - v) Status Card (Copy of front and back) or letter evidencing proof of Indian registration;
 - vi) Declaration or affidavit supporting the application;
 - vii) An up to date "Police Information Check";
 - viii) Other information as requested by Nipissing First Nation.

5.0 APPEAL

- 5.1 An appeal of a decision of Nipissing First Nation Chief and Council in regards to an application may be made to a Justice Circle.
- 5.2 The Justice Circle shall review the decision only in regards to adherence to this policy.
- 5.3 The Justice Circle's authority is limited to either verifying the Nipissing First Nation Chief and Council direction in regards to the application or recommending reconsideration of the application by Chief and Council.
- 5.4 If the direction of the Justice Circle is for the application to be reconsidered by Chief and Council, the Chief and Council decision based on reconsideration is final.

This Policy was amended in accordance with Nipissing First Nation council minutes July 19, 2005;

Amended and approved by Council this 20th day of November, 2012;

Amended and approved this 19th day of March 2013 and policy becomes effective 1st day of April 2013;

Amended and approved this 11th day of June 2013.

Amended and approved this 8th day of January, 2019.