



Residency Code of the Wahnapitae First Nation

Adopted by **Band Membership Motion: # GMM/04/04**
At the duly convened **Membership Meeting of: June 5th, 2004**

WHEREAS, the Wahnapitae First Nation is a self-governing First Nation Band with the aboriginal and treaty right to define citizenship; and

WHEREAS, the right of Wahnapitae First Nation to define who can reside on reserve lands has been recognized.

NOW THEREFORE the following are established as the residency rules of the Wahnapitae First Nation:

Enacted by the Wahnapitae First Nation Membership;

This Residency Code of the Wahnapitae First Nation is hereby adopted and enacted on the 5th day of June, 2004, at a duly convened Membership meeting. This document is adopted under Band Membership Motion No. GMM/04/04.

1.0 TITLE

1.1 This code of Residency Rules may be cited as the Residency Code of the Wahnapitae First Nation.

2.0 DEFINITIONS

Applicant: means a person who has submitted an application for permission to be a resident of the reserve.

Band: means the Wahnapitae First Nation Band.

Child: means a person under the age of 18 years of age or a person older than 18 years of age unable by reason of illness or disability to withdraw from care and control of his or her parent or other person standing in guardianship status and recognized as a child of a member, by the Wahnapitae First Nation.

Council: means the Band Council as defined by the Wahnapitae First Nation Band Custom Election Code.

Dwelling: means any house, apartment, mobile home, or a room located therein, or any similar lodging suitable for habitation.

Member: means a person whose name appears on the registered Band List pursuant to the Indian Act or the Membership of the Band.



Permanent Resident: means a person who is entitled to reside on the reserve, as provided by section 3 of this Residency Code.

Reserve: means the Wahnapitae First Nation Indian Reserve #11.

Reside: means to live in dwelling, other than as a visitor to the reserve.

Temporary Resident: means a person who resides on the reserve for a period of three (3) months or more to a maximum of one year.

Spouse: means a person who is married to, or who co-habits in a common law relationship of some permanence and commitment, with a member of the Wahnapitae First Nation Band.

Visitor: means a person who stays on the reserve for a period of less than three (3) months.

3.0 CRITERIA FOR RESIDENCY

3.1 Criteria for Permanent Residency:

- a) All members of the Wahnapitae First Nation can reside on the Wahnapitae First Nation.
- b) The spouse of a member of Wahnapitae First Nation and their children must apply to reside on the Wahnapitae First Nation.
- c) The children or adult children of a member of Wahnapitae First Nation can apply to reside on Wahnapitae First Nation.
- d) Others who have specific reason, such as employment or care giving to provide within the Wahnapitae First Nation can apply to reside on Wahnapitae First Nation.

3.2 Criteria for Temporary Residency:

- a) All members of the Wahnapitae First Nation can reside on the Wahnapitae First Nation.
- b) The spouse of a member of Wahnapitae First Nation and their children can apply to reside on the Wahnapitae First Nation.
- c) The children or adult children of a member of Wahnapitae First Nation can apply to reside on Wahnapitae First Nation.
- d) Others who have specific reason, such as employment or care giving to provide within the Wahnapitae First Nation can apply to reside on Wahnapitae First Nation.
- e) All persons who stay on the reserve longer than a three month period

4.0 APPLICATION FOR RESIDENCY

4.1 A separate application must be filled out by the individual or their guardian, wishing to apply for residency.

An application will include the following:



- Reasons for applying
- Duration of residency
- Location of residence
- CPIC report for applicants over 18 years of age
- 2 letters of reference to support a character check

4.2 Within ninety days of receiving an application, Council must approve the application or provide written notification to the individual stating why the application has not been approved. In reviewing applications for residency, council must consider the following:

- Has the applicant arranged for a place to reside?
- Is the applicant prepared to contribute to the advancement of the community?
- Is the applicant employed or will he/she be employed or serve within the community?
- Duration of Residency
- The reasons for applying

5.0 REASONS FOR DENYING AN APPLICATION FOR RESIDENCE

5.1 As the governing body of Wahnapitae First Nation, Council can deny the application if:

- a) insufficient information is received in order to determine the eligibility of an individual according to section 3 and 4 above; or,
- b) the applicant does not meet the criteria for residency set out in section 3 above;

6.0 APPEALS

6.1 Members of the Wahnapitae First Nation and/or applicants can appeal a decision of Council within ten days of the decision; a formal letter of appeal listing the reasons for appeal must be submitted to the First Nation Registrar.

6.2 The appeal will be addressed after sufficient notification has been sent out to the membership, at the next duly convened membership meeting or within ninety days of receiving the appeal.

6.3 The person appealing a decision may address the membership at the meeting where the appeal is being considered.

6.4 The decision on the appeal will be made available to the person appealing the decision within 30 days.

6.5 Any person in attendance at the meeting may address the appeal.

6.6 The Membership's decision on the appeal is final.

7.0 REGISTRATION OF RESIDENTS

7.1 The Wahnapitae First Nation will make available the Residency Code and the decisions of Council on applicants to the First Nation membership.



- 7.2 The Wahnapiitae First Nation Registrar will keep a current, up to date list of residents including their names and the location of their residence. This list will not be generally available.
- 7.3 The Wahnapiitae First Nation Registrar will accept appeals, which will be recorded for membership information.
- 8.0 ENFORCEMENT**
- 8.1 The Council will ensure that this Residency Code becomes a by-law of Wahnapiitae First Nation.
- 8.2 An officer under the authority of Council will provide a written order to an individual who is not a resident to move from the Reserve with sixty days' notice. If a person does not abide by the written order they will be physically removed from the reserve.
- 8.3 All non-members currently residing on reserve must apply for residency within thirty days of enactment of this code. All members currently residing on-reserve are deemed residents.
- 9.0 REVOCATION OF RESIDENCY ENTITLEMENT**
- 9.1 Any member (or a petition containing more than ten members signatures) of Wahnapiitae First Nation can appeal, in writing, to Council to revoke the residency entitlement of an individual. The appeal must include reasons for the appeal.
- 9.2 This appeal is legitimate only if the individual's continued residency would be detrimental to the welfare of the community.
- 9.3 Council will hear information from all residents interested in the appeal and make decision based on the welfare of the community as a whole entity.
- 10.0 AMENDMENTS**
- 10.1 Any proposed changes to this Code must be presented to the Band Council, which shall mail the proposed changes to all registered Band Members; and give them at least one month to consider the proposed changes. Any registered Band Members who wants to challenge those changes must do so in writing, to the Band Council within the one-month period. If a challenge is received, then to take effect, at the next duly convened meeting of the Membership a vote must take place in accordance with this Residency Code where 60% of those who are present agree to the proposed changes.
- 10.2 A minimum of seven percent of the total membership (7% of 300 people = 21 people) of voting age (over 18 years old), are required at any meeting under the provisions of this code.

Consented to by a majority of the electors of the Wahnapiitae First Nation this 5th day of June 2004.