

**Xaayda ‘Waadluxan k’wii
Haida All Universe
(Haida Citizenship Act)**

PART 1 – PURPOSE AND INTERPRETATION

1 Purpose

The purpose of this Act is to establish a process for the Council of the Haida Nation to create and maintain a register of Haida Citizens, and to provide a fair, inclusive and transparent process for individuals to register as Haida Citizens. The register of Citizens defines the citizenship of the Haida Nation.

2 Interpretation

In this Act:

“**Citizenship**” means recognition under this Act as a registered Haida citizen;

“**Citizenship Coordinator**” means a Secretariat of the Haida Nation staff person directed by the Secretariat to carry out duties related to administering this Citizenship Act;

“**Citizenship Register**” means the official register of Haida citizens established under Part 3;

“**Clan**” means a hereditary clan of the Haida Nation;

“**Clan tree**” means a depiction of the relationships between past and current members of a clan, similar to a genealogical tree;

“**Clan spokesperson**” means a person designated by the members of a clan without a potlatched Kilslaay to represent the clan until a Kilslaay is potlatched;

“**Haida citizen**” means any Haida person, as defined by the Constitution of the Haida Nation;

“**K’waalas kayd gud gii kaasdll**” means the collection of all the clan trees of the Haida Nation. The K’waalas kayd gud gii kaasdll lists the clans and clan members of the Haida Nation as defined in the Constitution of the Haida Nation, and is the basis for confirming Haida Citizenship;

“**Kilslaay**” means a potlatched leader of a Clan, a title which is inherited matrilineally or bestowed based on Clan processes;

“**K’uljaad Gaa.nga Citizenship Table**” means the collective matriarchs of the Haida Nation, which loosely translates to “boss women all of us;” who gather to carry out duties specified in this Act.

“**K’uljaad**” means boss woman, and translates loosely to a woman who is designated by a clan’s Kilslaay (or clan members for clans without a potlatched Kilslaay) as their Matriarch;

“**Legal authority**” means authority to submit or revise applications on behalf of another person.

PART 2 – ELIGIBILITY

3 Eligibility to Register

- 3.1 All Haida citizens are eligible to register under this Act.
- 3.2 Haida citizens are defined in the Constitution of the Haida Nation and are listed on the K’waalas kayd gud gii kaasdll.
- 3.3 Haida citizens who also belong to another nation may keep their citizenship to that nation without affecting their Haida citizenship, or eligibility to register for Haida citizenship.

4 K’waalas kayd gud gii kaasdll

- 4.1 A Haida citizen must be listed as a Haida citizen on the K’waalas kayd gud gii kaasdll in order to be registered in the Citizenship Register.
- 4.2 The Council of the Haida Nation is the custodian of the K’waalas kayd gud gii kaasdll on behalf of the clans of the Haida Nation.

PART 3 – REGISTRATION AND UPDATES

5 Citizenship Register

- 5.1 The Council of the Haida Nation will keep an official register of Haida citizens whose citizenship has been confirmed through the process described in Part 3.

6 Applying for Registration

- 6.1 Individuals may apply for registration by completing a Form A – Haida Citizenship Registration Application Form, and submitting the appropriate supporting documents as listed in Section 7.
 - (a) Parents or legal guardians of children under the age of 16 may submit an application for registration on behalf of their children.
 - (b) An individual may submit an application for registration on behalf of another individual whose affairs they have legal authority to manage. Legal authority can be granted through the law of another government, or with a signed Form B – Letter of Affirmation.

7 Supporting Documentation

- 7.1 A Haida Citizenship Registration Application Form must include the following supporting documents:
- (a) Verification of identity and verification of Haida citizenship by submitting either a Form B – Letter of Affirmation, or photo identification issued by another government; and
 - (b) An identification photo meeting the requirements listed in Schedule A – Photograph Requirements.
- 7.2 If an applicant submits a Form B – Letter of Affirmation, it must be signed by:
- (a) the applicant’s Kilslaay (or designated spokesperson for clans without a potlatched kilslaay);
 - (b) a K’uljaad of applicant’s Clan; and
 - (c) one other member of the applicant’s Clan.

8 Review and Decisions

- 8.1 An individual may be eligible to be registered as a Haida citizen under this Act if the individual meets the eligibility requirements in Sections 3 and 4, and has submitted a complete Haida Citizenship Registration Application Form, as listed in Sections 6 and 7. Applications to register are subject to the review and decision processes described in section 8.
- 8.2 An application will be deemed complete if:
- (a) the applicant is a Haida citizen as defined in the Constitution of the Haida Nation;
 - (b) the applicant meets the eligibility requirements listed in Sections 3 and 4; and
 - (c) the application is complete, including all required supporting documents under Sections 6 and 7.
- 8.3 The Citizenship Coordinator will review each submitted Application Form and
- a) may approve it if it is deemed to be complete in accordance with section 8.2, and it meets the eligibility requirements specified in this Act;
 - b) deny it, if it does not meet the eligibility requirements and the requirements under section 8.2;
 - c) return it as incomplete with an explanation if it does not contain all the requirements under 8.2, and will send a notification of this decision to the K’uljaad Gaa.nga Citizenship Table;
 - d) refer it to the K’uljaad Gaa.nga Citizenship Table for a decision if the eligibility or lineage is not clearly apparent; or
 - e) refer it to the K’uljaad Gaa.nga Citizenship Table for a decision if there are special considerations in accordance with Section 13.

- 8.4 No application shall be denied if it meets all of the requirements under Section 8.2. This does not remove the right to invoke the deregistration process under Section 11 if necessary.
- 8.5 If an application remains incomplete after 6 months of the written notification of outstanding requirements, the application expires and a Form D – Notice of Decision will be sent to the applicant. If the applicant would like to re-apply, the applicant must submit a new, complete application.
- 8.6 The Citizenship Coordinator will register Haida citizens within 10 working days of receiving a complete Application Form, unless notice is given to the applicant at the time of receiving an application.
- 8.7 A Haida citizen's registration comes into effect the day the individual's name is entered into the Citizenship Register.
- 8.8 Any applications that contain circumstances or considerations not specified in this Act must be referred to the next meeting of the K'uljaad Gaa.nga Citizenship Table for a decision in accordance with Section 13.
- 8.9 The Citizenship Coordinator will notify each applicant of the results of their application as soon as practical by providing to the applicant:
- (a) a record of the decision using Form D – Notice of Decision; and
 - (b) a rationale and/or a list of outstanding requirements, and information on the relevant sections of this Act if the application is denied, deemed incomplete, or referred to the K'uljaad Gaa.nga Citizenship Table.
- 8.10 The Citizenship Coordinator will provide a report summarizing all decisions, including registrations, denied applications, and referrals to the K'uljaad Gaa.nga Citizenship Table by the 15th day of the following month.

9 Citizenship Documents

- 9.1 The Citizenship Coordinator will issue a Citizenship Certificate and a Citizenship Card to the citizen within 10 working days of entering a Haida Citizen into the Citizenship Register.
- 9.2 The Haida Citizenship Certificate will be the official designation of Haida citizenship under this Act. The Citizenship Certificate never expires.
- 9.3 The Haida Citizenship Card will be the official photo identification document of the Haida Nation. This card expires five years from the anniversary of the birth of the applicant nearest to the date the card was issued.
- 9.4 Citizens may renew their Citizenship Card by submitting a completed Schedule E – Citizenship Card Renewal Form, including a new identification photo as described in Section 7.3.

10 Appeals Process

- 10.1 An applicant has a right to appeal a decision issued in a Form D – Notice of Decision by submitting a Form E – Appeal Request along with a complete application to the Citizenship Coordinator. Appeals are reviewed by the K'uljaad Gaa.nga Citizenship Table. There is no charge to submit an appeal.
- 10.2 Appeals may be submitted:
- (a) By an individual on their own behalf;
 - (b) By a parent or legal guardian on behalf of a child aged 16 or under; or
 - (c) By an individual who has the legal authority to manage the affairs of another person on behalf of that person.
- 10.3 When an appeal request is received, the Citizenship Coordinator will refer it to the K'uljaad Gaa.nga Citizenship Table along with:
- (a) all attached supporting documents;
 - (b) all previous decisions on past submissions; and
 - (c) a summary of the additional or updated evidence in support of the re-submitted application.
- 10.4 The K'uljaad Gaa.nga Citizenship Table will review the appeal request and supporting documents and make a decision within 30 days of receiving the request, unless notice is given to the appellant.
- 10.5 The K'uljaad Gaa.nga Citizenship Table will follow the rules and procedures outlined within this Act.
- 10.6 There is no time limit to submit an appeal request and no limit on the number of appeals that may be submitted. However, applications must contain new or updated information in order to be reconsidered, or the applicant must show that the Citizenship Coordinator or K'uljaad Gaa.nga was not fair in their deliberation of a person's application (or appeal).
- 10.7 Decisions on appeals must be made by a consensus of the K'uljaad Gaa.nga Citizenship Table.
- 10.8 The K'uljaad Gaa.nga Citizenship Table will follow the rules and procedures outlined in this Act in their consideration of appeals.

11 Deregistration

- 11.1 A registered Haida Citizen may request to be removed from the Citizenship Register on their own behalf by submitting a written request to the Citizenship Coordinator along with a signed Form B – Letter of Affirmation.
- (a) A parent of a child under the age of 16 may submit a written request to deregister along with a Form B – Letter of Affirmation on behalf of their child.
 - (b) A person with the legal authority to manage another person’s affairs may submit a written request to deregister along with a Form B – Letter of affirmation on behalf of that person.
- 11.2 For requests to deregister a citizen that is not described in section 11.1, a person may submit a recommendation to deregister another individual only if there is evidence that someone was incorrectly added to the Register.
- 11.3 Except in the case of Section 11.1, a written recommendation to deregister another individual must contain:
- (a) the full name of the individual recommended for deregistration;
 - (b) disclosure of the relationship between the individual recommended for deregistration and the person recommending their deregistration;
 - (c) disclosure of any errors that might have been made by the relevant clan in the affirmation of the individual’s claim to Haida citizenship; and
 - (d) sufficient proof to confirm that Haida citizenship was affirmed by the clan in error.
- 11.4 The Citizenship Coordinator will notify the individual whose citizenship is recommended for deregistration and provide a copy of the written recommendation to deregister. The individual has 30 days from the date of the notification to provide documentation countering the evidence in the recommendation to deregister.
- 11.5 The Citizenship Coordinator will submit to the K’uljaad Gaa.nga Citizenship Table completed recommendations to deregister, along with any additional documentation submitted by the individual in question. The K’uljaad Gaa.nga Citizenship Table will review the evidence against the eligibility requirements specified in Sections 3 and 4 of this Act and make its decision.
- 11.6 The K’uljaad Gaa.nga Citizenship Table may conduct investigations to satisfy questions of the validity of the request to deregister.
- 11.7 The K’uljaad Gaa.nga Citizenship Table will issue a decision on a recommendation to deregister by issuing a Form E – Notice of Decision within 120 days of receiving the request, unless notice is provided to both the recommending person, and the person whose registration is being evaluated prior to the end of the 120 day period.

11.8 The Citizenship Coordinator will provide a copy of the Form D – Notice of Decision to the individual whose citizenship is recommended for deregistration, the Kilslaay and K'uljaad of the clan in question, the individual recommending the deregistration, and the Citizenship Coordinator. The K'uljaad Gaa.nga Citizenship Table will direct the Citizenship Coordinator to either remove the individual from the Citizenship Register, or deny the recommendation.

12 Updates to the Register

12.1 An individual can request updates to information for themselves, their child, or a person whose affairs they have legal authority to manage by submitting a Form C – Registry Update Form including appropriate supporting documentation to the Citizenship Coordinator.

12.2 The family of a deceased Haida citizen may submit a Form C – Registry Update Form in order to have the Citizenship Register updated.

12.3 The Citizenship Coordinator will update the Register to mark an individual as deceased upon receiving notice of a death. The Citizenship Coordinator can also update the Register to mark an individual as deceased upon receiving reasonable knowledge of an individual's death by other means, such as a printed obituary or notice of a funeral.

12.4 The Citizenship Coordinator will submit a summary of all updates to the K'uljaad Gaa.nga Citizenship Table each month.

13 Special Considerations Not Covered by the Act

13.1 If a situation or question about citizenship arises that is not addressed in this Act, the person raising the question should submit a request in writing to the Citizenship Coordinator for consideration by the K'uljaad Gaa.nga Citizenship Table.

13.2 The K'uljaad Gaa.nga Citizenship Table must follow existing CHN policies where applicable, and may apply cultural traditions or laws in making their decisions. The K'uljaad Gaa.nga Citizenship Table must also consult with the Kilslaay and K'uljaad of any clans that may be affected by the decision.

13.3 The Citizenship Coordinator will maintain a file of the K'uljaad Gaa.nga Citizenship Table decisions under this section.

13.4 The K'uljaad Gaa.nga Citizenship Table should follow previous decisions when considering special considerations, where the circumstances are similar and as appropriate.

PART 4 – ADMINISTRATION

14 Citizenship Staff

14.1 The Citizenship Coordinator, as directed by the Administrator of the Secretariat of the Haida Nation, will carry out the responsibilities specified in this Act.

15 K̓'uljaad Gaa.nga Citizenship Table

15.1 Each potlatched Kilslaay of the Haida Nation is responsible for naming the K̓'uljaad of their respective Clans according to their clan customs for the purposes of administering this Act. A Clan's Spokesperson may name the K̓'uljaad for a Clan without a potlatched Kilslaay. The collective K̓'uljaad identified by each Clan form the K̓'uljaad Gaa.nga Citizenship Table.

15.2 The CHN will appoint an elected CHN representative to be the chairperson of the K̓'uljaad Gaa.nga Citizenship Table. The chairperson is an *ex officio* member and does not vote.

15.3 The K̓'uljaad Gaa.nga Citizenship Table is responsible for:

- (a) reviewing, approving, and/or rejecting applications that require special considerations, appeals, and deregistration requests;
- (b) maintaining the confidentiality of personal information collected under this Act;
- (c) Adhering to the K̓'uljaad Gaa.nga Citizenship Table Terms of Reference; and
- (d) other duties as described in this Act.

15.4 In performing its duties, the K̓'uljaad Gaa.nga Citizenship Table may request additional information or documentation from the applicant to inform its decision if necessary.

15.5 The K̓'uljaad Gaa.nga Citizenship Table must strive to uphold the principles of the Haida Citizenship Act in its decisions to ensure that citizenship as defined by the Constitution of the Haida Nation is upheld, processes are fair, and the Citizenship Register is accurate.

16 Protection of Personal Information

16.1 This Act authorizes the K̓'uljaad Gaa.nga Citizenship Table and Citizenship Coordinator to access the personal information collected for the purposes of carrying out this Act.

16.2 The K̓'uljaad Gaa.nga Citizenship Table and Citizenship Coordinator will only release personal information to the person whose name is contained on the information, with the following exceptions:

- (a) information about citizens under the age of 16 may be released to that citizen's parent or legal guardian;
- (b) information about a citizen may be released to an individual with legal authority to manage that citizen's affairs; or
- (c) Information about a deceased citizen may be released to an immediate family member.

16.3 The personal information collected under this Act, including submitted applications and any/all supporting documentation, is confidential and will not be released to a third party by the K'uljaad Gaa.nga Citizenship Table, the Citizenship Coordinator, or the Council of the Haida Nation.

PART 5 – GENERAL

17 Amendments to the Act

17.1 Amendments to this Act may be made:

- (a) By motion with a quorum of the Council of the Haida Nation for minor amendments and the amendments shall be reported at the following House of Assembly. A minor amendment is a change that is administrative only where the original intent is clear; or
- (b) By resolution at a House of Assembly for all other changes not considered to be a minor amendment as described above.

This Act was adopted in full at the special House of Assembly on May 31, 2017.

kil tlaats 'gaa
Peter Lantin
President of the Haida Nation

Ginn wadluu un uula isdaa ayaagang
Trevor Russ
Vice President of the Haida Nation

SCHEDULE A – PHOTOGRAPH REQUIREMENTS

A photograph must be included with a Form A – Application Form, and Form F – Citizenship Card Renewal in order for the forms to be processed.

The photo can be taken by the Citizenship Coordinator, or you may provide your own as long as the photo meets the requirements listed in this Schedule.

Colour, Size and Resolution

- The photo may be a digital or professionally printed photo.
- The photo must be a colour photo.
- The physical size of the printed photo must be 2 inches x 2 inches.
- The digital dimensions of the photo must be a minimum of 600x600 pixels, and a maximum of 1200x1200 pixels.
- Scanned photos must be a minimum of 300 pixels per inch.

Composition

The photograph's composition must meet the following requirements:

- Depicts your usual appearance
- Taken in front of a plain white background.
- Sized so that the entire head and shoulders down to the top half of the chest take up most of the photo. Examples are included below.
- Taken in full-face view directly facing the camera
- Taken with a neutral expression and both eyes open
- No hat or head covering that obscures the hairline, unless worn daily for a religious purpose.
- Does not show headphones, wireless hands-free devices or other similar items.
- If eyeglasses are worn, ensure that no glare is visible.

Current photo

- The photograph must be from within the last 6 months.

Good composition examples:

