



September 14

Press Release

Chief Sheppard responds to recent court ruling on enrolment criteria

Brendan Sheppard, Chief of the Qalipu Mi'kmaq First Nation, says that the “court’s ruling is reasonable” and on behalf of the Federation of Newfoundland Indians (FNI), he is “prepared to review all people whose applications were found to be invalid for the same reasons as were considered by the Federal Court in the Howse and Foster case.”

Sheppard noted that while the FNI is strongly in favor of moving ahead with this change to application criteria, and is prepared to apply the court ruling to all cases of the same nature, there are two parties to the agreement: the Federation of Newfoundland Indians and the Government of Canada.

Chief Sheppard spoke to representatives of Canada this morning on a conference call and made his position known. The Government of Canada is now considering all the details and they will meet again in the near future to decide how they will move forward, and to issue a joint statement.

Background Summary

The process for establishing membership in the Qalipu First Nation and registration as Status Indians under the Indian Act, as agreed upon by the Federal Government and the Federation of Newfoundland Indians, requires that individuals have completed their applications in full, and before the deadline date, in order to be considered by the Enrolment Review Committee for acceptance into the Band.

This led to some applications which were missing elements such as a signature on the Privacy Statement, and Statement of Full and Final Release, and long-form birth certificate, to be deemed ‘invalid’ and rejected on those grounds with no opportunity to appeal.

A recent court case challenged this application criteria. Applicants Howse and Foster took the case to court as each were rejected for a missing signature in one case and failure to submit a long-form birth certificate in the other. The Federal Court found this to be fundamentally unfair, and ordered that these decisions of the Enrollment Committee be set aside. This ruling is for these two individuals and the ruling does not apply to all other cases of invalid applications.

Media

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