

**Regulation Respecting the Registrar of
The Kanien'kehá:ka of Kahnawà:ke Law**

K.K.L c. M-1, r.6

Enacted by Mohawk Council Executive Directive #43/2022-2023 on July 18, 2022

1) KANIEN'KEHÁ:KA RECOGNITION

1.1 Applications for recognition must be;

a) in the form provided by the *Regulation Respecting Applications to be Recognized as Kanien'kehá:ka of Kahnawà:ke*,

b) accompanied by copies of all supporting documents and information,

c) fully completed and signed, and

d) submitted to the Registrar.

1.2 Within ten (10) business days of the receipt of an application for recognition, the Registrar will provide written notice to the Applicant advising:

a) that the application has been received,

b) of any additional documents or information, the Registrar may require in order to make a decision. The Applicant will have ninety (90) days to provide the required information.

1.3 If the Registrar requires more time to provide the written decision, they must inform the applicant of the delay in writing prior to the deadline in s.1.3 in the Kanien'kehá:ka of Kahnawà:ke Law.

The Registrar will issue a written decision within six (6) months of the date on which the application was received.

1.4 The Registrar will ensure that a complete and accurate record is made of all Decisions.

1.5 In addition to the application and supporting documents and information, the Applicant may produce relevant information pertaining to the application and will have the opportunity to make written submissions in a timeframe acceptable to the Registrar.

1.6 A copy of the Registrar's decision will be sent by registered mail to the Applicant.

1.7 On the date the decision is made, the Registrar will amend the Kahnawà:ke Kanien'kehá:ka Registry accordingly.

2) RENUNCIATION

2.1 A Kanien'kehá:ka of Kahnawà:ke may renounce their recognition by providing written notice to the Registrar in the form of an affidavit.

- 2.2 The Registrar will confirm the renunciation effective on the date they receive the signed affidavit.
- 2.3 The Registrar will send confirmation of renunciation by registered mail to the person who renounced their recognition.
- 2.4 A person who has renounced their recognition as a Kanien'kehá:ka of Kahnawà:ke is eligible to apply for recognition as a Kanien'kehá:ka of Kahnawà:ke and have their name added to the Kahnawà:ke Kanien'kehá:ka Registry pursuant to the laws and regulations in force.
- 3) COMMUNITY REVIEW BOARD
- 3.1 The Registrar will respond to requests and participate in any reviews by the Community Review Board, as required.
- 4) COURT OF KAHNAWÀ:KE
- 4.1 The Registrar will respond to Court requests and participate in any Court hearings, as required.
- 5) AMENDMENT TO FILE
- 5.1 **"Vital Records"** are the birth, marriage and death records that make up part of the records held at the Office of the Kahnawà:ke Kanien'kehá:ka Registry.
- 5.2 Maintenance of Vital Records used by the Registrar to determine an application, is held as a responsibility of the Officers of the Office of the Kahnawà:ke Kanien'kehá:ka Registry.
- 5.3 The documentation used to establish the basis of an approval or denial of an application will have been initially compiled on a lineage chart and further developed based on the existing church records and supplemental records available to the Officers prior to the decision by the Registrar.
- 5.4 Information not available, or conflicting information, will be left out of the lineage chart and the Registrar will make the determination through investigation with the records held by the Office of the Kahnawà:ke Kanien'kehá:ka Registry or through the establishment of proof acceptable to the Registrar.
- 5.5 If the proof is acceptable to the Registrar, the records will be updated by the Officers to reflect any changes. Information used to establish acceptable lineage with the final determination will be provided to the Officers, for their records.

Proof acceptable to the Registrar may include;

- Affidavits
- A letter from another Onkwehón:we community with lineage, or
- Other proof acceptable to the Registrar, including voluntary formal DNA results obtained through a recognized laboratory and submitted by the applicant to the OKKR.

6) APPLICATION TO AMEND A FILE

- 6.1 Applications made to the Registrar must conform to the requirements of this Regulation. Any application that does not conform will be summarily rejected by the Registrar and the Applicant will be informed within five (5) Working Days of the reasons for the rejection.

The original copies of all applications to amend a file will be kept by the Registrar or the General Manager of the Office of the Kahnawà:ke Kanien'kehá:ka Registry in a secure physical and/or digital location.

7) EXTENDED ABSENCE

- 7.1 The General Manager of the Office of the Kahnawà:ke Kanien'kehá:ka Registry will provide for an Alternate to assume the temporary function of the Registrar in the event the Registrar is;

a) out of the office for an extended absence, or,

b) the position is vacant,

- 7.2 Due to the time constraints contained in the Kanien'kehá:ka of Kahnawà:ke Law, an extended absence is constituted by an absence from the office for longer than ten (10) business days.

- 7.3 The responsibilities of the Registrar will be assumed in the interim by;

a) the General Manager of the Office of the Kahnawà:ke Kanien'kehá:ka Registry, or,

b) in the event the General Manager is unable to attend to the file, the Director of Client Based Services will take on the responsibility.

8) CONFLICT OF INTEREST

- 8.1 In the event that the Registrar finds themselves in a conflict of interest with an Applicant, the following will occur;

a) the General Manager of the Office of the Kahnawà:ke Kanien'kehá:ka Registry will take on the responsibility of the Registrar, or;

b) in the event the General Manager is unable to attend to the file, the Director of Client Based Services will take on the responsibility.

8.2 Personal Interest – the following constitutes a personal interest for the purposes of this regulation;

- a) Financial interest that the Registrar, or acting replacement, has in a business that provides services to, or contract with the Applicant for remuneration;
- b) Any gift, gratuity, favor or compensation of any nature whatsoever that the Registrar, or acting replacement may receive in the performance of their decision making of these Laws with the Applicant that is not for remuneration in accordance with their employment contract;
- c) Any external commitment, including but not limited to employment, contract or volunteer work which by its nature, places the Registrar, or acting replacement, in a position where the Applicant’s personal information may be used without the written consent of the Applicant or;
- d) The advancement of personal/political agendas through a decision.

8.3 Related individual – the following constitutes a related individual for the purposes of this regulation;

- a) Related by blood or adoption including; parent, child, sibling, aunt, uncle, first cousin, nephew or niece;
- b) Related by marriage including; current or former spouse, brother in law, sister in law, father in law, mother in law, son in law, daughter in law, step parent, step child or;
- c) Related through another relationship including, a close friendship, a current or former relationship occurring outside the work setting that would make it difficult for the individual with the responsibility to make a decision or recommendation to be objective, or that would create the appearance that the individual could not be objective. Examples include but are not limited to amorous or intimate personal relationships and significant business relationships and affiliates with other organizations.

9) COMING INTO FORCE

9.1 This regulation comes into force on the date fixed by Mohawk Council Executive Directive #43/2022-2023.

