
Frequently Asked Questions

Date: November 1, 2013

**Government of Canada and the Federation of Newfoundland Indians
November 2013 Updated Information for Applicants for
Membership in the Qalipu Mi'kmaq First Nation**

Q1. Why have I not received a letter?

If your application was previously rejected, you will not receive a letter.

If your application was not previously rejected and you have not yet received a letter by November 15, 2013, please call 1-800-561-2266 (TTY: 1-800-465-7735).

Q2. Am I absolutely required to provide additional documentation relating to self-identification and group acceptance in order for my application to be reviewed?

No. Your application will be reviewed whether or not you provide additional documentation.

It is the sole responsibility of the applicant to determine what additional documentation relating to self-identification and group acceptance, if any, he or she wishes to provide in support of his or her application.

Q3. How do I know if I should provide additional documentation relating to self-identification and group acceptance?

Details on providing additional documentation are available in the bulletin: "[November 2013 Updated Information for Applicants for Membership in the Qalipu Mi'kmaq First Nation – Requirements for Additional Documentation.](#)"

To help with the decision of whether or not to provide additional documentation, applicants should read the [2008 Agreement for the Recognition of the Qalipu Mi'kmaq Band](#), the [June 2013 Supplemental Agreement](#) and the [June 2013 Directive to the Enrolment Committee](#).

It is the sole responsibility of the applicant to determine what additional documentation relating to self-identification and group acceptance, may be required and what additional documentation, if any, he or she wishes to provide in support of his or her application.



Q4. Where do I send any additional documentation?

If you wish to provide additional documentation relating to self-identification and group acceptance, it must be **postmarked or received by January 31, 2014 at:**

**Enrolment Committee
c/o Aboriginal Affairs and Northern Development Canada
Box 9100
Winnipeg, MB R3C 0M9**

Q5. I don't know my file number. How can I find this?

Your file number is located at the upper right corner of the letter that was sent to you in November 2013. Please add this number and your name to each piece of additional documentation relating to self-identification and group acceptance you provide in support of your application.

Q6. Is the acceptable documentation limited to only the categories of self-identification and group acceptance? For example, can I provide additional information in support of my ancestry?

You can only provide documentation under the categories of self-identification and group acceptance. Information on what types of documentation may be provided is available online in the bulletin: "[November 2013 Updated Information for Applicants for Membership in the Qalipu Mi'kmaq First Nation – Requirements for Additional Documentation.](#)"

The 2013 Supplemental Agreement did not address the criteria related to ancestry. Therefore, no new evidence will be considered in that regard.

Q7. I have moved since I applied. What should I do to ensure that I am informed of the new process?

If you have changed your address since you submitted your original application, you can update your contact information by either calling 1-800-561-2266 (TTY: 1-800-465-7735) or sending a signed letter, via facsimile, to 204-984-3032.

For both methods you will need to provide: your full name; date of birth; reference number from Aboriginal Affairs and Northern Development Canada, if available; your previous and new mailing addresses; and the effective date of your address change.

Q8. Are applicants required to provide the original of their long form birth certificates?

No. However, the deadline to provide a copy of the long form birth certificate was September 3, 2013.



Q9. When I submitted my original application, it included my original identification (e.g., passport, birth certificate). When will I get it back?

If you have not yet received your original identification documentation, please call 1-800-561-2266 (TTY: 1-800-465-7735).

Please remember to call 1-800-561-2266 (TTY: 1-800-465-7735) if your mailing address has changed since you initially applied to ensure that your documentation will be sent to the correct address.

Q10. What is a “certified true copy?”

A certified true copy is a copy of a document (usually a photocopy) that has been certified by a Notary Public, Commissioner of Oaths or other officer authorized to take an oath in the jurisdiction.

Q11. How can I obtain my completed 2006 or earlier census information? Is there a fee?

There is no fee to obtain your 2006 or earlier census information. Details on requesting census information are available on our [census FAQs page](#) and from Statistics Canada by one of the means below:

Mail: Statistics Canada
Census Microfilm and Pension Search Sub-Unit
B1E-34, Jean Talon Building
170 Tunney’s Pasture Driveway
Ottawa, ON K1A 0T6.

Telephone: (613) 951-9483

E-mail: Census_Pension_Search@statcan.gc.ca

Q12. What if I didn’t self-identify on a census form. What should I do?

The census return is not the only way through which applicants can demonstrate self-identification. Further information on the requirements for demonstrating self-identification can be found in the bulletin: “[November 2013 Updated Information for Applicants for Membership in the Qalipu Mi’kmaq First Nation – Requirements for Additional Documentation](#),” and in section 8 of the [June 2013 Supplemental Agreement](#).

Q13. In what circumstance am I required to provide a sworn declaration? Is there a form that I need to do this?



Any new documentary evidence in support of group acceptance by the Qalipu Mi'kmaq Group of Indians of Newfoundland must be supported by a sworn declaration. Information on how to prepare your sworn declaration is available on www.aandc.gc.ca/qalipu or www.qalipu.ca.

It is the sole responsibility of applicants to determine what additional documentation relating to self-identification and group acceptance, if any, they wish to provide.

Q14. I had included affidavits when I originally applied. Do I need to provide two additional affidavits?

Applicants providing new documentary evidence in support of group acceptance must also provide at least two affidavits from residents of the Mi'kmaq Group of Indians of Newfoundland on the island of Newfoundland sworn before a Commissioner of Oaths, Notary Public, or other officer authorized to take oaths in the jurisdiction, which describe in detail the nature and purpose of the visits or communications, and the religious, ceremonial, traditional or cultural activities practised by the applicant in one of the locations of the Mi'kmaq Group of Indians of Newfoundland.

More information may be found in the Directive attached to the [2013 Supplemental Agreement](#).

Q15. Can I provide affidavits in support of documentary evidence that I had previously submitted?

Yes. In accordance with sections 28 and 29 of the Enrolment Committee Guidelines, you can provide affidavits in support of documents you had previously submitted with respect to the criteria of group acceptance.

Q16. Why is the date of the Recognition Order (i.e., September 22, 2011, the date when the band was created) being used as the reference date?

Paragraph 4.1(d) of the [2008 Agreement](#) requires that an applicant self-identified and was accepted as a Member of the Mi'kmaq Group of Indians of Newfoundland on the date of the Recognition Order (September 22, 2011).

Q17. What address will be used to determine if I was a resident as of September 22, 2011 (date of the Recognition Order)?

The Enrolment Committee will have regard to the address on your application unless there is other documentation in the file indicating a different place of residence as of September 22, 2011.



Q18. I am registered with the Qalipu Mi'kmaq First Nation. However, my child is not registered as a Founding Member. Can I apply for Indian Status for my child?

Yes. However, the application for registration of your child as an Indian must be made under the *Indian Act* to the Department of Aboriginal Affairs and Northern Development Canada. Information on this process is available on AANDC's [website](#). However, note that the entitlement of your child will be reassessed depending on your entitlement, upon completion of the Qalipu Mi'kmaq First Nation enrolment process.

Q19. I had filed an appeal and didn't receive a decision. Will my application be reassessed?

Yes. If you had an appeal that was not determined (i.e., no decision was made) your application will be reassessed as part of this review. However, if your application was denied on appeal, it will not be reassessed and you cannot reapply.

Q20. I have been a member of the Kitpu Band. Must I provide additional documentation to prove that I was a member?

If you are relying on membership in the Kitpu Band to support either self-identification or group acceptance you must provide documentary evidence of membership in the Kitpu Band prior to June 23, 2008. No membership list was provided by the Kitpu Band and therefore the Enrolment Committee will not be able to verify your membership in that Band without such documentary evidence.

Q21. If I am late providing additional documentation to support my application, will it still be considered?

No late information will be considered.

If you wish to provide any additional documentation relating to self-identification and group acceptance to support your application, it must be postmarked or received by January 31, 2014. Documentation received or postmarked after this date will not be accepted in support of your application.

Q22. When will the decision on my application be made?

Every applicant will be advised of the Enrolment Committee's determination of his or her eligibility only after the assessments or reassessments of all applications have been completed. In accordance with the Agreement, the Enrolment Committee's review of applications has been extended until August 31, 2015.



Q23. Will applicants still be able to appeal a decision of the Enrolment Committee?

The function of the Appeal Master will continue. The time limit for submitting an Appeal Notice continues to be 30 days from the date of the mailing of the decision by the Enrolment Committee.

However, if an application is invalid for any of the reasons listed in sections 1 to 7 of the Enrolment Committee Guidelines, or if an applicant who applied after September 22, 2011 does not fulfill the self-identification criterion, then no; such an applicant will not be able to appeal the decision of the Enrolment Committee.

Q24. Is it possible to verify that my name appears on a membership list for one of the Newfoundland Mi'kmaq groups?

Applicants can enquire as to whether their name appears on a membership list for the Federation of Newfoundland Indians, the Ktaqamkuk Mi'kmaq Alliance, the Benoit First Nation or the Sip'kop Mi'kmaq Band by calling 1-800-567-9604.

Q25. I was living in a Mi'kmaq community, as outlined in Annex B of the 2008 Agreement, when I completed my application. I have my Certificate of Indian Status (status card) from Aboriginal Affairs and Northern Development Canada. Do I need to verify my membership by calling 1-800-567-9604 for any reason?

No, if your situation has not changed from when you applied then you do not have to verify your membership because you have met the criteria for membership. You would have met the requirement for self-identification by having signed the application before September 22, 2011. You would also have met the requirement for group acceptance by being a resident of a community listed in Annex B of the Agreement.

However, if you have provided evidence that you moved outside a Mi'kmaq community since you applied, then you are encouraged to check the membership list to assist you with the group acceptance criteria.

Q26. What is the Supplemental Agreement?

The [2013 Supplemental Agreement](#), which was signed in June 2013, respects the original intent of the [2008 Agreement for the Recognition of the Qalipu Mi'kmaq Band](#) and resolves a number of issues which had prevented conclusion of the process for enrolment in the First Nation.

Specifically, the Supplemental Agreement:



- extends the timelines for review of the applications, ensuring all previously unprocessed applications can be reviewed;
- ensures that all applications received during all phases of the enrolment process, except those previously rejected, will be assessed or reassessed;
- provides that all those whose applications will be assessed or reassessed will be sent written notification and will have an opportunity to provide additional documentation, if necessary;
- provides clarity regarding the assessment of an applicant's self-identification as a member of the Mi'kmaq Group of Indians of Newfoundland; and
- provides guidance related to an individual's acceptance by the Mi'kmaq communities of Newfoundland, particularly as it relates to individuals not residing in the communities of the Mi'kmaq Group of Indians of Newfoundland.

The [2013 Supplemental Agreement](#) did not change the criteria for enrolment as set out in the original [2008 Agreement](#).

Q27. Did the enrolment criteria in the 2008 Agreement change?

No, the enrolment criteria in section 4.1 of the 2008 Agreement did not change. Rather, the Supplemental Agreement reached between Canada and the FNI includes clarification of the requirements for enrolment, additional documentation requirements for applications, and an extension of the 2008 Agreement timelines. In addition, under the Supplemental Agreement, all applications submitted since the enrolment process began in December 2008 are being reviewed, except for those that had been previously rejected. The 2008 Agreement remains in effect.

Q28. Why was a Supplemental Agreement needed?

The Supplemental Agreement clarifies the process for enrolment and resolves issues that emerged in the implementation of the 2008 Agreement for the Recognition of the Qalipu Mi'kmaq Band.

These issues included the following:

- **Number of applications** -- It was neither reasonable nor credible to expect that more than 101,000 individuals would become members of the First Nation, particularly given that approximately two-thirds of the applicants did not reside in any of the Mi'kmaq communities targeted for recognition in this initiative, but elsewhere in Canada.
- **Insufficient timelines** -- As a result of the surge in applications received for membership, it was not possible to review all applications submitted prior to the November 30, 2012 application deadline within the time limits contained in the original agreement.



- **Lack of clarity in guidelines** - The original guidelines for the assessment of applications did not provide sufficient clarity and detail to ensure that the original intent of the parties could be reflected.

The Supplemental Agreement meets the objective shared by Canada and the FNI that all applicants are treated fairly and equitably in accordance with the criteria that the parties originally negotiated to establish eligibility for membership in the Qalipu Mi'kmaq First Nation.

Q29. What was the “intent” of the original 2008 Agreement?

In 2008, Canada and the FNI reached agreement on the creation of the Qalipu Mi'kmaq First Nation. The intent of the 2008 Agreement was to establish a landless band for the Mi'kmaq Group of Indians of Newfoundland which was located on the island of Newfoundland and outlined in Annex B of the 2008 Agreement. The original agreement set in motion an enrolment process that would provide eligible members of the Mi'kmaq of Newfoundland and Labrador with status under the *Indian Act*.

The parties intended that founding membership in the Qalipu Mi'kmaq First Nation would be granted primarily to persons living in or around the Newfoundland Mi'kmaq communities named in the 2008 Agreement. While individuals living outside of these communities could also become members, the intent of the parties was that non-residents would be required to have maintained a strong cultural connection with a Newfoundland Mi'kmaq community, including a sustained and active involvement in the community despite their absence.

Q30. How many applications were received during the process?

Approximately 26,000 applications were received in the first stage of the enrolment process, which concluded on November 30, 2009.

From November 30, 2009 to September 22, 2011, when the band was created, approximately 4,000 more applications were received.

The number of applications rose sharply following band creation. In the final 14 months of the process, more than 70,000 applications were received, including approximately 46,000 between September and November 2012, bringing the total number of applications to over 101,000.

Q31. Why are all applications being reviewed? (e.g. including those who are already registered as Indians under the *Indian Act*)



All applications received in the process, except those previously rejected, are being reviewed in order to treat all applicants fairly and to ensure the integrity of the process for enrolment in the Qalipu Mi'kmaq First Nation.

Q32. What is the file review process?

All applications received during the four year enrolment process have been transferred to an AANDC processing unit located in Winnipeg, Manitoba.

A dedicated processing team is now reviewing all the applications. This includes digitally scanning the complete application package, including original documents, into the Indian Registry System and verifying that all required documentation was submitted prior to November 30, 2012.

All applicants, except those whose applications were previously rejected, were sent a letter in early November 2013. Where an application is invalid, the letter advises the applicant that his or her application has been denied. Where an application is valid, the letter advises the applicant that he or she has the opportunity to provide additional documentation in support of his or her application relating to self-identification and group acceptance, pursuant to the June 2013 Supplemental Agreement.

Q33. What impact does the Supplemental Agreement have on individuals who are registered as members of the First Nation and as Status Indians?

The review includes applications of those who have gained Indian status as members of the Qalipu Mi'kmaq First Nation.

It is possible that some individuals may lose their Indian status as a result of the reassessment of their application. Those individuals would no longer receive access to programs and services provided to Status Indians.

It is not possible at this time to predict how many applicants may lose or gain Indian status as a result of the assessment or reassessment of applications

Q34. Will individuals currently receiving benefits as Status Indians lose those benefits?

During the review process, there will be no change in Indian status for existing members of the Qalipu Mi'kmaq First Nation. While the process is underway, individuals who are currently registered as an Indian under the *Indian Act* will retain their entitlement to access programs and services to which they are entitled.



At the end of the review period, all applicants will be informed of their entitlement to membership and Indian status. It is possible that some individuals may lose Indian status as a result of the reassessment of their application. Those individuals would no longer receive access to programs and services provided to Status Indians.

