

CHAPTER E: ELIGIBILITY & ENROLMENT

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E.1.0 ELIGIBILITY CRITERIA

- E.1.1** An individual will be eligible to be enrolled as a Dehcho Dene Citizen¹ in the Final Agreement if he or she is a Canadian Citizen, or permanent resident of Canada who is:
- a) a descendant of the Dene or the Métis who used and occupied the DFN Asserted Territory shown on the map attached as Appendix "A", on or before December 31, 1922; or
 - b) 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 or as a Full Members of the Fort Simpson or Fort Providence Métis Local, on the Effective Date; or
 - c) ordinarily resident in the Dehcho Dene Settlement Area, who is accepted as an Dehcho Dene Citizen pursuant to the Community Acceptance process set out in the Dehcho Dene Constitution; or
 - d) adopted as a child under laws recognized in Canada or by Dehcho Dene custom by an individual eligible for Enrolment; or
 - e) a direct descendant of an individual eligible for Enrolment.

¹ The Dehcho First Nations distinguish between "Dehcho Dene" and "Dehcho Dene Citizen" as follows: "Dehcho Dene" speaks to individuals holding aboriginal or treaty rights under Treaties 11 or 8. Dehcho Dene Citizen would be those individuals eligible for Enrolment

- E.1.2** An individual will be also be eligible to be enrolled as a Dehcho Dene Citizen in the Final Agreement if he or she is Dehcho Dene individual who as a result of adoption as child became a citizen of a country other than Canada.
- E.1.3** An individual is not eligible to be enrolled as a Dehcho Dene Citizen while:
- a) that individual is enrolled in another Land Claims Agreement, resource or self government agreement unless he or she provides notice of intention to be removed from that other agreement; or
 - b) that individual's name is entered on another Band Membership List;, unless he or she provides notice of intention 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 respectively, unless he or she provides notice of intention s to be removed from the other Membership List or withdraws an application for membership.
- E.1.4** A Dehcho Dene Citizen may not enroll in another Land Claims Agreement, resource or self government agreement or make application to be on a 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 Dene 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, resource or self government agreement or if the individual's name is entered on another 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.1.4 who meets the eligibility criteria set out in E.1.1 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, resource or self government agreement, or
- b) has withdrawn his or her application or has been removed from another Band Membership List or another Métis Local Membership List.

E.1.7 If an individual accepted for Enrolment under E.1.5 fails to provide the required written evidence, his or her name will be removed from the Dehcho Dene Register.

E.1.8 Until the requirements of E.1.5 have been satisfied, an individual is not entitled to exercise any rights or receive any benefits under the Final Agreement.

E.1.9 Applications for Enrolment will be made to an Enrolment Committee to be established by the Parties at such time as agreed to by the Parties.

E.1.10 The burden of demonstrating eligibility will be on the applicant.

E.2.0 ENROLMENT COMMITTEE AND REGISTRAR

E.2.1 The Enrolment Committee will be composed of two individuals appointed by the DFN and one individual appointed by Indian Affairs and Northern Development at such time as agreed upon by the Parties.

E.2.2 Before the end of the Initial Enrolment Period, the DFN will designate an individual or group of individuals as the Registrar. Once the Registrar has been designated, the Enrolment Committee is dissolved.

- E.2.3** The Enrolment Committee will perform the functions of the Registrar from the Effective Date until it is dissolved. If an appeal under E.3.3 is pending, the Enrolment Committee will finalize its decision on the appeal as if it had not been dissolved.
- E.2.4** The Enrolment Committee and the Registrar will establish its own procedures and time limits for applications in accordance with the principles of natural justice.
- E.2.5** No action lies or may be commenced against the Enrolment Committee or any member of the Enrolment Committee, or 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.3.0 PREPARATION AND PUBLICATION OF THE DEHCHO DENE REGISTER

- E.3.1** The Enrolment Committee will:
- a) as soon as practicable after the ratification vote:
 - i) prepare information respecting eligibility to be enrolled as a Dehcho Dene Citizen and make that information available to eligible individuals;
 - ii) set all dates for applications and appeals concerning the Dehcho Dene Register;
 - iii) receive applications for the Dehcho Dene Register and consider them based on the eligibility criteria;
 - b) after all appeals have been determined, prepare a list of applicants to the Dehcho Dene Register who:
 - i) are eligible for Enrolment; and

- ii) have applied to be placed on the Dehcho Dene Register;
and
- iii) are not enrolled under another Land Claims Agreement, resource or self-government agreement or are not entered on:
 - a) a Band Membership List other than a DFN Band Membership List; or
 - b) a Métis Local Membership List other than the Fort Simpson or Fort Providence Métis Local Membership List respectively.
- c) by the Effective Date, publish the list of applicants as the Dehcho Dene Register and, as soon as practicable, provide copies of the Dehcho Dene Register to the Dehcho Dene Government, GNWT and Government of Canada.

E.3.2 Where the individual to be enrolled in the Dehcho Dene Register is a child or is legally incompetent, the application must be made by that person's parent, guardian or legal representative.

E.3.3 An individual whose application is rejected may make an appeal in writing to the Enrolment Committee within the set timeframe;

E.3.4 A written decision on an appeal determined by the Enrolment Committee will be provided to the appellant prior to the publication of the Dehcho Dene Register.

E.4 .0 MAINTENANCE OF THE DEHCHO DENE REGISTER AFTER EFFECTIVE DATE

E.4.1 As soon as possible after the Effective Date, the Registrar will prepare information respecting the Dehcho Dene Register and the eligibility criteria required to be enrolled as a Dehcho Dene Citizen and make that

information available to individuals eligible to be enrolled as Dehcho Dene Citizens.

E.4.2 The Registrar will:

- (a) add to the Register the names of each individual eligible to be enrolled as a Dehcho Dene Citizen; and**
- (b) remove the names of the following individuals from the Dehcho Dene Register:**
 - i) an individual who is deceased;**
 - ii) an individual who is not a Canadian citizen or permanent resident of Canada;**
 - iii) an individual enrolled under another Land Claims Agreement, 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; or**
 - vii) an individual or the parent, guardian or legal representative of the individual, who applies to be removed from the Dehcho Dene Register.**

E.4.3 The Registrar will make corrections to the name of an individual on the Dehcho Dene Register upon application and where appropriate.

E.4.4 An individual whose application to be added to the Dehcho Dene Register is refused or whose name is removed may, within 60 days of receipt of

notice of such decision, appeal in writing to the Registrar. The notice will be in writing and provide reasons and will inform the individual of the right to appeal.

- E.4.5 The Registrar will maintain a record of every person whose application to be added to the Dehcho Dene Register is refused or whose name is removed from the Dehcho Dene Register.
- E.4.6 The Registrar will provide each Dehcho Dene Citizen with proof of enrolment on the Dehcho Dene Register.
- E.4.7 The Registrar will publish the Dehcho Dene Register at least once a year.
- E.4.8 The Registrar will send to the Dehcho Dene Government, GNWT and the Government of Canada, a copy of each annual publication of the Dehcho Dene Register as well as notice of any additions to or subtractions from the Dehcho Dene Register.
- E.4.9 The Registrar will provide to every person reasonable access to examine the Dehcho Dene Register and upon request provide a copy or excerpt. A fee for copies that are requested may be imposed.

E.5.0 ENROLMENT APPEAL BOARD

- E.5.1 Appeals from final decisions of the Enrolment Committee will be made to an Enrolment Appeal Board to be established by the Parties before the Effective Date of the Final Agreement.
- E.5.2 The Enrolment 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.5.3 The Enrolment Appeal Board will:
 - a) establish its own procedures applying the principles of natural justice; and

b) set time limits for appeals.

E.5.4 An individual may apply to the Supreme Court of the NWT for judicial review of decisions of the Enrolment Appeal Board.

E.5.5 No action lies or may be commenced against the Enrolment Appeal Board, or any member of the Enrolment 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.6.0 ENROLMENT RESPONSIBILITIES AFTER THE INITIAL ENROLMENT PERIOD

E.6.1 The Enrolment Committee and the Enrolment Appeal Board will be dissolved when they have rendered decisions in respect of those applications or appeals commenced before the end of the Initial Enrolment Period.

E.6.2 After the Initial Enrolment Period, the Dehcho Dene Government will be responsible for Enrolment procedures, including appeal procedures and will maintain an Enrolment register and provide a copy of the Dehcho Dene Register and all related records to the Government of Canada and the GNWT annually or at another time agreed by the Parties.

E.6.3 On dissolution, the Enrolment Committee and Enrolment Appeal Board will provide their records to the Dehcho Dene Government and to the Government of Canada and the GNWT upon request.

E.7.0 COSTS

E.7.1 The Government of Canada will pay the reasonable and necessary costs of Enrolment for the Initial Enrolment Period, and appeals commenced during this period, in accordance with an approved budget, and the Dehcho Dene Government will be responsible for ongoing Enrolment costs thereafter, including the costs of its Enrolment appeal process.

