

Chief's Message

It is now evident that the letters, which members and applicants were advised through the Qalipu website in July 2013 would be coming, are now being received. As anticipated, these letters are causing concern among many individuals. We have posted as much helpful information that we could anticipate would respond to various questions under the **Enrolment tab** of Qalipu's website site under the Latest News section.

I sympathize with the difficulties and frustrations that you are experiencing; this process is complicated, as legal processes tend to be. In an effort to provide a level of comfort to members and applicants, I will provide a few scenarios that I hope will help explain the process and your next steps. It is important to note that these scenarios are of a general nature; differing circumstances may significantly change the approach required. In these scenarios, 'Mi'kmaq community' refers to one of the geographic locations of the Mi'kmaq Group of Indians of Newfoundland listed in Annex 'B' to the 2008 Agreement for the Recognition of the Qalipu Mi'kmaq Band.

Scenario # 1 (approximately 13,000 people in this category)

Ted applied for membership before the band was created on September 22, 2011, and he lived in a Mi'kmaq community at that time. When Ted applied, steps in the application led him to provide two pieces of identification as proof that he was living in a Mi'kmaq community. If Ted provided this proof of residency at that time, and if he was still living at the same address on the day the band was formed (September 22, 2011) or did not provide evidence that he is no longer living in a Mi'kmaq community, then **he does not need to do anything further to maintain his membership. In other words, Ted would not need to submit any additional documents in support of his application.**

Scenario # 2

Tony applied for membership before the band was created on September 22, 2011, and he lived outside a Mi'kmaq community at that time. When Tony applied, steps in the application led him to provide proof of acceptance by one of the Mi'kmaq Groups of Indians of Newfoundland. However, like the majority of applicants that lived outside a Mi'kmaq community, Tony provided very brief affidavits for proof of acceptance. These affidavits do not provide adequate evidence. While Tony has met the Self-Identification criterion by signing the application prior to the band creation date, **he still has to provide evidence to fulfill the criterion of group acceptance by one of the Mi'kmaq Groups of Indians of Newfoundland.**

Scenario # 3

Rose applied for membership after the band was created on September 22, 2011 and she lived outside a Mi'kmaq community at that time. When Rose applied, she assumed that signing the application would

fulfill the requirement of Self-Identification, but as 4.1 (d) (i) of the Agreement indicates, Rose had to self-identify as a member of one of the Mi'kmaq Groups of Indians of Newfoundland on the date of the Recognition Order (September 22, 2011). Because Rose applied after the band was created, she must **provide proof of Self-Identification**. Also, when Rose applied, steps in the application led her to provide proof of acceptance by one of the Mi'kmaq Groups of Indians of Newfoundland. However, like the majority of applicants that lived outside of a Mi'kmaq community, Rose provided very brief affidavits for proof of the acceptance. These affidavits do not provide adequate evidence. Therefore, **Rose must now also provide evidence of acceptance by one of the Mi'kmaq Groups of Indians of Newfoundland**.

Scenario # 4

Janet applied for membership after the band was created on September 22, 2011, and she lived in a Mi'kmaq community at that time. When Janet applied, she thought that signing the application would fulfill the requirement for Self-Identification, but as 4.1 (d) (i) of the Agreement indicates, Janet must have self-identified as a member of one of the Mi'kmaq Groups of Indians of Newfoundland on the date of the Recognition Order (September 22, 2011). Because Janet applied after the band was created, she must **now provide proof of Self-Identification**. When Janet applied, steps in the application led her to provide two pieces of identification as proof of residency that she was living in a Mi'kmaq community. If Janet provided this proof of residency, and was still living at the same address on the day the band was formed (September 22, 2011) or did not provide evidence that she is no longer living in a Mi'kmaq community, then she does **not need to provide any further information to fulfill the criterion of acceptance by one of the Mi'kmaq Groups of Indians of Newfoundland**.

I feel it is necessary to state again that the review process will be in line with the original agreement and that all current members will retain their status cards (and eligibility for benefits that are conferred to registered Indians) until a decision is reached at the end of the review process, which is expected to be March 2016. At the end of the process, if children are denied membership and their parents maintain or gain status, applications for Indian registration under the *Indian Act* may be made on behalf of the children directly to the Office of the Indian Registrar at Department of Indian Affairs and Northern Development.

Chief Brendan Sheppard