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CHAPTER E: ELIGIBILITY & ENROLMENT

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DEFINITIONS

In this chapter,

"Dehcho Dene" means: a person who is a descendant of a Dene who resided on, used or occupied land in the Dehcho Asserted Territory (as shown in Appendix A) prior to December 31, 1922, and who identifies as a Dene or as a Métis, or a person who was adopted as a child under laws recognized in Canada or by Dehcho Dene custom by a Dehcho Dene who resided on, used or occupied land in the Dehcho Asserted Territory prior to December 31, 1922, or is a descendant of a person so adopted.

"Spouse" means: a person who (a) is married to another person; or (b) has been cohabiting with another person in a marriage-like relationship for a period of three years.

E.1.0 ELIGIBILITY CRITERIA

E.1.1 An individual will be eligible to be enrolled as a Dehcho Citizen in the Final Agreement if he or she is a Canadian Citizen, or permanent resident of Canada who is:

a) a Dehcho Dene;
b) a spouse of a Dehcho Dene[1];
c) registered, or entitled to be registered, as an Indian on a DFN Band Membership List maintained by the Department of Indian Affairs and Northern Development;

[1] Canada continues internal discussions on whether they can agree to include spouses of Dehcho Dene.

d) ordinarily resident in the Dehcho Settlement Area, who is accepted as a Dehcho Citizen pursuant to the Community Acceptance process set out in the Dehcho Constitution;

e) adopted as a child under laws recognized in Canada or by Dehcho Dene custom by an individual eligible for Enrolment; or

f) a direct descendant of an individual eligible for Enrolment.

E.1.2 An individual will also be eligible to be enrolled as a Dehcho Citizen in the Final Agreement if he or she is a Dehcho Dene who as a result of adoption as a child became a citizen of a country other than Canada.

E.1.3 An individual is not eligible to be enrolled as a Dehcho Citizen while:

a) that individual is enrolled in another Land Claims Agreement, Lands and Resources Agreement or Self Government Agreement, unless he or she opts to be removed from that other agreement; or

b) that individual's name is entered on a non-DFN Band Membership List, unless he or she opts to be removed from the other Band Membership List or withdraws an application for Band Membership; or

c) that individual's name is entered on a Métis Local Membership List other than the Fort Simpson or Fort Providence Métis Local Membership Lists, unless he or she provides notice of intention to be removed from the other Membership List or withdraws an application for membership.

E.1.4 A Dehcho Citizen may not enroll in another Land Claims Agreement, Lands and Resources Agreement or Self Government Agreement or make application to be on a non-DFN Band Membership List or a Métis Local Membership List unless he or she provides notice to withdraw as a beneficiary under the Final Agreement.

E.1.5 Upon applying to be enrolled as a Dehcho Citizen, an individual must notify the Enrolment Committee if he or she is a beneficiary or has applied for enrolment under another Land Claims Agreement, Lands and Resources or Self Government Agreement or if the individual's name is entered on a non-DFN Band Membership List or a Métis Local Membership List.

E.1.6 Within 120 days of the Effective Date or the date of notification of acceptance of enrolment, an individual referred to in E.1.5 who meets the eligibility criteria set out in E.1.1 and E.1.2, as applicable, and whose application for enrolment has been accepted, must provide written evidence to the Enrolment Committee demonstrating:

a) that he or she has ceased to be a beneficiary, or has withdrawn his or her application for Enrolment under another Land Claims Agreement, Lands and Resources Agreement or Self Government Agreement; or
b) has withdrawn his or her application or has been removed from a non-DFN Band Membership List or a Métis Local Membership List, other than the Fort Simpson or Fort Providence Métis Local Membership Lists.

E.1.7 If an individual accepted for enrolment fails to provide the required written evidence under E.1.6, his or her name will be removed from the Dehcho Register.

E.1.8 Until the requirements of E.1.6 have been satisfied, an individual is not entitled to exercise any rights or receive any benefits under the Final Agreement.

E.1.9 The burden of demonstrating eligibility will be on the applicant.

E.1.10 Enrolment will not confer or deny any rights of entry into Canada, Canadian citizenship or the right to be registered under the *Indian Act* or any rights or benefits under the *Indian Act* or, except as set out under the Final Agreement, Federal or Territorial law, impose any obligation on Canada or the GNWT to provide rights or benefits.

E.2.0 ENROLMENT COMMITTEE

E.2.1 The Enrolment Committee will be established no later than 60~~120~~ days following the signing of this Agreement.

E.2.2 The Enrolment Committee will be composed of four individuals appointed by the DFN and two individuals appointed by Canada .

E.2.3 The Enrolment Committee will, as soon as practicable after it is established:

a) take reasonable steps to prepare information respecting eligibility to be enrolled as a Dehcho Citizen, including application forms,

publicize the information, and make the information and forms available to eligible individuals; and

b) set all dates for applications and ~~reconsiderations~~reviews ~~-~~of rejected applications concerning the Preliminary Enrolment List.

E.2.4 The Enrolment Committee will establish its own procedures and time limits in accordance with the principles of natural justice.

E.2.5 As soon as possible following its establishment, but in any event no later than eighteen months ~~sixty (60) days~~ thereafter, the Enrolment Committee will create and publish the Preliminary Enrolment List ~~based on~~, using ~~-~~existing Dehcho Band lists and Metis membership lists as supporting documents.

E.2.6 ~~Following the publication of the Preliminary Enrolment List, the Enrolment Committee will initiate an Initial Enrolment Period of a length specified in accordance with E.2.3(b) X days followings its establishment, the Enrolment Committee will initiate an initial enrolment period of a length specified in accordance with E.2.3(b) (the "Initial Enrolment Period") during which time it will receive applications for the Preliminary Enrolment List and consider them based on the eligibility criteria set out in E.1.0. An individual whose name already appears on the Preliminary Enrolment List as a result of being on an existing Dehcho Band Lists need not apply during the Initial Enrolment Period unlessexcept to have his or her name removed from the listthe Preliminary Enrolment List.~~

E.2.7 If the Enrolment Committee rejects an application, the applicant may request a review of the application by the Enrolment Committee~~will reconsider once a rejected applications at the request of the applicant whose application was rejected~~. An applicant may only submit a rejected application for review~~reconsideration~~ by the Enrolment Committee once and if the application is again rejected, may appeal the decision~~reconsideration~~ rendered by the Enrolment Committee to the Appeal Board as per 2.17~~during the Enrolment Period, as per E.2.17.for enrolment at the request of the applicant whose application was rejected.~~

E.2.8 ~~Before the end of the Initial Enrolment Period, together with applications approved for enrolment, the Enrolment Committee will finalizecreate the Preliminary Enrolment List by adding the names of individuals whose applications were allowed. based on existing Dehcho Band Lists and Dehcho Métis Local Lists.~~

E.2.9 At the end of the Initial Enrolment Period, the Enrolment Committee will cease all activity and will reconvene at such time as agreed to by the Parties.only after the Final Agreement has been initialled by the Parties. At least six months prior to the initialling of the Final Agreement, the Enrolment Committee will publish the Preliminary Enrolment List. For a period of six (6) months after the list is published, the Enrolment Committee may receive and review applications by individuals to be enrolled based on the eligibility criteria set out in E.1.0. An individual whose name already appears on the Preliminary Enrolment List need not apply except to have his or her name removed from the Preliminary Enrolment List.

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E.2.10 At least six months prior to Following the initialling of the Final Agreement, the Enrolment Committee will publish the Preliminary Enrolment List. For a period of six (6) months after the list is published, the Enrolment Committee may receive and reconsider applications by individuals to be enrolled based on the eligibility criteria set out in E.1.0. An individual whose name already appears on the Preliminary Enrolment List need not apply unlessexcept to have his or /her or to have their name removed from the Preliminary Enrolment the Preliminary Enrolment List. At the end of the Preliminary Enrolment Period, including the completion of appeals with respect to Preliminary Enrolment, the Enrolment Committee will cease all activity and will reconvene at such time as agreed to by the Parties.

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E.2.11 At the end of the period established under E.2.9, the Enrolment Committee shall provide the Preliminary Enrolment List to the Ratification Committee, as set out in R.1.5.

E.2.12 Following the initialling Ratification Vote of the Final Agreement, the Enrolment Committee will initiate the Enrolment Period.

E.2.13 The names of individuals on the Preliminary Enrolment List provided to the Ratification Committee will be automatically transferred to the Dehcho Citizenship Register and no individual whose name so appears will be required to make application for enrolment during the Enrolment Period except to have his or her name removed from the Dehcho Citizenship Register.

E.2.14 During the Enrolment Period, the Enrolment Committee will, start with the Preliminary Enrolment tobased on the Preliminary Enrolment List:

a) prepare information respecting eligibility to be enrolled as a Dehcho Citizen and make that information available to eligible individuals,

b) set all dates for applications and review~~reconsiderations~~ of rejected applications concerning the Dehcho Citizenship Register,

c) receive applications from those who have not yet applied for enrolment and consider them based on the eligibility criteria set out in E.1.0;

d) review ~~reconsider~~ once a rejected application for enrolment at the request of the applicant whose application was rejected; and

e) after all reviews~~considerations~~ have been determined, prepare a list of applicants to the Dehcho Citizenship Register who:

i) are eligible for enrolment; and

ii) have applied to be placed on the Dehcho Citizenship Register.

E.2.15 An individual will not appear on the Dehcho Citizenship Register if they are:

a) enrolled under another Land Claims Agreement, Land and Resources Agreement or Self Government Agreement;

b) on a Band Membership List other than a Dehcho Band Membership List; or

c) on a Métis Local Membership List other than the Fort Simpson or Fort Providence Métis Local Membership list.

E.2.16 Where the individual to be enrolled in the Dehcho Citizenship Register is a child or is legally incompetent, the application must be made by that person's parent, guardian or legal representative.

E.2.17 An individual whose application is rejected by the Enrolment Committee following review~~reconsideration~~ may make an appeal in writing to the Appeal Board within a set timeframe to be established by the Parties.

E.2.18 Prior to the Effective Date, the Enrolment Committee will publish the Dehcho Citizenship Register and, as soon as practicable, provide copies of

the Dehcho Citizenship Register to the Dehcho First Nations, GNWT and the Government of Canada.

E.2.19 No action may be commenced against the Enrolment Committee or any member of the Enrolment Committee for anything said or done, or omitted to be said or done in good faith in the performance, or intended performance, of a duty or in the exercise of a power under this Chapter.

E.3.0 REGISTRAR

E.3.1 Before the end of the Enrolment Period, the Dehcho First Nations will designate an individual or group of individuals as the Registrar. The Registrar will be established as soon as practicable after the Effective Date of the Final Agreement.

E.3.2 As soon as possible after the Effective Date, the Registrar will prepare information respecting the Dehcho Citizenship Register and the eligibility criteria required to be enrolled as a Dehcho Citizen and make that information available to individuals eligible to be enrolled as Dehcho Citizens.

E.3.3 The Registrar will establish its own procedures and time limits for applications in accordance with the principles of natural justice.

E.3.4 The Registrar will:

(a) add to the Register the names of each individual eligible to be enrolled as a Dehcho Citizen; and

(b) remove the names of the following individuals from the Dehcho Citizenship Register:

i) an individual who is deceased;

ii) subject to E.1.2, an individual who is not a Canadian citizen or permanent resident of Canada;

iii) an individual enrolled under another Land Claims Agreement, Lands and Resource or Self Government Agreement;

iv) an individual who is entered on a Band Membership List other than a DFN Band Membership List;

v) an individual who is entered on a Métis Local Membership List other than the Fort Simpson or Fort Providence Métis Local Membership List respectively;

vi) an individual enrolled by mistake or on the basis of false or misleading documentation;

vii) an individual who applies to be removed from the Dehcho Citizenship Register; or

viii) in the case of a minor or a person whose affairs are handled by a guardian or legal representative, an individual whose parent, guardian or legal representative applies to have him/her removed from the Dehcho Citizenship Register.

E.3.5 The Registrar will make corrections to the name of an individual on the Dehcho Citizenship Register upon application and where appropriate.

E.3.6 An individual whose application to be added to the Dehcho Citizenship Register is rejected or whose name is removed may, within 60 days of receipt of notice of such decision, appeal in writing to the Registrar. The notice of decision will be in writing, will contain reasons and will inform the individual of the right to appeal.

E.3.7 The Registrar will maintain a record of every person whose application to be added to the Dehcho Citizenship Register is rejected or whose name is removed from the Dehcho Citizenship Register.

E.3.8 The Registrar will provide each Dehcho Citizen with proof of enrolment on the Dehcho Citizenship Register.

E.3.9 The Registrar will publish the Dehcho Citizenship Register at least once a year.

E.3.10 The Registrar will send to the Dehcho Government, GNWT and the Government of Canada, a copy of each annual publication of the Dehcho Citizenship Register as well as notice of any additions to or subtractions from the Dehcho Citizenship Register.

E.3.11 The Registrar will provide to every person reasonable access to examine the Dehcho Citizenship Register and upon request provide a copy or excerpt. A fee for copies that are requested may be imposed.

E.3.12 No action may be commenced against the Registrar or any member of the Registrar for anything said or done, or omitted to be said or done in good faith in the performance, or intended performance, of a duty or in the exercise of a power under this Chapter.

E.4.0 APPEAL BOARD

E.4.1 Any final decision of the Enrolment Committee may be appealed to an Appeal Board to be established by the Parties no later than six months following the establishment of the Enrolment Committee.~~at least 90 days prior to publication of the Preliminary Voters List.~~

E.4.2 The Appeal Board will be composed of three individuals, one appointed by the DFN, one appointed by the Government of Canada and one jointly appointed by the DFN and the Government of Canada.

E.4.3 The Appeal Board will:

a) establish its own procedures applying the principles of natural justice; and

b) set time limits for appeals.

E.4.4 An individual may apply to the Supreme Court of the NWT for judicial review of decisions of the Appeal Board.

E.4.5 No action may be commenced against the Appeal Board, or any member of the Appeal Board, for anything said or done or omitted to be said or done in good faith in the performance, or intended performance, of a duty or in the exercise of a power under this chapter.

E.5.0 ENROLMENT RESPONSIBILITIES AFTER THE ENROLMENT PERIOD

E.5.1 The Enrolment Committee and the Appeal Board will be dissolved when they have rendered decisions in respect of those applications or appeals commenced before the end of the Enrolment Period and will provide those results to the Dehcho Registrar after the Ratification Vote.

E.5.2 After the Enrolment Period, the Dehcho Government will be responsible for Enrolment procedures, including appeal procedures, and will maintain an enrolment register and ensure that the Registrar provides a copy of the Dehcho Citizenship Register ~~and all related records to the Government of Canada and the GNWT~~ annually or at another time agreed by the Parties.

E.5.3 On dissolution, the Enrolment Committee and Appeal Board will provide their records to the Registrar ~~Dehcho Government and to the Government of Canada and the GNWT~~ upon request.

E.6.0 COSTS

E.6.1 The Government of Canada will pay the reasonable and necessary costs in relation to activities associated with Enrolment and appeals, in accordance with an approved budget, and the Dehcho Government will be responsible for ongoing Enrolment costs thereafter, including the costs of its appeal process.