



Peguis First Nation Transfer Policy

("Transfer Policy")

PegBand Membership
6/6/2018
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Peguis First Nation Transfer Policy

("Transfer Policy")

WHEREAS,

- A.** Peguis First Nation (PFN) shall maintain control over its Membership through the Peguis First Nation Transfer Policy;
- B.** PFN shall create a policy process to consider Transfer Applications;
- C.** PFN recognizes that a Statement of Consent to Transfer Application received from a former PFN Member may not be subject to the same process as a Transfer Application from another Band;
- D.** The Indian Registry Administrator and/or Membership Officer for the PFN Membership Department will receive the Transfer Application documents for recommendation to the Membership Committee;
- E.** The Membership Committee will review and recommend the transfer applicants to Band Council for final approval; and
- F.** The PFN Transfer Policy may be amended or subject to change as agreed by the Membership Committee Quorum.

THEREFORE THE BAND COUNCIL OF THE PEGUIS FIRST NATION HEREBY ADOPTS THE FOLLOWING POLICY:

1.0 Purpose of the Policy

The purpose of the Transfer Policy is to ensure all transfers follow the guidelines and criteria set out in this document. All transfers require the consent of a majority of a quorum of Band Council. The consent of Band Council to approve a transfer is obtained by strict compliance with the following procedures that will be used to guide decisions on Transfer Applications.

2.0 Definitions

“Band” - “band” as defined in the Indian Act;

“PFN Member” – is a person whose name is on the Band List or who is entitled to have his/her name on the Band List;

“Member of a Band” – is “member of a band” as defined in the Indian Act;

“Band Council” - is the duly elected council of the PFN;

“Band List” – is the membership list of PFN as maintained by the Membership Officer;

“Criminal Offense” means a record of conviction for an indictable offence under the Criminal Code of Canada, or equivalent legislation in any other jurisdiction, except for the following:

- 1) A non-indictable offence which occurred while the Transfer Applicant was under 25 years of age, or for which the Transfer Applicant was convicted more than 5 years prior to the date of the Transfer Application, and in all such cases, the Transfer Applicant having served his or her sentence or probationary period, paid all applicable fines or penalties, and successfully completed all required community service or treatment programs, ordered by a court of competent jurisdiction;

“Family Link” - a biological connection to a PFN Member (or person entitled to be a PFN Member) who can demonstrate a Peguis Family Link.

“Membership Officer” - the person employed by the PFN to maintain the Band List and carry out duties under the Transfer Policy related to Transfer Applications, and includes delegates of the Membership Officer within the PFN membership department;

“Minor Child” – is a person under the age of 18 years; or a person of, or over, the age of 18 but who by reason of disability, illness or other cause, lacks the mental capacity to make his or her own decisions, and is the biological child of a PFN Member;

“Registered Indian” - is a person who is registered as an Indian under the Indian Act, as amended from time to time;

“Transfer Applicant” - is a person who is a Member of a Band other than PFN who applies to become registered with PFN, under the Indian Act;

“Transfer Application” - is an application from a Transfer Applicant to become registered with PFN.

“Transfer Out” – refers to former Peguis Band Member who has been accepted to another First Nation and is requesting to transfer back to Peguis.

3.0 Application

3.1 This Policy applies to all Transfer Applications.

4.0 Adult Eligibility

4.1 Prior to the Membership Officer considering a Transfer Application, a Transfer Applicant must meet the following requirements:

- a) be a Registered Indian under the *Indian Act*;
- b) complete a Statement of Consent to Transfer of an Adult to Section 10 Band Form (see Appendix A);
- c) demonstrate a Family Link;
- d) must undergo a **vulnerable criminal record check** at the Transfer Applicant's expense and provide written proof from the RCMP/other Law Enforcement Agencies at the time of the Transfer Application that demonstrates the Transfer Applicant has not been convicted of a Criminal Offense (see under section 2.0 Definitions);
- e) must undergo an **adult and child abuse record check** at the Transfer Applicant's expense and provide written proof to the Membership Officer at the time of the Transfer Application that demonstrates the Transfer Applicant has not been convicted of an adult or child abuse offense;
- f) complete the PFN Questionnaire (See Appendix B);
- g) provide a sponsorship/reference letter from a PFN member and a member from the Band he or she is transferring from, along with a signed consent form that allows the Peguis Membership Committee to contact his or her sponsors/references.

5.0 Adult Application and Approval Process

5.1 If a Transfer Applicant meets the eligibility requirements set out in Section 4.1, a Transfer Applicant must submit the following to the Membership Officer:

- a) the original Statement of Consent to Transfer of an Adult to a Section 10 Band (Appendix A);

- b)** all supporting documentation to meet the requirements set out in Section 4.1; and
- c)** if transferring from a Section 11 Band, the Transfer Applicant must request a Releasing Band Council Resolution (BCR) from his or her current Band Council and provide the Membership Officer with the Original Releasing BCR.

5.2 The Membership Officer will acknowledge in writing receipt of the Transfer Application.

5.3 If the Membership Officer determines the Transfer Applicant has not met the eligibility requirements, then the Membership Officer will notify the Transfer Applicant in writing, and

- a)** provide reasons why the Transfer Applicant failed to meet the eligibility requirements set out in Section 4.1, including whether the Transfer Applicant failed to provide the necessary supporting documentation;
- b)** provide notice that the Transfer Applicant may respond to the Membership Officer within 90 days with additional supporting documentation that may impact the Membership Officer's determination; and
 - i.** if, upon receipt of a Transfer Applicant's further documentation, the Membership Officer and Membership Committee maintains its determination that the Transfer Applicant has failed to meet the eligibility requirements set out in Section 4.1, then:
- c)** the Membership Officer will notify the Transfer Applicant of the Membership Committee's final decision and provide written reasons why the Transfer Applicant failed to meet the eligibility requirements set out in Section 4.1.

5.4 If the Transfer Applicant has met the eligibility requirements set out in Section 4.1 and provided all necessary documents, including those pursuant to Sections 4.1, 5.1 and 5.3, then the Membership Officer will present such Statement of Consent to Transfer Application and supporting documents (with all other eligible Transfer Applications) at a Peguis Membership Committee Meeting.

5.5 Upon approval the Membership Officer will prepare a Band Council Resolution for Band Council's signature confirming the recommendation for approved Transfer Application(s).

5.6 Upon approval the Membership Officer will forward the name of the applicant(s) to Indigenous Services Canada (ISC) Registry List.

5.7 Upon receipt of their Peguis (269) Registration Number the applicant may apply to be on the Peguis Membership Band List.

6.0 Minor Child(ren) Eligibility and Application Approval Process

6.1 Subject to Sections 4.1(a) and (c) and Sections 6.2 and 6.3, upon a Minor Child(ren) biological parent submitting a Transfer Application on the Minor Child's behalf in the prescribed form (Appendix C).

6.2 The parents of the Minor Child(ren) must provide the following to the Membership Officer:

- a) a completed Statement of Consent for Transfer of Children to Section 10 Band, signed by both parents (Appendix C);
- b) consent in writing confirming both of their intentions to transfer membership of the Minor Child(ren) to the PFN;
- c) an ORIGINAL long-form birth certificate for the Minor Child(ren); and
- d) In the case of a deceased parent(s), a Death Certificate is required to be submitted.

6.3 Where one parent or a legal guardian has legal custody of the Minor Child(ren), that parent or legal guardian must provide the following to the Membership Officer:

- a) a completed Statement of Consent for Transfer of Children to Section 10 Band, signed by the parent or legal guardian with legal custody (Appendix C);
- b) consent in writing confirming the intention to transfer membership of the Minor Child(ren) to the PFN;
- c) a long-form birth certificate for the Minor Child(ren); and
- d) written evidence of legal custody of the Minor Child(ren).

6.4 Upon receipt of all required documentation, the Membership Officer will provide the Peguis Membership Committee with all necessary information to make a determination concerning the eligibility of the Minor Child(ren).

7.0 Proof of Peguis Family Link

7.1 Proof of a Family Link may be demonstrated by long-form birth certificates, marriage certificates, legal custody documents, affidavits, statutory declarations, or other applicable evidence.

8.0 Former Peguis Member

8.1 A former PFN Member Transfer Applicant must submit the following to the Membership Officer:

- a)** a completed Statement of Consent to Transfer Application form (Appendix A);
- b)** a **vulnerable criminal record check**, which proves that the former PFN Member Transfer Applicant is in compliance with 4.1(d);
- c)** an **adult and child abuse record check**, which proves that the former PFN Member Transfer Applicant is in compliance with 4.1(e)
- d)** must be a ten (10) year waiting period from the date the “transfer out” occurred;
and
- e)** must state in writing why he/she wishes to transfer back into PFN.

8.2 Upon receipt of all requirements set out in Section 8.1, the Membership Officer will present such Transfer Application and supporting documentation to the Membership Committee.

8.3 The Membership Committee will:

- a)** recommend or defer the former PFN Member Transfer; and
- b)** forward the decision to the Membership Officer for further processing.

Appendix A

Statement of Consent for Transfer of an Adult to Section 10 Band

 Aboriginal Affairs and Northern Development Canada Affaires autochtones et Développement du Nord Canada

STATEMENT OF CONSENT FOR TRANSFER OF AN ADULT TO SECTION 10 BAND

I, _____ of the _____
(Name) (Original Band)

First Nation consent to transfer my registration to the _____
(Admitting Band)

First Nation (Section 10). I understand that my name will be removed from the
_____ First Nation band list/Indian Register.
(Original Band)

* I/We are aware that _____ First Nation determines its own
(Admitting Band)
membership. In order to apply for membership in _____ First
(Admitting Band)

Nation I must submit a request, separate and apart from this consent, directly to Chief and Council. *

Please note, this Consent to Transfer will expire after one year if it has not been processed. In such cases, your consent will need to be renewed in writing.

Registration Number: _____

Birth Date: _____

Address: _____

Signature: _____

Date: _____



CIDM : 1018133

Appendix B

Peguis First Nation Band Questionnaire

Purpose:

As part of the Transfer Application to the Peguis First Nation (PFN) Registry List, Band Council and Peguis Membership Committee Members will want to know more about you and your plans for the future and determine what you may need to be part of this Community.

- 1) What is your reason for transferring into PFN?
- 2) Tell us about your work history and are you currently employed?
- 3) What are your future goals?
- 4) Tell us about your education and training?
- 5) Have you been a registered member of any other First Nation Band(s) prior to the one that you are currently registered with? If so, why did you transfer out of the previous First Nation Band?
- 6) Do you plan to live off or on the reserve?
- 7) Will you have family members join you to live on PFN Reserve?
- 8) Do you have family who are already members of PFN? Please provide names of those family members.
- 9) Peguis First Nation conducts random drug testing. Are you willing to participate in this process?

Appendix C

Statement of Consent for Transfer of Children to Section 10 Band



Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
Développement du Nord Canada

STATEMENT OF CONSENT FOR TRANSFER OF CHILDREN to SECTION 10 BAND

Consent is given to transfer the registration of the following child(ren)

to the _____ First Nation

from the _____ First Nation.

<u>Child's Name</u>	<u>Registration #</u>	<u>Birth Date</u>

*I/We are aware that _____ First Nation determines its own membership. In
(Admitting Band)

order to apply for membership in _____ First Nation I must submit a
(Admitting Band)

request, separate and apart from this consent, directly to Chief and Council.*

Please note, this Consent to Transfer will expire after one year if it has not been processed. In such cases, your consent will need to be renewed in writing.

Parent/Legal Guardian 1

Parent/Legal Guardian 2

Signature _____

Print Name _____

Registry Number _____

Date _____

Phone Number _____

Address _____

(If different)

(If different)

Canada

CIDM# 1018153