

**TSUU T'INA
CITIZENSHIP CODE
FIRST
AMENDMENT
MAY 24, 2011**

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Tsuu T'ina Citizenship Code First Amendment

Recital:

Under guidance of the Almighty God our Creator, we, the people of the Tsuu T'ina, in order to preserve our lands, our sovereign, aboriginal and treaty rights, and to ensure the continuation of the Tsuu T'ina, and in keeping with our commitment to preserve our language, culture and tradition in continued relationship with First Nations of Canada, do ordain and establish this Citizenship Code.

We intend that the collective rights of Tsuu T'ina supersede individual rights.

The Tsuu T'ina enact as follows:

SECTION 1-Definitions

- (a) "Band List" means a list maintained by Indian Affairs and Northern Development, which lists the name of every person who was a member of the Sarcee Nation;
- (b) "Citizen" means a member of the Tsuu T'ina as described by this Code;
- (c) "Citizenship Code" or "Code" means membership rules;
- (d) "Citizenship Tribunal" means a group of Tsuu T'ina Citizens appointed by the Tsuu T'ina Government;
- (e) "Electors", after enactment of this Code, means those people eighteen (18) years old and over on the Tsuu T'ina List who are not disqualified from voting at Tsuu T'ina elections;

- (f) “Evaluation Board” means a group of Tsuu T’ina Citizens appointed by the Tsuu T’ina Government;
- (g) “First Nation” means a body of Indians:
 - (i) for whose use and benefit in common lands, the legal title in which is vested in her majesty, have been set apart;
 - (ii) for whose use and benefit in common moneys are held in trust by her Majesty;
 - (iii) declared by the Governor in Council to be a First Nation (Band); or
 - (iv) recognized as an Indian Tribe in the United States of America.
- (h) “Indian” means a person who is a recognized member or is eligible to be a recognized member of a First Nation;
- (i) “Tsuu T’ina” means the sovereign nation previously referred to as The Sarcee Nation;
- (j) “Tsuu T’ina Citizen” means a member of the Tsuu T’ina who is or who becomes a Citizen under this Code;
- (k) “Tsuu T’ina Government” means the Tsuu T’ina Chief and Council;
- (l) “Tsuu T’ina List” means the List of Tsuu T’ina Citizens kept according to this Code;
- (m) “Tsuu T’ina Registrar” means the person appointed by the Tsuu T’ina Government to administer and maintain the Tsuu T’ina List;
- (n) “Initial Band Member” means a person who was registered a Tsuu T’ina Citizen at birth.

SECTION 2–Blood Quantum

For the purposes of this Citizenship Code, the Tsuu T'ina blood quantum will be determined as follows:

- (a) All persons who become Citizens in accordance with Section 3 on enactment of this Code shall be deemed full blood Tsuu T'ina;
- (b) After adoption of this Code:
 - (i) The blood quantum held shall be determined by adding together the blood quantum of the child's natural parents and dividing by two.
 - (ii) The Indian wife of a man, where that man is on the Tsuu T'ina List, shall be granted full Tsuu T'ina blood quantum.
 - (iii) A child, at birth, of a Tsuu T'ina Citizen parent and an Indian parent shall be deemed to have one hundred (100%) percent Tsuu T'ina blood quantum.
- (c) After enactment of the Tsuu T'ina Citizenship Code First Amendment, any Initial Band Member who has a Tsuu T'ina Citizen Parent and another Indian Parent shall be automatically upgraded to one hundred (100%) percent Tsuu T'ina blood quantum.

SECTION 3–Tsuu T'ina Citizenship on Enactment of the Code

On enactment of this Code, the following persons shall be Citizens:

- (a) All those persons who were on the Band List on April 16, 1985 and;
- (b) All those persons who have been approved prior to or on the date of commencement of this Code.

SECTION 4–Tsuu T’ina Citizenship After Enactment of the Code

Citizenship after the enactment of this Code shall be gained as follows:

(a) Automatic

Citizenship shall be granted by the Evaluation Board to:

- (i) a child who is born after enactment of this Code of two (2) Citizens; or
- (ii) the Indian wife of a Citizen who renounces her citizenship with her First Nation.

(b) Eligible Citizens

- (i) a person of twenty-five (25%) percent or more Tsuu T’ina Blood Quantum shall be eligible to apply to be admitted to Citizenship.
- (ii) a legal spouse of a Tsuu T’ina Citizen who has half Indian Blood Quantum or more as defined by this Code shall be eligible to apply to be admitted to Citizenship.
- (iii) The onus of establishing proof of blood quantum shall always be on the applicant.

SECTION 5–Application for Citizenship

- (a) A Tsuu T’ina Citizen may apply on behalf of a child who has one Tsuu T’ina parent, or on behalf of a child who has been adopted by a Tsuu T’ina Citizen. A person Eighteen (18) years or older may apply on their own behalf.
- (b) All applications for Citizenship shall be made to the Tsuu T’ina Registrar who shall refer them to the Citizenship Evaluation Board.

- (c) To be admitted to Citizenship under this provision, a person Eighteen (18) years or older, must, to the satisfaction of the Citizenship Evaluation Board:
 - (i) Demonstrate a basic understanding of the Tsuu T'ina Language;
 - (ii) Be knowledgeable of Tsuu T'ina history and customs and traditions;
 - (iii) Be of good character;
 - (iii) Establish that the approval of membership shall not be harmful to the interests of Tsuu T'ina.

Attornment

- (d) A person applying for Citizenship attorns to the jurisdiction of this Citizenship Code and of the Tsuu T'ina Electors whose decision shall be final and binding.

Initial Band Members

- (e) All persons over the age of Eighteen (18) years that were Initial Band Members shall be automatically transferred to the Tsuu T'ina List.

SECTION 6–Acceptance, Rejection and Appeal

- (a) If the Citizenship Evaluation Board by majority accepts the application on behalf of a child of One (1) Tsuu T'ina parent for citizenship then that child, subject to the provisions for Protest, shall be granted Tsuu T'ina Citizenship and added to the Tsuu T'ina List.
- (b) If the Citizenship Evaluation Board by majority accepts the application of a person other than a person mentioned in Section 6(a) hereof, then the Citizenship Evaluation Board shall submit the application to the Tsuu T'ina Electors and, so long as at least Fifty (50%) percent of the Electors vote on the application, a person shall be granted

Citizenship if the majority of the votes approve the application for Citizenship.

- (c) A Rejection of application for Citizenship by the Citizenship Evaluation Board may be appealed to the Citizenship Tribunal. If the Citizenship Tribunal by majority accepts the application for Citizenship, then the matter shall be submitted to the Tsuu T'ina Electors as provided in Section 6(b) hereof.
- (d) Should the Citizenship Tribunal in turn reject an application for Tsuu T'ina Citizenship, the applicant may appeal to the Tsuu T'ina Electors and if they approve the grant of Tsuu T'ina Citizenship and, so long as at least Fifty (50%) percent of the Tsuu T'ina Electors vote on the application, a person shall be granted Citizenship if the majority of the votes approve the application for Citizenship. The appeal shall be filed with the Tsuu T'ina Government who shall set a date for the vote.
- (e) A person denied Citizenship by the Citizenship Tribunal or the electorate may not apply for Three (3) years.

SECTION 7-Protests

- (a) Any elector may protest within Two (2) years of, but not thereafter, the enrollment as a Citizen of the Tsuu T'ina of any person who became a Citizen by virtue of Section 4(a) or 6(a).
- (b) In instances of protest, the matter shall be submitted to the electorate. As long as at least Fifty (50%) percent of the Electors vote on the matter, the person shall remain on the Citizenship List if the majority of the voters approve that person remaining on the Citizenship List. In the event that less than a majority of the voters approve that person remaining on the Citizenship List, then the person protested shall be removed from the Citizenship List.

SECTION 8–Other Loss of Citizenship

Otherwise than previously provided, Citizenship shall be lost:

- (a) By renunciation by the Citizen, or;
- (b) Upon acceptance by a Citizen of Citizenship or membership in another First Nation or upon the failure of a Citizen to renounce Citizenship in another First Nation, or;

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- (c) Where a Tsuu T'ina Citizen marries a non-Indian person, the Tsuu T'ina Citizen shall not lose his/her Tsuu T'ina Citizenship, but the spouse may never be eligible to apply;
- (d) Where upon being divorced, separated, or widowed, a person who was not a Tsuu T'ina Citizens before marriage shall be deleted from the Tsuu T'ina List upon having a child whose other parent is not a Tsuu T'ina Citizen. However if any children were born before divorce, separation or widowhood those children will remain on the Tsuu T'ina List.

SECTION 9–Citizenship Evaluation Board

- (a) An Eight (8) person Evaluation Board, consisting of Four (4) male Citizens and Four (4) female Citizens, shall be appointed on application and interviewed by the Tsuu T'ina Government;
- (b) The term of office shall be Five (5) years;
- (c) Any members of the Board may be removed by the Tsuu T'ina Government upon receiving a petition from 10% of the eligible electors and a majority vote of 50% plus one of the Tsuu T'ina Government;
- (d) Members of the Evaluation Board shall not vote by proxy.

SECTION 10–Citizenship Tribunal Board

- (a) A Sixteen (16) person Citizenship Tribunal, consisting of Eight (8) male Citizens and Eight (8) female Citizens, shall be appointed on application and interviewed by the Tsuu T'ina Government;
- (b) The term of office shall be Five (5) years;
- (c) Any members of the Citizenship Tribunal may be removed by the Tsuu T'ina Government upon receiving a petition from Ten (10%) percent of the eligible Electors and a majority vote of Fifty (50%) percent plus one of the Tsuu T'ina Government;
- (d) Members of the Citizenship Tribunal shall not vote by proxy.

SECTION 11–Amendment

Any amendments of this Code must be approved either by a petition with the majority of eligible Electors approving the amendments or by a vote with a majority of eligible Electors approving the amendments.

SECTION 12–Judicial Consideration

If there is any request for judicial consideration of whether the procedures establish by this Code have been followed, the same shall be made to the Federal Court of Canada.

SECTION 13–Validity

Should any provision hereof be held invalid, or unenforceable, then the other provisions hereof shall continue in full force and effect.

SECTION 14-Regulations

The Tsuu T'ina Government may propose regulations to give effect to this Code, and the same shall become effective when passed at a meeting of the Tsuu T'ina Electors called with one month's notice.

SECTION 15-Tsuu T'ina List

The Tsuu T'ina Registrar shall maintain the Tsuu T'ina List in accordance with the Code.

SECTION 16-Underlined Titles

The underlined titles included in this Code have been provided for ease of reference only and do not form a part of this Code.

SECTION 17-Citizenship Benefits

Any citizenship benefits shall commence as of the date of a citizen's admission to citizenship and shall terminate on that person ceasing to be a citizen or during suspension.

SECTION 18-Commencement

This Citizenship Code shall come into force and be deemed enacted upon a majority of the Tsuu T'ina Electors enacting this Code by vote or petition of Fifty (50%) percent plus one of the eligible electors.