



# Understanding the Citizenship Code

---

**An Interim Citizenship Code has been developed as a transitional document to identify and enroll Ktunaxa Citizens. We have created this document to answer some Frequently Asked Questions about the Interim Citizenship Code.**

*Visit us at:*

[www.ktunaxa.org](http://www.ktunaxa.org)



**KTUNAXA  
NATION**

# Q

## Why do we need a Citizenship Code?

# A

*“Strong, healthy **citizens** and communities speaking our languages and celebrating who we are and our history in our ancestral homelands, working together, managing our lands and resources as a self-sufficient self-governing Nation.”*

**As we move further down the path of Nation Re-building and realizing the Nation Vision, we need to be able to formally identify who the “citizens” of the Ktunaxa Nation are.**

**Without a Ktunaxa Citizenship Code, we have no way to formally identify those that are Ktunaxa through kin. We can only rely on the Status Indian register maintained by the government of Canada, which is not an accurate reflection of Ktunaxa Kin. There are many Ktunaxa that are not listed on the Status register or community membership lists. There are others that are not Ktunaxa that are on the Status register.**

# Q

## Why is the Citizenship Code Referred to as Interim?

# A

**The Citizenship Code is being referred to as interim, as it will serve as a transitional document. The Interim Citizenship Code will be used to identify and enroll those that meet the definition of a Ktunaxa Citizen.**

**Once the Ktunaxa Constitution is ratified, the Interim Citizenship Code will eventually become a Ktunaxa law. As we proceed with enrollment, we may find areas of the Code that are not working as well as possible, things that are causing confusion, or other issues, and it may need to be amended. It is easier to amend a Code than a law. There is an amendment process built into the Interim Citizenship Code.**

# Q

## How was the Interim Citizenship Code developed?

# A

A committee made up of almost entirely of Ktunaxa Nation members was assembled to guide the Interim Citizenship Code development. This committee met regularly from October of 2017 until November 2018. During the time the committee was active, engagement with Ktunaxa Nation members was also occurring.

# Q

## How was the Interim Citizenship Code ratified?

# A

In November of 2018, approval to take the Interim Citizenship Code forward to the referendum was granted by the Ktunaxa Nation Executive Council (KNEC). The KNEC set a minimum voter participation rate of 25% of those eligible to vote.

After several months of preparation and engagement, the referendum to approve the Interim Citizenship Code was held on May 8, 2019. The 25% minimum participation rate was exceeded, and the Interim Citizenship Code was ratified.

# Q

## Why aren't those already registered as Status Indians automatically enrolled as citizens?

# A

This was the topic of considerable discussion at the Citizenship Code committee table.

There are a few reasons:

- **Band Registry lists are highly confidential. Only the Band Membership Clerks have access to these lists and under strict confidentiality rules. For anyone else, the Band Registry lists can only be accessed through the federal Access to Information process. That process requires a Band Council Resolution (BCR) from the Band Council of the Band of whose Band list access is requested. It is a very long process and can take months to gain access. In our case, some Bands refused to provide the BCR, and so access to those Band lists could not even be requested.**
- **Consent – We can't assume that every person registered to one of our four Ktunaxa Bands wishes to be enrolled as a citizen. To simply enroll everyone automatically would take away that element of consent and choice. If a person meets the definition of kin, the application process is simply a formality.**
- **We heard from many Ktunaxa Nation members that only those that fit the definition of Ktunaxa Kin should be eligible to be a Ktunaxa citizen. Due to the pre-1985 Indian Status rules, there are individuals on the Band Registry lists that do not meet the definition of Ktunaxa Kin and would not be eligible for Ktunaxa Citizenship, except through adoption, including Custom Adoption.**

# Q

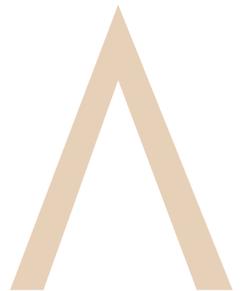
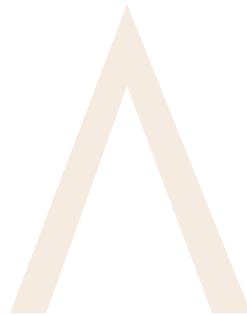
## How does the Interim Citizenship Code relate to Band Membership Codes?

# A

The Ktunaxa Interim Citizenship Code will not affect band membership. Communities will continue to determine who their community members are and who they provide direct programs and services to. If a person is granted citizenship in the Nation, this does not give that person membership in one of the Bands.

Section 10 of the Indian Act allows a band to determine its own membership if that band has developed its own custom membership code. Suppose a band doesn't have its own membership code. In that case, everyone on the Band Registry list maintained by Indian Affairs is a member of that band.

Ktunaxa Citizenship flows from our own Citizenship Code and not from the Indian Act. Ktunaxa Citizenship is not limited to registered Status Indians, it is inclusive of those that meet the criteria as set out in our Code, including non-Status both on and off-reserve.



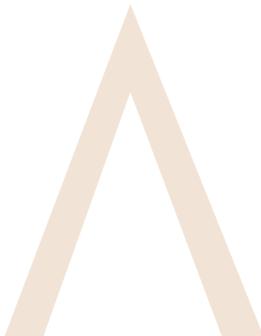
# Q

**Will children of a Ktunaxa person registered in another non-Ktunaxa band be able to become a citizen?**

# A

**Yes. As the Interim Code reads now, any person, including children, can be enrolled as a Ktunaxa Citizen if they meet the definition of Ktunaxa Kin. However, if those persons, including children, are registered to a non-Ktunaxa Band, they would need to cease to be on the Band list of the non-Ktunaxa Band before being enrolled as a Ktunaxa Citizen. This does not apply to an individual with Ktunaxa ancestry and is a member of the Shuswap Indian Band - they may become citizens.**

**There is another exception in the Interim Code for those that are registered with one of the Ktunaxa bands in the USA and also registered to one of our four Ktunaxa bands in Canada.**



# Q

## Why do you have to give up membership in a non-Ktunaxa band?

# A

It really comes down to two things:

1. **Accessing rights and privileges from two places for the same thing.** Ktunaxa Citizens may be provided with certain rights and privileges. For example, if a person is a member of a non-Ktunaxa Band at the same time as a being enrolled as a Ktunaxa Citizen, they could be receiving supports from both for the same thing. Currently, a person cannot be registered or be a member of two Indian bands at the same time, for the same reason.
2. **Sheer numbers.** Consider the number of people with Ktunaxa ancestry that are members of other Bands within Canada. This number could easily exceed the 10s of thousands.

However, those registered to another band that have close ties to the Nation and wish to be recognized by the Ktunaxa Nation may apply for enrollment as a łakłak ʔaqłsmaknik (other citizen).

# Q

## Will Ktunaxa Citizenship make my kids or I a Status Indian?

# A

No. The Canadian government will continue to determine who is and who is not eligible to be a Status Indian. The Ktunaxa Interim Citizenship Code is our own process for recognizing Ktunaxaniłtik (Ktunaxa citizens).

## **Q** What about my non-Ktunaxa spouse?

**A** This has been a concern expressed by many people. The Interim Citizenship Code includes recognition of those that are not Ktunaxa but are part of the Nation through marriage or other means. There have also been sentiments expressed that as Ktunaxa, we do not abandon people that have become part of us. So it is important to not only recognize this group but to also ensure that they have a place among us if their Ktunaxa spouse passes on. This group is currently referred to as łakłak aqłsmaknik (Other Citizens) in the Interim Code.

## **Q** Why was the registered membership the only ones included in the ratification vote?

**A** The Band Registry lists were the only reliable and legally recognized source that a voters list could be generated from. Although we refer to “citizens” in much of what we do as a Nation, before the Interim Citizenship Code being ratified, we had no answer to the question, “who is a Ktunaxa citizen.”

# Q

## **What is the difference between a Citizen and a Status Indian?**

# A

The Canadian government determines who is and who is not eligible to be a Status Indian. The Ktunaxa Nation, through the Interim Citizenship Code, determines who its Citizens are. Citizenship and Indian Status are two separate things.

A person who becomes a Citizen of the Ktunaxa Nation does not automatically gain Indian Status. A person who currently has Indian Status does not lose their Status when they are enrolled as a Ktunaxa Citizen.

# Q

## **Will my hunting and fishing rights be affected?**

# A

No. Those that were able to exercise rights to hunt and fish before becoming Ktunaxa Citizens will be able to continue to exercise those rights in the same as they did before becoming a citizen. Becoming a citizen will not grant a person the right to hunt and fish. These are matters to be determined at a future date.

# Q

## **Will I be provided with some sort of citizen identification?**

# A

Ktunaxa Citizens will eventually be given a Ktunaxa Citizenship Identification card. The Registrar is currently working with Canada Border Services and the USA Homeland Security to make sure Ktunaxa Citizen ID meets their requirements.

# Q

## What about my health benefits?

# A

Enrolling as a Ktunaxa citizen will not affect your current health benefits or any other benefits as a Status Indian.

# Q

## What benefits will I get if I enroll as a Ktunaxa Citizen?

# A

Many of the programs and services currently provided through Indian Affairs Canada are accessible to Status Indians only. Many programs and services administered through the Ktunaxa Nation are available to those of Aboriginal descent, which includes non-Status Ktunaxa.

As we progress with our Nation re-building efforts and enter into new arrangements and understandings with Canada and BC, programs and services available to only Status Ktunaxa may become available to all Ktunaxa Citizens.

# Q

## Does citizenship expire?

# A

No, once a person is enrolled as a citizen, they remain a citizen for life unless they choose to revoke their citizenship or it is revoked.

The Interim Citizenship Code has provisions for those who want to revoke their citizenship as well as what circumstances citizenship can be revoked. The Ktunaxa Citizenship cards may have an expiry date that requires the holder to renew that card since a person's photo and other information on the card will need to be periodically updated.

# Q

## What about people living in the USA?

# A

Ktunaxa, who are registered in one of the Ktunaxa bands in the USA and are of Ktunaxa Kin and also registered to one of the Bands located on the Canadian side of the Ktunaxa homelands, are eligible to be enrolled as a Ktunaxa citizen under the Interim Citizenship Code.

# Q

## What about dual citizenship?

# A

The Ktunaxa Interim Citizenship Code will not provide citizenship in another country. The Code does, however, talk about Dual Enrollment, which is being enrolled in two Bands at the same time. The Code does not allow for dual enrollment unless the individual enrolled in one of our Ktunaxa bands on the USA side is currently enrolled in one of the Ktunaxa bands on the Canadian side.

# Q

## How do I apply for citizenship?

# A

The application forms can be downloaded from the Ktunaxa Nation website or obtained from the Ktunaxa Citizenship Registrar. The application form is very straight forward. For many people, the approval of their application will be a quick process. A Citizen Enrollment Board will administer the process of enrollment.

# More Questions?

If you or your family members want further information,  
please don't hesitate to contact:

Rachelle Sebastian, Ktunaxa Nation Citizenship Registrar  
[rachelle.sebastian@ktunaxa.org](mailto:rachelle.sebastian@ktunaxa.org)

*Visit us at:*

[www.ktunaxa.org](http://www.ktunaxa.org)



KTUNAXA  
NATION