

KANIEN'KEHÁ:KA OF KAHNAWÀ:KE LAW

K.R.L. c. M-1

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[Amended by will of the people MCR # _____ on_____]

We are the Kanien'kehá:ka of Kahnawà:ke. We are a community within the Kanien'kehá:ka Nation and are Indigenous Peoples who possess a fundamental and inherent right of self-determination given to us by the Creator.

We have inherent, Aboriginal and treaty rights, and other rights and freedoms that are recognized and affirmed in the *Constitution Act, 1982*, which includes the inherent right of self-government and jurisdiction over our lands, people and resources.

We have consistently and historically asserted both our rights as Indigenous Peoples as affirmed in the Two Row Wampum and the rights set out in our treaties with foreign governments. These rights cannot be extinguished, diminished or affected without our consent.

As part of our inherent and Aboriginal right of self-government, we have the right to govern ourselves in relation to matters that are integral to our unique culture, identity traditions, languages and institutions and with respect to our connection to our people, land and resources.

We have consistently and historically exercised the right to determine who is a Kanien'kehá:ka of Kahnawà:ke. This right is fundamental to our survival as a Kanien'kehá:ka community.

This Law is an affirmation of our inherent, Aboriginal and Treaty rights to establish and maintain our own process to determine who is a Kanien'kehá:ka of Kahnawà:ke and to maintain a Kahnawà:ke Kanien'kehá:ka Registry.

This Law is an expression of the will of the Kanien'kehá:ka of Kahnawà:ke and is intended to reflect the values and principles described by the Elders of our community in their 1999 statement on membership titled Entsitehwahahárahne.

TITLE

1.1 The title of this Law is the Kanien'kehá:ka of Kahnawà:ke Law.

PURPOSE

- 2.1 The general purpose of this Law is more fully described in the Preamble.
- 2.2 This Law is intended to provide the criteria and procedures for:
- a) identifying those persons who are recognized as Kanien'kehá:ka of Kahnawá:ke and establishing the entitlements and responsibilities associated with recognition,
 - b) determining the recognition of persons who are entitled to apply for recognition as a Kanien'kehá:ka of Kahnawà:ke and to establish the entitlements and responsibilities associated with recognition,
 - c) determining those persons who are Approved Kahnawà:ke Residents and establish their privileges and obligations, and
 - d) determining the suspension and revocation of recognition as a Kanien'kehá:ka of Kahnawà:ke.

JURISDICTION

- 3.1 The jurisdiction under which this law is enacted is more fully described in the Preamble.
- 3.2 This Law is an exercise of the collective rights of the Kanien'kehá:ka of Kahnawà:ke to determine who is recognized as a Kanien'kehá:ka of Kahnawà:ke. This Law is paramount to and supercedes the laws, regulations and policies of the government of Canada, or any other foreign government, concerning recognition of who is a Kanien'kehá:ka of Kahnawà:ke, or matters related thereto.

DEFINITIONS

- 4.1 For the purposes of this Law and the Regulations,
- "Adoption"** means the legal acceptance of a child of another person as one's own child,
- "Age of majority"** means eighteen (18) years of age,
- "Approved Kahnawà:ke Resident"** means a person who has been confirmed to have permission to reside within the Territory and to receive those privileges as provided in this Law, provided the person's permission to be an Approved Kahnawà:ke Resident has not been suspended or revoked,

"**Business relationship**" means persons who have a common financial interest, direct or indirect, in a business venture or enterprise,

"**Child**" means a person who has not yet reached his or her age of majority,

"**Cohabit**" means living with a non-Indigenous person within the Territory,

"**Common-law relationship**" means a conjugal relationship, not solemnized by a marriage ceremony, law or custom, between two persons who have lived together and have been publicly represented as spouses for not less than five (5) years;

"**Community ties**" means a person's overall participation in community events, volunteer activities, charitable works, positive contribution to the Kanien'kehá:ka of Kahnawà:ke and maintenance of Family ties,

"**Dependent child**" means a person who has reached the age of majority but who, as the result of physical or mental limitations, lives with and is cared for by a Kanien'kehá:ka of Kahnawà:ke parent(s) or guardian(s),

"**Family ties**" means the bond that exists between a person their spouse, sibling, parent, grandparent or child who resides in the Territory,

"**Guardian**" means any person, other than a parent of the child, who is under a legal duty to provide for the child,

"**Indigenous**" for the purposes of this Law means persons of an Indigenous Nation that is indigenous to what is currently known as Canada and the United States of America, including the Inuit,

"**Indigenous lineage**" means direct descent from at least four (4) Indigenous great-grandparents, verified by proof acceptable to the Registrar and, if necessary, by the Administrative Tribunal, the Court of Kahnawà:ke or the Kahnawà:ke Court of Appeal, as the case may be,

"**Instatement**" means recognizing, for the first time, a person to be a Kanien'kehá:ka of Kahnawà:ke in accordance with this Law,

"**Kahnawà:ke Kanien'kehá:ka Registry**" means the list of Kanien'kehá:ka of Kahnawà:ke maintained by the Registrar in accordance with this Law and, for greater certainty, does not mean any lists kept by the Department of Aboriginal Affairs and Northern Development (Canada) or any other foreign government,

"**Kahnawà:ke Kanien'kehá:ka Registry Advisory Board**" means the body established to provide non-binding advice and guidance to the Registrar,

"Kahnawà:ke Mohawk Registry" means the list of persons created in accordance with the 1981 Moratorium and the 1984 Kahnawà:ke Mohawk Law concerning Membership,

"Kanien'kehá:ka Great Grandparent" means a great grandparent who 1) has Kanien'kehá:ka lineage or 2) was a Mohawk on the Mohawk Registry or 3) was/is a member or recognized as a Kanien'kehá:ka of Kahnawà:ke on the Kahnawà:ke Kanien'kehá:ka Registry.

"Kanien'kehá:ka lineage" means direct descent from a Kanien'kehá:ka ancestor, verified by proof acceptable to the Registrar and, if necessary, by the Administrative Tribunal, the Court of Kahnawà:ke or the Kahnawà:ke Court of Appeal, as the case may be,

"Kanien'kehá:ka of Kahnawà:ke " means a person verified and recognized as a Kanien'kehá:ka of Kahnawà:ke, according to the criteria and procedures in this Law and the Regulations, provided the person's recognition has not been revoked,

"Kanien'kehá:ka Territory of Kahnawà:ke " or **"Territory"** means:

- a) the lands under the control and jurisdiction of the Kanien'kehá:ka of Kahnawà:ke, including the Kahnawà:ke interest in Tioweroton (Doncaster);
- b) any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawà:ke through the negotiation and resolution of land grievances,
- c) any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawà:ke as a result of any other means, and
- d) lands, which are returned to, Kahnawà:ke as lands within the meaning of subsection 91(24) of the *Constitution Act, 1867*.

"Marriage" means a binding union between two consenting persons with legal capacity that is solemnized by ceremony, law or custom and that gives rise to duties and responsibilities that are enforceable in law

"Non-Indigenous person" means a person who has no Kanien'kehá:ka or Indigenous lineage,

"Ordinarily resident" means that a person maintains their permanent home in Kahnawà:ke and includes persons who may be absent for a period of time but who return to Kahnawà:ke on a regular basis from their place of employment, training or schooling and also includes persons who do not reside in Kahnawà:ke due to housing shortages,

"**Person**" means a human being,

"**Regulations**" means any regulations enacted pursuant to this Law, by the Mohawk Council of Kahnawà:ke;

"**Reinstatement**" means the recognition of a person who was previously removed from the Kahnawà:ke Kanien'kehá:ka Registry,

"**Respect for Mother Earth**" refers to a concept, which mirrors our attachment to earth as our supreme giver of life; as giver of all our nourishment and our needs. The symbolic term Mother Earth is central to our belief and life system and plays an integral role in Kanien'kehá:ka society.

REGISTRAR

- 5.1 Upon the enactment of this Law, the Mohawk Council of Kahnawà:ke will, after an open application process, appoint a suitable person to be the Registrar for the purposes of this Law.
- 5.2 The Registrar's appointment will be effective until:
- a) it is revoked by the Mohawk Council of Kahnawà:ke,
 - b) the Registrar resigns, or
 - c) the Registrar, for any reason, is unable to perform his or her duties under this Law.
- 5.3 The Registrar must be:
- a) a person of good character,
 - b) recognized as a Kanien'kehá:ka of Kahnawà:ke, and
 - c) a person who ordinarily resides within the Territory.
- 5.4 The Registrar will maintain and administer both the Kahnawà:ke Kanien'kehá:ka Registry and the Approved Kahnawà:ke Resident list, and perform any duties related thereto.
- 5.5 The Registrar will:
- a) review and decide applications for instatement, reinstatement or for permission to be an Approved Kahnawà:ke Resident, and

- b) review and decide applications to suspend or revoke a person's recognition or to suspend or revoke a person's permission to be an Approved Kahnawà:ke Resident.

5.6 The Registrar will at all times:

- a) act fairly, impartially and in accordance with the provisions of this Law and the Regulations,
- b) ensure that all information in his or her possession, including but not limited to the Kahnawà:ke Kanién'kehá:ka Registry, is held in confidence and is not divulged, discussed or released to any person or authority, except with the permission of the person to whom the information relates, as required to verify a person's eligibility for benefits and services, as may be required by access to information laws applicable within the Territory, or in accordance with this Law and the Regulations, and
- c) ensure the information contained in the Kahnawà:ke Kanién'kehá:ka Registry and the Approved Kahnawà:ke Resident list is safeguarded from loss, destruction, tampering and unauthorized use.

5.7 The Registrar will make available for the review of the Mohawk Council of Kahnawà:ke and Kanién'kehá:ka of Kahnawà:ke during normal business hours, any additions, suspensions or removals from the Kahnawà:ke Kanién'kehá:ka Registry and the Approved Kahnawà:ke Resident list, including the names of the persons added or removed from the Kahnawà:ke Kanién'kehá:ka Registry and the Approved Kahnawà:ke Resident list.

KAHNAWÀ:KE KANIÉN'KEHÁ:KA REGISTRY

6.1 The Kahnawà:ke Kanién'kehá:ka Registry is hereby established

6.2 The Kahnawà:ke Mohawk Registry is hereby replaced by the Kahnawà:ke Kanién'kehá:ka Registry.

6.3 With the exception of any person who has no Kanién'kehá:ka or Indigenous lineage, all persons who, as of the date on which this section of the Law comes into force, were listed on the Kahnawà:ke Mohawk Registry and who reside in or maintain ties with Kahnawà:ke, will be recognized as Kanién'kehá:ka of Kahnawà:ke and will be listed on the Kahnawà:ke Kanién'kehá:ka Registry.

6.4 The Registrar will add to the Kahnawà:ke Kanién'kehá:ka Registry the name of any person who is verified and recognized under this Law.

- 6.5 The Registrar will remove from the Kahnawà:ke Kanien'kehá:ka Registry the name of any person whose recognition as a Kanien'kehá:ka of Kahnawá:ke has been revoked and will make a notation in the Registry of any person who is suspended.

APPROVED KAHNAWÀ:KE RESIDENT LIST

- 7.1 The Registrar will also keep a list of the names, addresses and telephone numbers of those persons who have been given permission to be an Approved Kahnawà:ke residents and will record any conditions that are attached to that permission. This list will not be considered to be part of the Kahnawà:ke Kanien'kehá:ka Registry and will be updated by the Registrar on a regular basis, as required by this Law and the Regulations.
- 7.2 A person who has no Kanien'kehá:ka or Indigenous lineage, but whose name appears on the Mohawk Registry, immediately before coming into force of this section of the Law, as a result of having married a Kanien'kehá:ka of Kahnawà:ke prior to May 22, 1981, will automatically be placed on the Approved Kahnawà:ke Resident list by the Registrar provided that:
- a) they are still married and living with that spouse in the Mohawk Territory of Kahnawà:ke;
 - b) they are widowed and they are still residing in the Mohawk Territory of Kahnawà:ke.

KAHNAWÀ:KE KANIEN'KEHÁ:KA REGISTRY ADVISORY BOARD

- 8.1 There is hereby established a body to be known as the Kahnawà:ke Kanien'kehá:ka Registry Advisory Board.
- 8.2 The Kahnawà:ke Kanien'kehá:ka Registry Advisory Board will consist of five (5) Kanien'kehá:ka of Kahnawà:ke who are ordinarily resident in Kahnawà:ke. Three (3) Kanien'kehá:ka of Kahnawà:ke will be elected, in accordance with the procedures set out in the Regulations, to a three (3) year term. Two (2) Kanien'kehá:ka of Kahnawà:ke will be appointed by the Mohawk Council of Kahnawà:ke to serve a three (3) year term concurrent with those elected, and will be selected in accordance with the procedures set out in the Regulations.
- 8.3 The Kahnawà:ke Kanien'kehá:ka Registry Advisory Board will, upon request by the Registrar, provide non-binding advice and guidance to the Registrar.
- 8.4 The Kahnawà:ke Kanien'kehá:ka Registry Advisory Board will perform its duties in accordance with the provisions of this Law and the Regulations.
- 8.5 The Kahnawà:ke Kanien'kehá:ka Registry Advisory Board is a volunteer Board.

Members will not be remunerated for their services.

REVIEW OF REGISTRAR'S DECISION

- 9.1 A decision by the Registrar may be reviewed by the Administrative Tribunal in accordance with the *Kahnawà:ke Justice System* and applicable regulations.
- 9.2 The Administrative Tribunal shall review and determine whether due process was followed, whether laws of natural justice were adhered to, ensure absence of bias, ensure the decision was reasonable, determine whether there was an absence of jurisdiction, or, if there was a mistake of law.
- 9.3 The Administrative Tribunal may confirm, vary or quash the contested decision and, if appropriate, make the decision which, in its opinion, should have been made initially.
- 9.4 A decision by the Administrative Tribunal may be appealed to the Court of Kahnawà:ke in accordance with the *Kahnawà:ke Justice System* and applicable regulations.
- 9.5 Final judgments or orders by the Court of Kahnawà:ke regarding membership can be automatically appealed to the Kahnawà:ke Court of Appeal.

MEMBERSHIP REVIEW COUNCIL

- 10.1 Until such time as the *Kahnawà:ke Justice System* is implemented and the Administrative Tribunal is operational, decisions by the Registrar may be reviewed by the Membership Review Council on an interim basis in accordance with this Law and the *Regulation Respecting the Membership Review Council*.
- 10.2 There is hereby established a body to be known as the Membership Review Council empowered by the Mohawk Council of Kahnawà:ke, through the enactment of this Law.
- 10.3 The Membership Review Council will consist of three (3) members, selected in accordance with the procedures set out in the *Regulation Respecting the Membership Review Council*.
- 10.4 The Membership Review Council shall review and determine whether due process was followed, whether laws of natural justice were adhered to, ensure absence of bias, ensure the decision was reasonable, determine whether there was an absence of jurisdiction, or, if there was a mistake of law.
- 10.5 The Membership Review Council may confirm, vary or quash the contested decision and, if appropriate, make the decision which, in its opinion, should have been made initially.

- 10.6 A decision by the Membership Review Council may, upon implementation of the *Kahnawà:ke Justice System* and applicable regulations, be appealed to the Court of Kahnawà:ke.
- 10.7 The Membership Review Council, in performing its duties, conducting its meetings and making its decisions will respect the principles of fairness, dignity of the person, compassion and consensus that are consistent with the traditions and customs of the Kanien'kehá:ka of Kahnawà:ke.
- 10.8 The members of the Membership Review Council will be remunerated for their services in an amount to be established by the Mohawk Council of Kahnawà:ke.
- 10.9 The Mohawk Council of Kahnawà:ke will, until such time as the Administrative Tribunal is operational, fund the Membership Review Council. The Membership Review Council will submit to the Mohawk Council of Kahnawà:ke an annual budget for its approval.
- 10.10 The Membership Review Council will create and maintain a record of its proceedings, any decisions it makes and the reasons for its decisions.

VERIFICATION OF RECOGNITION

- 11.1 A person shall be recognized as a Kanien'kehá:ka of Kahnawà:ke upon verification that he or she satisfies the following criteria:
- a) is born of two Kanien'kehá:ka of Kahnawà:ke, and
 - b) has four (4) or more Kanien'kehá:ka great-grandparents,
- 11.2 A person shall be recognized as a Kanien'kehá:ka of Kahnawà:ke if he or she is identified as a Kanien'kehá:ka of Kahnawà:ke and upon verification that he or she satisfies all of the following criteria:
- a) is born of one Kanien'kehá:ka of Kahnawà:ke,
 - b) is born of the other person who is Indigenous (verified by proof acceptable to the Registrar),
 - c) has four (4) or more great-grandparents who are Indigenous,
 - d) is not on another Indigenous community membership list.

APPLICATION PROCESS/ RECOGNITION

- 12.1 Every child, through their parent(s) or guardian(s), is entitled to apply to be recognized as a Kanien'kehá:ka of Kahnawà:ke if he or she satisfies all of the following criteria:
- a) is born of one Kanien'kehá:ka of Kahnawà:ke and one Indigenous parent who denies filiation with the child but for whom proof of filiation and lineage acceptable to the Registrar has been submitted,
 - b) has four (4) or more Kanien'kehá:ka great-grandparents or a combination of four (4) or more Kanien'kehá:ka and Indigenous great-grandparents,
 - d) who is not on another Indigenous community membership list.
- 12.2 Every child, through their parent(s) or guardian(s), is entitled to apply to be recognized as a Kanien'kehá:ka of Kahnawà:ke if he or she satisfies all of the following criteria:
- a) is born of one Kanien'kehá:ka of Kahnawà:ke parent and another person who is not recognized as a Kanien'kehá:ka of Kahnawà:ke but has some Kanien'kehá:ka or Indigenous lineage,
 - b) has four (4) or more Kanien'kehá:ka great-grandparents or a combination of four (4) or more Kanien'kehá:ka and Indigenous great-grandparents,
 - c) who is not on another Indigenous community membership list.
- 12.3 A person who is not born of two (2) Kanien'kehá:ka of Kahnawà:ke or who has one parent who is not Indigenous, is eligible to apply for recognition as a Kanien'kehá:ka of Kahnawà:ke, at the age of eighteen (18) if he or she satisfies the following criteria:
- a) has at least four (4) Indigenous great-grandparents, with at least two (2) being recognized as Kanien'kehá:ka of Kahnawà:ke,
 - b) has and maintains Community ties with the community of Kahnawà:ke, and
- 12.4 In the event of a dispute, the Administrative Tribunal will decide whether a person's great-grandparent(s) were, for the purposes of this Law, a Kanien'kehá:ka of Kahnawà:ke.
- 12.5 A person who has Indigenous lineage but who has little or no Kanien'kehá:ka lineage may apply to the Registrar to be recognized as a Kanien'kehá:ka of Kahnawà:ke if he or she satisfies all of the following criteria:

- a) is married to, or living in a common-law relationship for at least five (5) years with, a Kanien'kehá:ka of Kahnawà:ke ,
 - b) has and maintains ties with the community of Kahnawà:ke,
 - c) be an Approved Kahnawà:ke Resident,
- 12.6 The application of persons mentioned in sections 12.3 and 12.5 will be carefully reviewed by the Registrar. Notwithstanding section 16.1 , in the event the application is approved, the Registrar may impose such reasonable conditions, limitations or restrictions, on an individual basis, that is deemed appropriate.
- 12.7 When an individual is recognized as a Kanien'kehá:ka of Kahnawà:ke, the Registrar will make the necessary amendments to the Kahnawà:ke Kanien'kehá:ka Registry.
- 12.8 Recognition as a Kanien'kehá:ka of Kahnawà:ke, and the entitlements associated with recognition , are not transferable to another person or entity.

INSTANTMENT AND REINSTANTMENT

- 13.1 Subject to section 13.2, persons whose names are not listed on the Kanien'kehá:ka Registry may apply to the Registrar for recognition.
- 13.2 A person whose name does not appear on the Kahnawà:ke Kanien'kehá:ka Registry as a result of having married a non-Indigenous person prior to May 22nd, 1981, but who otherwise would qualify to be recognized as a Kanien'kehá:ka of Kahnawà:ke under section 11.1 of this Law is eligible to apply to be instated.
- 13.3 Applications for recognition must be in the required form and will be subject to the procedures provided in the Regulations.

ADOPTED CHILDREN

- 14.1 Kanien'kehá:ka of Kahnawà:ke who have adopted a child will have the child's biological lineage verified by the Registrar.
- 14.2 The Registrar will determine whether the child is a Kanien'kehá:ka of Kahnawà:ke as defined in sections 11.1 or 11.2 of the Law.
- 14.3 If the Registrar determines that the child is not a Kanien'kehá:ka of Kahnawà:ke under the provisions of section 11.1 or 11.2 of the Law, the Registrar will then determine whether the child is eligible to apply to become recognized as a Kanien'kehá:ka of Kahnawà:ke under the provisions of section 12.1 to 12.2 of the Law.

- 14.4 If the Registrar determines that the child is not to be recognized under the provisions of section 12.1 to 12.2 of the Law, the Registrar will then determine whether the child is eligible to apply for recognition under the provisions of section 12.3 or 12.5.
- 14.5 Once the child's lineage is verified the child's right and eligibility to have their name registered on the Kahnawà:ke Kanien'kehá:ka Registry will follow the same rules and procedures as persons who are not adopted. For greater clarity, it is the intent of this Law that adopted persons and non-adopted persons who have similar lineage are afforded the same rights and obligations under the provisions of this Law.
- 14.6 A child who has no Kanien'kehá:ka or Indigenous lineage who is adopted by a Kanien'kehá:ka of Kahnawà:ke parent(s) is not eligible for recognition. However, provided the child is adopted prior to the enactment of this Law on November 10, 2003, he or she is entitled to reside within the Territory with his or her adoptive Kanien'kehá:ka of Kahnawà:ke parent(s) and to receive educational services within the Territory until he or she reaches his or her Age of majority, after which he or she may apply for permission to be an Approved Kahnawà:ke Resident.
- 14.7 A child who has no Kanien'kehá:ka or Indigenous lineage adopted by a Kanien'kehá:ka of Kahnawà:ke parent(s) after the enactment of this Law on November 10, 2003 is not eligible to be recognized as a Kanien'kehá:ka of Kahnawà:ke or be an Approved Kahnawà:ke Resident.

APPLICATION PROCESS/APPROVED KAHNAWÀ:KE RESIDENTS

- 15.1 Persons who are not eligible to be recognized as a Kanien'kehá:ka of Kahnawà:ke who wish to reside within the Territory must apply to the Registrar for permission to be an Approved Kahnawà:ke Resident and must meet the following criteria, verified by proof acceptable to the Registrar :
- a) a person who has some Kanien'kehá:ka lineage and,
 - I) who has and maintains Family ties within the community of Kahnawà:ke, and
 - II) who can demonstrate that they have made or can make a positive contribution to the community of Kahnawà:ke,
 - b) a person who has Indigenous but no Kanien'kehá:ka lineage and is married to, or living in a common law relationship with, a recognized Kanien'kehá:ka of Kahnawà:ke,
 - c) a person with no Kanien'kehá:ka or Indigenous lineage who was adopted as a child prior to the enactment of this Law by a Kanien'kehá:ka of Kahnawà:ke and:
 - I) has reached his or her age of majority,

- II) has been normally resident within the community of Kahnawà:ke since the date on which he or she was adopted, and
 - III) has and maintains family ties within the community of Kahnawà:ke,
 - d) a person with no Kanien'kehá:ka or Indigenous lineage who, prior to the enactment of this Law on November 10, 2003, was raised in the community of Kahnawà:ke, is ordinarily resident in Kahnawà:ke and who maintains Family ties with the community.
- 15.2 A person who has no Kanien'kehá:ka or Indigenous lineage, and wishes to reside on the Territory of Kahnawà:ke and is married, prior to May 22, 1981, to someone who is recognized as a Kanien'kehá:ka of Kahnawà:ke under Section 13.2 is required to apply to become an Approved Kahnawà:ke Resident if:
- a) their spouse is recognized as a Kanien'kehá:ka of Kahnawà:ke;
 - b) they are still married to and residing with that spouse, and
 - c) has and maintains ties with the community of Kahnawà:ke.
- 15.3 Applications for permission to be an Approved Kahnawà:ke Resident will be in the required form and will be subject to the procedures provided in the Regulations.

ENTITLEMENTS OF KANIEN'KEHÁ:KA OF KAHNAWÀ:KE

- 16.1 Subject to Kahnawà:ke's laws, regulations and policies, Kanien'kehá:ka of Kahnawà:ke have entitlements, and privileges with regards to benefits and services, to the extent they are available.

PRIVILEGES OF APPROVED KAHNAWÀ:KE RESIDENTS

- 17.1 Approved Kahnawà:ke Residents may have the following privileges:
- a) reside within the Territory, and
 - b) receive such public services, to the extent they are available, that are ordinarily associated with residency. The Administrative Tribunal will decide any disputes that may arise as to whether a particular service is, or should be, available to an Approved Kahnawà:ke Resident.
- 17.2 Services provided to an Approved Kahnawà:ke Resident may be subject to reasonable fees or charges.

17.3 Other than those matters for which permission has been granted, an Approved Kahnawà:ke Resident is not entitled to receive any other benefit or service to which a Kanien'kehá:ka of Kahnawà:ke is entitled.

RESPONSIBILITIES OF KANIEN'KEHÁ:KA OF KAHNAWÀ:KE

18.1 All Kanien'kehá:ka of Kahnawà:ke have the responsibility to:

- a) honor the customs and traditions of the Kanien'kehá:ka of Kahnawà:ke and must comply with the codes, laws and regulations applicable in the Mohawk Territory of Kahnawà:ke
- b) respect and protect Mother Earth,
- c) contribute to the preservation and advancement of the community of Kahnawà:ke
- d) is identified as having, or is willing to avail themselves of the established Kahnawà:ke process of affiliation in seeking a Kanien'kehá:ka clan.
- e) respect and protect children, persons, personal property and lands within the Territory,
- f) respect and encourage the use of Kanien'kéha and Kanien'kehá:ka culture, and
- g) maintain Community ties with Kahnawà:ke.

OBLIGATIONS OF APPROVED KAHNAWÀ:KE RESIDENTS

19.1 All Approved Kahnawà:ke Residents have the obligation to:

- a) honor the customs and traditions of the Kanien'kehá:ka of Kahnawà:ke, and must comply with the codes, laws and regulations applicable in the Mohawk Territory of Kahnawà:ke, ,
- b) respect and protect Mother Earth,
- c) respect and protect children, persons, personal property and lands within the Territory, and
- d) respect and encourage Kanien'kéha and Kanien'kehá:ka culture.

KANIEN'KEHÁ:KA OF KAHNAWÀ:KE PLEDGE AND OATH OF RESPECT

- 20.1 Any person who is eligible to be recognized as a Kanien'kehá:ka of Kahnawà:ke, will swear or solemnly affirm a Kanien'kehá:ka of Kahnawà:ke Pledge and Oath of Respect, in the form provided in the Regulations, affirming that:
- a) he or she will respect the responsibilities of a Kanien'kehá:ka of Kahnawà:ke, as set out in this Law, and
 - b) he or she will respect all conditions, limitations or restrictions, if any, associated with recognition.
- 20.2 Any person who is eligible to be given permission to be an Approved Kahnawà:ke Resident will swear or solemnly affirm an Oath of Respect, in the form provided in the Regulations, affirming that:
- a) he or she will respect the Approved Kahnawà:ke Resident obligations set out in this Law, and
 - b) he or she will respect all conditions, limitations or restrictions associated with being an Approved Kahnawà:ke Resident.

SUSPENSION AND REVOCATION

- 21.1 A Kanien'kehá:ka of Kahnawà:ke who:
- a) married, or marries, a non-Indigenous person after May 22, 1981, or
 - b) commenced, or commences, after May 22, 1981, a common-law relationship with a non-Indigenous person, or
 - c) cohabits, within the Mohawk Territory of Kahnawà:ke, after May 22, 1981, with a non-Indigenous person for more than 30 days in a calendar year, or
 - d) allows a non-Indigenous person to reside on their property.
- will have their entitlement to receive any of the benefits and services to which they would otherwise be entitled as a Kanien'kehá:ka of Kahnawà:ke, suspended for so long as they remain married, in a common-law relationship with or cohabiting with a non-Indigenous person or allows a non-Indigenous person to reside on their property.
- 21.2 Notwithstanding section 21.1, a Kanien'kehá:ka of Kahnawà:ke's right to reside within the Territory will not be suspended when the non-Indigenous person referred to in section 21.1 is an Approved Kahnawà:ke Resident.

- 21.3 Any person who became entitled to be an Approved Kahnawà:ke Resident through marriage under section 7.2 or section 15.2 of this Law will have their permission to be an Approved Kahnawà:ke Resident suspended pending a review by the Registrar in the following cases:
- a) upon divorce from a Kanien'kehá:ka of Kahnawà:ke , or
 - b) when they have ceased ordinarily cohabiting with their spouse.
- 21.4 Any person whose recognition as a Kanien'kehá:ka of Kahnawà:ke or permission to be an Approved Kahnawà:ke Resident was approved based on information, documents or circumstances that are fraudulent, false or misleading may have their recognition as a Kanien'kehá:ka of Kahnawà:ke or permission to be an Approved Kahnawà:ke Resident revoked.
- 21.5 A Kanien'kehá:ka of Kahnawà:ke who commits a material breach of:
- a) any of the criteria on which his or her recognition is based,
 - b) any of his or her responsibilities as a Kanien'kehá:ka of Kahnawà:ke, as set out in this Law,
 - c) the conditions, limitations or restrictions that are attached to his or her recognition , if any, or,
 - d) their Kanien'kehá:ka of Kahnawà:ke Pledge and Oath of Respect ,
- may have their recognition suspended or revoked by the Registrar.
- 21.6 An Approved Kahnawà:ke Resident who breaches:
- a) any of the criteria on which his or her permission to be an Approved Kahnawà:ke Resident is based,
 - b) any of his or her obligations as an Approved Kahnawà:ke Resident, as set out in this Law,
 - c) any of the conditions, limitations or restrictions that are attached to their permission to be an Approved Kahnawà:ke Resident, or,
 - d) their Oath of Respect,
- may have their permission to be an Approved Kahnawà:ke Resident suspended or revoked by the Registrar.

RENUNCIATION

22.1 Any person may renounce their recognition as a Kanien'kehá:ka of Kahnawà:ke or as an Approved Kahnawà:ke Resident by providing written notice to the Registrar. Renunciation of the person's recognition as a Kanien'kehá:ka of Kahnawà:ke or as an Approved Kahnawà:ke Resident will be effective from the date on which it is received by the Registrar. The Registrar's confirmation of renunciation will be sent by registered mail to the person who renounced his or her recognition as a Kanien'kehá:ka of Kahnawà:ke or as an Approved Kahnawà:ke Resident. The Registrar will, remove the person's name from the Kahnawà:ke Kanien'kehá:ka Registry or from the list of Approved Kahnawà:ke Residents, as the case may be.

REGULATIONS

23.1 The Mohawk Council of Kahnawà:ke will, by Mohawk Council Executive Directive enact the Regulations necessary for the implementation of this Law, including:

- a) the procedure for considering and deciding an application to suspend or revoke a person's recognition as a Kanien'kehá:ka of Kahnawà:ke or permission to be an Approved Kahnawà:ke Resident,
- b) the form and content of Confidentiality Agreements,
- c) the form and content of the Kanien'kehá:ka of Kahnawà:ke Pledge and the Oath of Respect,
- d) the form and content of applications for instatement or reinstatement of recognition,
- e) the form and content of applications for permission to be an Approved Kahnawà:ke Resident,
- f) the form and content of applications to suspend or revoke a person's recognition or permission to be an Approved Kahnawà:ke Resident,
- g) the rules and procedures to be followed by the Registrar in conducting a review or hearing,
- h) such other Regulations that may be necessary to implement the provisions of this Law.

23.2 The Mohawk Council of Kahnawà:ke will consult with the Registrar before enacting Regulations establishing the forms required for the purposes of the Registrar's office.

- 23.3 Copies of all Regulations enacted by the Mohawk Council of Kahnawà:ke will be provided to the Registrar and will be made available to the Kanien'kehá:ka of Kahnawà:ke and to Approved Kahnawà:ke Residents.

OFFENCES AND PENALTIES

- 24.1 Those persons who are not listed on the Kahnawà:ke Kanien'kehá:ka Registry or the Approved Kahnawà:ke Resident list and who reside within the Territory are in violation of this law and commit an offence. Upon conviction, the offender is subject to immediate removal from the Territory by the Kahnawà:ke Peacekeepers.
- 24.2 The removal of a person from the Territory in accordance with section 24.1 must be temporarily stayed by the Court of Kahnawà:ke if:
- a) the person is the parent or guardian of one or more children under the age of six (6) years, and
 - b) the decision to remove the person is issued between October 1st and May 1st.
- 24.3 Any person who breaches any other provision of this Law, commits an offence and upon conviction is subject to fines up to Two Thousand (\$2,000.00) Dollars, imprisonment for up to six (6) months, or both.

NOTICE

- 25.1 Any notices required by this Law or the Regulations will be sent by registered mail and, for all purposes of this Law and the Regulations, will be deemed to have been received on the date the recipient signs for it.
- 25.2 In the event a notice cannot be sent by registered mail, or the recipient fails or refuses to sign for it within fifteen (15) days from the date on which the registered mail was sent, the Registrar may direct that the required notice be given by bailiff or in any other way that reasonably ensures proof of reception, including publishing a summary of the notice for two consecutive weeks in the local electronic or print media.
- 25.3 Notice given by publication in accordance with this section will be deemed to have been received on the date following the date of the second publication.
- 25.4 Notice given by publication in accordance with this section will satisfy the notice requirements of this Law or the Regulations.

KANIEN'KÉHA VERSION OF LAW

- 26.1 The Kanien'kéha version of this Law will be verified to be a true translation of the English version.
- 26.2 In the event of a conflict between the English language version and the Kanien'kéha version of this Law, the Kanien'kéha version will be the final authority.

GENERAL PROVISIONS

- 27.1 The Preamble is an integral part of this Law.
- 27.2 The 1981 Moratorium and 1984 Kahnawà:ke Mohawk Law concerning membership are repealed on the date this section of the Law comes into force.
- 27.3 The funds necessary to implement this Law and the Regulations will be provided by the Mohawk Council of Kahnawà:ke after being approved in its annual budget.
- 27.4 The Registrar may decide to extend any of the time periods or deadlines set out in this Law or the Regulations if the Registrar is convinced that it is in the interest of fairness to do so.

AMENDMENTS

- 28.1 This Law may be amended in accordance with the procedure set forth in the Community Decision-Making Process or any other process which may replace it.

ENFORCEMENT

- 29.1 The Kahnawà:ke Peacekeepers have the sole and exclusive authority to enforce this Law.
- 29.2 The Court of Kahnawà:ke has sole and exclusive jurisdiction to hear and decide all matters related to this Law.
- 29.3 If the Court of Kahnawà:ke finds any section of this Law to be invalid the decision does not render this Law invalid in its entirety.

ENACTMENT AND COMING INTO FORCE

- 30.1 Further to the will of the Kanien'kehá:ka of Kahnawà:ke, this Law is enacted on November 10th, 2003 by MCR No:51/2003-2004. The provisions of this Law come into force on September 27th, 2004 in MCR No:41/2004-2005. {the date MCR# used to amend this law will be placed here}