

KAHNAWÀ:KE MEMBERSHIP LAW

FIRST HEARING – Meeting #6

Karonhianonhnha Gym

26, Tsothohrkó:wa/January 2016

6:00 PM– 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Leslie Beauvais-Skye (Lead - CDMP)

Joe Delaronde

Ron Skye

RESOURCE PEOPLE:

Chief Kahsennenhawe Sky-Deer (Lead – Resource Person)

Chief Arlene Jacobs

Alexis Shackleton

Shari Lahache

Arlene Beauvais

Kevin Fleischer

RECORDER:

Kim Beauvais

6:00 P.M. **OPENING** – Chief Kahsennenhawe Sky-Deer

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** – Leslie Beauvais-Skye

6:10 P.M. **KAHNAWÀ:KE MEMBERSHIP LAW AMENDMENTS:**

- **SEC.12.APPLICATION PROCESS/RECOGNITION**
- **SEC.13 INSTATEMENT AND REINSTATEMENT**
- **SEC.14 ADOPTED CHILDREN**
- **ANY RELATED DEFINITIONS** - Kahsennenhawe Sky-Deer

8:25 P.M. **NEXT STEPS** – Leslie Beauvais-Skye

8:30 P.M. **CLOSING** – Chief Kahsennenhawe Sky-Deer

Facilitators: Joe Delaronde & Ron Skye

Recorder: Kim Beauvais

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,

DISCUSSION:

What is filiation? What is acceptable proof of filiation? Proof is sought through DNA testing or signed statutory declarations from the father's family. DNA testing could be sought from the father's sibling. The details of how proof is determined would be outlined in accompanying Regulations. It was felt that the proof of filiation criteria be put directly in the Law, even though it would be easier to change if it is detailed in Regulations. Should someone challenge a registration, it was suggested that the burden of the cost of the DNA would be on that person. It was noted that there is no legal obligation for a person to submit to DNA testing against their will.

OUTCOME:

Consensus was reached with the agreement that "filiation" should be added to the definitions.

- 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,

OUTCOME:

Consensus was reached on Section 12.1 b).

- c) who is not on another Indigenous community membership list.

OUTCOME:

Consensus was reached on Section 12.1 c).

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,

DISCUSSION:

Clarification was needed on "some Kanien'kehá:ka or Indigenous lineage". It was explained that as long as the person was not 100% non-indigenous and the person could give verifiable proof of this, this would be considered "some".

- 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.

DISCUSSION:

What happens to persons who are on a U.S. list? Anyone on a U.S. list will not have to renounce their membership on that list. Those persons would not be able to transfer their membership to Kahnawà:ke. This is only applicable for persons on another membership list within Canada. (This refers to registration with INAC, that a person can only be registered with one band.)

OUTCOME:

Consensus was reached on Section 12.2.

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

DISCUSSION:

The community consultation directed that when a child is (18) the community will be able to determine what direction the child will take in their lives. There may be a case

where a Kanien'kehá:ka woman has a child with a non-Native father, where that child will have 4 Indigenous great grandparents and who meets the criteria. It is not fair that that child would have to wait until they are 18.

There was a suggestion to eliminate 12.3 completely.

It was felt that this is discriminatory versus persons who are adopted or of an individual who has lineage.

There was a proposal to add a section/provision where there is one Kanien'kehá:ka parent and 4 great grandparents and no relationship with the non-native parent that they be on the KKR as they meet the criteria.

These persons with 4 great grandparents should be put on the KKR automatically.

It was felt that if you give a child the right to be on KKR and therefore has a right to live here, and is being taken care of by a non-native parent, then you have to allow the non-native parent to stay here to take care of that child.

The rationale behind waiting until the child is 18 came from the Elders Custom Code Entsitewaha'a:rahne (Sect. 4).

It was pointed out that this section would discourage Kahnawake'ro:non from having children with non-natives.

There was a proposal to leave it at 18.

There was a proposal to remove the words "at the age of eighteen (18)".

OUTCOME:

Consensus was reached that a child not born of two (2) Kanien'kehá:ka of Kahnawà:ke has to wait until the age of eighteen (18) to apply for Recognition.

The meeting adjourned at the scheduled 8:30 pm with Chief Kahsennenhawe Sky-Deer doing the closing. The next meeting has been scheduled for Tuesday, 9 Enníska / February 2016 at the Golden Age Club.

Approved by:

Alexis Shackleton,
Director of Client Based Services

Date

Chief Kahsennenhawe Sky-Deer

Date