Schedule 2 – Citizenship Code

1. Citizenship Committee

(1) There is established a Kwanlin Dün Citizenship Committee, comprising five Kwanlin Dün Citizens appointed by the Council to serve for a three year term.

(2) When making appointments to the Citizenship Committee, the Council:

(a) must ensure that at all times two members of the Citizenship Committee are Elders; and

(b) may consult the Elders Council before appointing the members referred to in paragraph (a).

(3) Despite subsection (1), the first members are appointed to the Citizenship Committee, the Council must appoint:

(a) two members to serve for a term of three years; and

(b) three members to serve for a term of two years.

2. Functions of the Citizenship Committee

(1) The Citizenship Committee is responsible to:

(a) approve or disapprove applications for Kwanlin Dün Citizenship; and

(b) determine the citizenship status of a person who renounces or loses their Citizenship.

(2) When it has reached a decision on a matter before it, the Citizenship Committee must:

(a) notify the Registrar of its decisions; and

(b) provide written reasons to:

(i) the applicant, if the Committee has refused an application for Citizenship; or

(ii) to the former Kwanlin Dün Citizen, if the Committee has determined that the person has lost Kwanlin Dün Citizenship.

3. Rules and Proceedings of the Citizenship Committee

(1) The Citizenship Committee may:

(a) make rules for the conduct of its proceedings; or

(b) seek the advice of the Elders Council on any matter the Citizenship Committee is considering.

(2) The Citizenship Committee must keep written minutes of its proceedings, and record and file with the Registrar copies of those minutes, including all motions.

(3) A member of the Citizenship Committee must not participate in any committee proceedings regarding a person who is a member of the immediate family of that Committee member.

4. Registrar of Citizenship

(1) There is established the office of Registrar of Citizenship.

(2) The Council must appoint, and may remove, the Registrar of Citizenship.

(3) The Registrar of Citizenship is responsible to:

(a) publicize and provide information respecting entitlement, eligibility and the application procedures to potential Kwanlin Dün Citizens;

(b) receive, and acknowledge receipt of applications, from persons applying for Kwanlin Dün Citizenship;

(c) ensure that each applicant provides all necessary information and documentation before forwarding the application to the Citizenship Committee;

(d) notify each applicant of the decision of the Citizenship Committee, and advise the applicant in writing of appeal procedures if the application is unsuccessful;

(e) when an appeal has been made and considered, notify the applicant of the decision of the Judicial Council;

(f) maintain the Kwanlin Dün Citizenship List, including on it the name, birth date and address of each citizen; and

(g) maintain records and files on:

(i) all applications; and

(ii) minutes of Citizenship Committee meetings.

5. Procedures to Apply for Citizenship

(1) A person wishing to apply for Kwanlin Dün Citizenship must file, at the Office of the Registrar, an application including all necessary documentation required by the Registrar.

(2) When the Registrar receives a application, the registrar must:

(a) provide the applicant with a copy of the Citizenship Code; and

(b) forward the application and related documents to the Citizenship Committee within thirty days.

(3) Within three months after receiving an application from the registrar, the Citizenship Committee must:

(a) complete a review of the application;

(b) reach a decision on the application, and advise the Registrar of Citizenship and the applicant.

6. Appeals

(1) An appeal from a decision by the Citizenship Committee may be made to the Judicial Council by:

(a) a person whose Citizenship has been refused or lost;

(b) any Kwanlin Dün Citizen; or

(c) any governing body of the Kwanlin Dün First Nation.

(2) An appeal may be made only:

(a) within three months after the decision of the Citizenship Committee, and

(b) by filing a notice of appeal with Registrar of Citizenship.

(3) When the Registrar of Citizenship receives a Notice of Appeal, the Registrar must:

(a) provide the applicant with a copy of the Notice, unless the applicant is the person who filed the Notice of Appeal; and

(b) forward the Notice of Appeal and related documents to the Judicial Council.

(4) Within two months after receiving a Notice of Appeal from the Registrar of Citizenship, the Judicial Council must:

(a) complete a review of the application;

(b) notify the person who filed the Notice, and the applicant, in writing, of the date, time and location of the hearing of the Appeal;

(c) hold a hearing on the Appeal; and

(d) reach a decision on the Appeal, and advise the Registrar of Citizenship.

(5) The Judicial Council may:

(a) uphold, vary or rescind any decision of the Citizenship Committee; or

(b) refer the decision back to the Citizenship Committee for further consideration.

(6) When considering appeals under this Code, the Judicial Council must comply with the procedures and requirements set out in Chapter 8 of the Constitution.

(7) The decision of the Judicial Council on an Appeal under this Code is final.

7. Information and Representation

(1) All information and documentation received for the purposes of an application is confidential and must not be released without the written consent of the applicant.

(2) An applicant, and any person who may lose Citizenship as the result of a decision of the Citizenship Committee or the Judicial Council, has the right to appear before the Citizenship Committee and before the Kwanlin Dün First Nation Judicial Council, either in person, or through a representative, or both.