

**COMMUNITY DECISION-MAKING PROCESS
DRAFT KAHNAWÀ:KE RESIDENCY LAW
CDMP HEARING**

**Kahnawà:ke Shakotiaa'takehnhas Community Services
4, Onerahtókha/April 2019
6:00 PM – 8:30 PM**

RECORD OF DISCUSSION

FACILITATORS:

Leslie Beauvais-Skye
Joe Delaronde

RESOURCE PEOPLE:

Chief Kahsennenhawe Sky-Deer (Lead)
Trina C. Diabo, Lead Technician
Katsistohkwi:io Jacco, Technician
Jean Pommainville, Legal Counsel

RECORDER:

Brandi Meloche

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- ❖ **Opening Address – Leslie Beauvais-Skye**

 - ❖ **Welcome/Respectful Behaviors/Process – Leslie Beauvais-Skye**

 - ❖ **Overview of Draft Kahnawà:ke Residency Law - Chief Kahsennenhawe Sky-Deer & Trina C. Diabo**
 - ❖ Permit Holders: Residency, Work/Education and Humanitarian
 - ❖ Application Process
 - ❖ Obligations of AKRs/Permit holders
 - ❖ Ineligibility/Revocation criteria
 - ❖ Complaint Driven Evictions
 - ❖ Removal Processes

 - ❖ **Next Steps: Joe Delaronde**

 - ❖ **Closing – Chief Kahsennenhawe Sky-Deer**

RESIDENCY PERMIT – Section 39

Section 39.c) was added to the Agenda, due to a community members' concerns.

Discussion:

- The community member expressed that they were not in favor of the wording in this section, because it may allow a complete non-Native to hold a permit because they speak the language.
- **Response:** The individual applying for the permit under this section will be required to be proficient in our language and knowledgeable of our culture. They need to demonstrate this by passing a test.
- The person I'm speaking about is totally non-Native, but he can speak the language better than people that are from Kahnawà:ke. He's a linguist, but that doesn't mean he should live here.
- **Question to the Community Attendees:** If someone goes through all the trouble to learn the language and culture and passes the test just to be a part of this culture and community; shouldn't they not have the opportunity to live here?
- Further discussion ensued with community members voicing their opinion on acquiring a residency permit.
- It was noted that this was all for consideration.
- It was clarified that the example given on who may fit this criterion has since passed on but was still used as an example.

Sections 39. a) & b)

- Section 39.a) – You're opening the door just enough to allow S-3 people to get in.
- **Response:** Most people who would acquire status under Bill S-3 would not meet the requirements.
- Anyone can make the community ties if they really want to.
- If you state community ties, Playground Poker and Magic Palace both have a majority of non-Native people working there. They can claim they have lineage and community ties from working in the community.
- **Response:** They will have to prove their lineage.
- If they don't fit under Section 29.b), they can try to fit under Section 30.a).
- **Response:** "Onkwehón:we Ancestry" Definition read to the community attendees.
- **RECOMMENDATION** *Change to read* → *Two great grandparents who are not Kanien'kehá:ka of Kahnawà:ke but who were or are recognized as Ahsén:nen Onkwehón:we.*
- **Question:** What if other nations move here and outnumber the Mohawks?

- **Response:** We are encouraging our people to marry into other nations. This is better than marrying a non-Native. The Native from another nation will be eligible for a residency permit, they will not be eligible to get on the Kahnawà:ke Kanien'kehá:ka Registry (KKR).

Outcome:

- After this discussion, consensus was reached to remove Section 39.c) from the Law. However, this topic re-surfaced later in the meeting, and it was then agreed to keep this section in the Law.
- Consensus reached to change the definition of “Onkwehón:we Ancestry” in the Definitions section of the law to read: *“Two great grandparents who are not Kanien'kehá:ka of Kahnawà:ke, but who were or are recognized as Ahsén:nen Onkwehón:we”*.

**ADOPTION CLAUSES:
Deletions of Sections 4.b) & 39.b)
Addition to Section 29**

Discussion:

- Entitlement to Reside – Recommendation to remove Sections 4.b) and 39.b) was proposed to the community, as it doesn't fit within this area, and should be moved, but reworded to AKR section.
- **Consensus reached to remove Section 4.b).**
- **Suggestion by Legal Counsel to add e) to Section 29** (29.e) to read: “A minor who was adopted by a Kanien'kehá:ka and who has reached the age of majority” (*Note: This was an error found in Section 4.b), which this wording corrects.*).
- It was noted that removing 39.c) raises concerns for a closed adoption. If there is a closed adoption, the child that is now of age to apply for a permit cannot access their ancestry to prove lineage.
- Further concerns that an adopted community member that has been raised here but cannot be a part of the community because they cannot prove their lineage due to a closed adoption. This person looks more Native than most people in the community but cannot prove it.
- **Question:** What happens if someone who is non-Native moves into the community and states that their child is Native but is not? Their child (daughter) goes to school and lives in Kahnawà:ke and has children with someone now who does not have that much Native lineage, what happens to those children? The children are non-Native.
- **SUGGESTION → DNA Testing.**

- **Response:** We are not going to be able to cover everything, but the Registrar would have the option to bring this to the Community Review Board.
- Can someone have a closed adoption, but have the papers only sent to the Registrar? Is that an option?
- **Response:** No, it does not work like that. We cannot request that information.

SUGGESTION → 39.c) – Re-worded to read → *A person who was raised in the community and has sufficient knowledge of Kanién'kéha and Kanién'kehá:ka culture, as evidence by the results of a Language and Culture Test taken in accordance with the Regulation on Language and Culture Testing and has Immediate Family and Community Ties.*

- Clause 39.c) was discussed and suggestions were given to re-word. The idea of having a Language and Culture test was discussed, and recommendations/suggestions were given. Rationale was provided.
- Kahnawà:ke is for Native people only. This small, little piece of land is just for us. The non-Native people can live anywhere they want. This is all we have. I don't care what you learned. This law is not about what you learn, but who you are. You can't earn this.
- **Question:** How are we going to have this law stick in the court of Kahnawà:ke when we don't have the Justice Act yet?
- **Response:** Regardless of the Justice Act, people have the right to bring their case to an outside Court. But the outside Court would look at if we have our own Community Law for the people of Kahnawà:ke. They will hopefully send the case back here (Kahnawà:ke) to be heard.
- **Response:** An example given was that people trying to live in the U.S need to take a test to become American Citizen.

- **NEW CONSENSUS REACHED TO LEAVE 39.c) in the Law as is.**

Outcome:

- **Consensus reached to remove Sections 4.b) and 39.b)**
- **Consensus reached to add to Section 29.e)** → “A minor who was adopted by a Kanién'kehá:ka of Kahnawà:ke prior to November 10, 2003 and who has reached the age of majority”.
- **Consensus Reached to have Section 39.c) stay as was originally written. Objection from one community member.**

**EVICTION ORDERS:
Section 131 (TIMEFRAME)**

Discussion:

- Section 131.b) – Recommendation to change the period for carrying out evictions from October 1st – May 1st to instead November 1st to April 1st.
- **Question:** What is the timeframe for someone to vacate the territory once they receive a letter of eviction?
- **Response:** A person has 10 days to vacate the territory upon receipt of their eviction notice.

Outcome:

- **Consensus reached → Section 131b:** Dates changed to read November 1st to April 1st, and the combination of Sections 131.a) & b) into one clause.

**MINOR CHILD PERMIT
Section 34-38
(PROPOSAL TO DELETE)**

Discussion:

- **Section 34**
 - **Question:** Should we require babies and children to have permits? Some community members are very upset about this proposed requirement. We have received a lot of negative feedback on this section of the Law.
 - We do not want the entire Law to fail just because of this section.
 - Children will still be registered but not on their own; they will be attached to their parent.
 - The names and ages of minors will still be kept, so we know who is in the community. However, we wouldn't require them to register for their own permits.
 - **Question:** Why do children on the KKR have to apply? If you do not require them to apply in this section, then remove it from the KKR too. It's not fair.
 - **Response:** Children on the KKR receive benefits and services in the community, whereas permit holders would not be entitled to those same benefits. It's a very different situation.
 - Concern expressed that a child not on the KKR can attend school in the community.
 - Because children were getting bullied after 1990, the schools allowed children not on the KKR to attend school in the community. Now, so long as you're residing in the community and have a band number, you are eligible to attend school here. Individuals residing outside the community due to housing shortages are also eligible.

- **Question:** A parent registers their children for Medicare, what's the big deal for registering for a permit?
- **Response** → It's not the same. The parent would have to apply for their own permit, then a separate application for their child or children. If we remove it, the child remains under their parents' permit and will then be required to apply on their own at the age of eighteen.
- **Additional Response** → If the parent has the right to live here, then logically the child would live with them and have the same right while they are under the parents care until the age of eighteen. A child is not going to go live on their own.

Outcome:

- **Consensus reached on** removing the entire section on Minor Child Permits. Children under the age of 18 will be registered with their parent.

INCIDENTAL MINOR CHANGES

Discussion:

- Additional minor changes to the Law will be done by MCK Legal Counsel and will then be posted online for review.

Outcome:

- **Consensus Reached.**

FINAL OUTCOME:

Consensus was reached on all agenda items. The Draft Kahnawà:ke Residency Law was accepted by the community members in attendance. The Technical Drafting Committee (TDC) informed they would post another version of the edited Draft Law online for a period of two weeks, once all the changes have been made. During this two-week period, community members that attended the March 21 & April 4, 2019 CDMP Hearings for the Draft Residency Law will have the opportunity to view the law and confirm that the draft reflects the discussions from the CDMP Hearings. If there are no additional comments after this two-week period, the TDC will proceed to enact the Law.

MEETING ADJOURNED AT 8:20PM.

Approved by:

Chief Kahsennenhawe, Portfolio Chief

Date

Trina C. Diabo, Technician

Date