

A person in traditional black attire with a large feathered headdress and wooden sticks, performing a dance or ceremony outdoors. The person is wearing a black long-sleeved top and a black skirt with a colorful circular emblem and a fringe of wooden sticks. They are holding a long wooden stick horizontally. In the background, other people are visible, some in traditional clothing and others in modern clothing.

**HOW CAN I BECOME A
STS'AILES CITIZEN?**

**GUIDE TO STS'AILES'
CITIZENSHIP CODE**

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INTRODUCTION

Sts'ailes has recently undertaken historic steps towards revitalizing self government by enacting its Constitution and Citizenship Code [NTD: this is draft document has been written on the premise that the Constitution and Citizenship Code will be ratified]. This document is intended to help you navigate the Sts'ailes Citizenship Code and provide guidance on how people can become Sts'ailes Citizens under the Citizenship Code.

Importantly, this is not a legal document and is provided only as plain-language and high-level guidance. It does not constitute legal advice. In the event there is a conflict between this document and the Citizenship Code, the Citizenship Code will prevail.



BACKGROUND ON CITIZENSHIP CODE DEVELOPMENT

Sts'ailes convened the Sts'ailes Swoqw'elh Working & Advisory Group ("SSWAG") to help create drafts of the Sts'ailes Constitution and Citizenship Code. Boyd Peters, Brad Charlie, Carla Charlie, Erick Paul, Fran Douglas, Michaela James, Stephanie Adams, William Charlie, and formerly, Sherylynn Crispin, are members of SSWAG and bring their diverse expertise and experience to this work. They are supported by their legal team, Serin Remedios and Cameron Pollock from Miller Titerle + Company.

SSWAG has been working intensively since 2021 to develop the Constitution and Citizenship Code. SSWAG has ensured that these foundational laws reflect and are rooted in *Snowoyelh* and *Si:wes*. SSWAG has also drawn on best practices from other Nations who have undertaken similar work while ensuring our Constitution and Citizenship Code are reflective of Sts'ailes and are cutting edge in advancing our rights.

These drafts of the Constitution and Citizenship Code are now before the Sts'ailes community for consultation, discussion, and revision. This is an ongoing process, which will ultimately lead to a community ratification vote in April 2024. During this time, we want your input on both the Constitution and Citizenship Code. There will be multiple opportunities for you to provide your input in person, the first being at the community Open House on September 20, 2023. However, you can also phone or email us at any time to provide additional feedback by contacting Michaela James or Stephanie Adams:

Michaela James

E: Michaela.James@stsailles.com

T: (604) 796-2116

Stephanie Adams

E: Stephanie.Adams@stsailles.com

T: (604) 796-2116

HOW IS THE CITIZENSHIP CODE DIFFERENT THAN MEMBERSHIP UNDER THE INDIAN ACT?

Sts'ailes is an independent and intact Indigenous nation with inherent jurisdiction to determine issues of belonging, citizenship, and other related matters, and has possessed this jurisdiction since time immemorial. The *Indian Act* was an imposition by the Canadian government of colonial values and understandings about who is Sts'ailes. The *Indian Act's* imposition on Sts'ailes is inconsistent with Sts'ailes' inherent rights of self-determination and self-governance and the United Nations Declaration on the Rights of Indigenous Peoples.

Article 1, 'Preamble'

By adopting the Citizenship Code, Sts'ailes is reasserting and revitalizing its jurisdiction over determinations of Sts'ailes belonging and citizenship and is moving away from the systems established by the *Indian Act* and administered by the Canadian government. The Citizenship Code is a written reflection of Sts'ailes' inherent jurisdiction and traditional laws regarding who is Sts'ailes. It replaces the *Indian Act* to determine who is Sts'ailes Citizen.

Article 1, 'Preamble'
and Article 2,
'Purposes'

The Citizenship Code does not affect your Indian Status under the *Indian Act* – it only affects citizenship and belonging to Sts'ailes.

CAN I BECOME A STS'AILES CITIZEN?

1. If you are a registered Sts'ailes Member when the Citizenship Code is ratified, you will automatically become a Sts'ailes Citizen under the Citizenship Code. There is nothing that you must do as part of this process, and you do not need to go through the Provisional Citizenship process.

Sections 6.2 – 6.4

2. If you are over 18 and are not a registered Sts'ailes Member, you must meet one of the eligibility criteria, apply to become a Provisional Citizen and, if accepted, complete the Provisional Citizenship process.

- You will be eligible to become a Provisional Citizen if:
 - You have at least one biological grandparent who was or was entitled to be a registered member of Sts'ailes;
 - You are considered *t'set Xwelmexw ye Sts'ailes* (if you have questions about who is considered *t'set Xwelmexw ye Sts'ailes*, please go to page 11 under the heading **“Who are *t'set Xwelmexw ye Sts'ailes*?”**);
 - You were adopted as a child (under 18) by an individual who is *t'set Xwelmexw ye Sts'ailes* who is also a Sts'ailes Citizen;
 - You are married to an individual who is *t'set Xwelmexw ye Sts'ailes* and who is also a Sts'ailes Citizen;
 - You have at least one biological parent who was entitled to be recognized as *t'set Xwelmexw ye Sts'ailes* but who was not due to an incorrect decision or error; or
 - You are considered to be eligible according to Sts'ailes *Snowoyelh* and *Si:wes*.

Section 6.1(b)

Section 6.1(c)

Section 6.1(d)

Section 6.1(e)

Section 6.1(f)

Section 6.1(g)

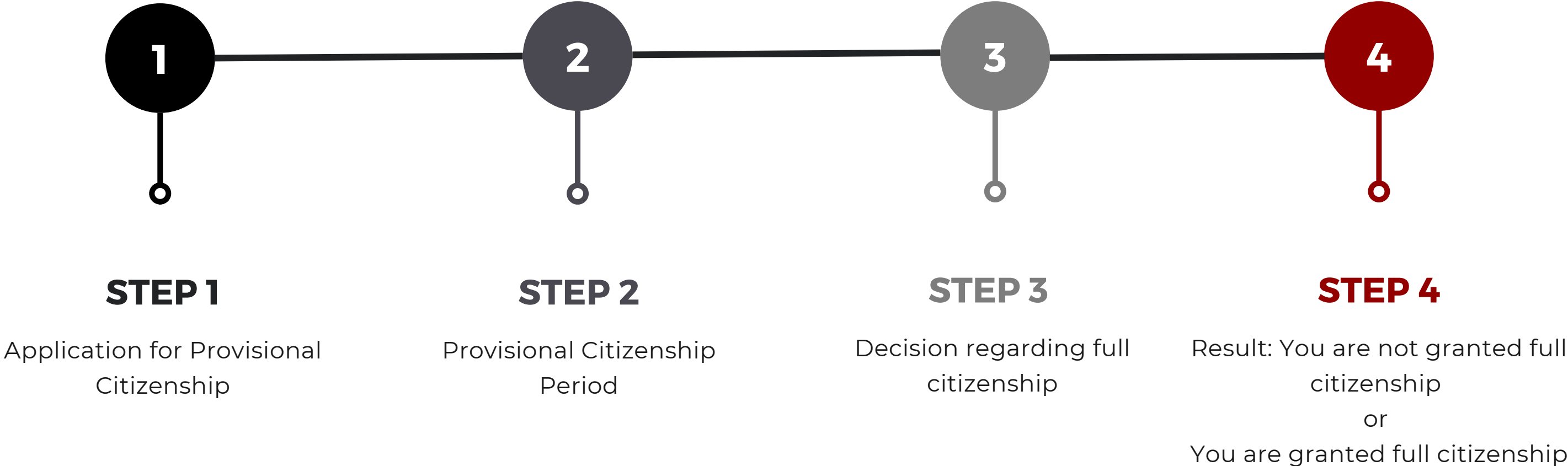
- For further details on the process of Provisional Citizenship, please go to page 7 under the heading **“How do I become a Sts'ailes Citizen if I am not automatically registered?”**.

3. If you are under 18 and are not a registered Sts'ailes Member, you can be registered automatically as a Sts'ailes Citizen if you meet one of the eligibility criteria and have a parent who is a Sts'ailes Citizen. In other words, you or your parent will need to register you, but you do not need to go through the Provisional Citizenship process.

Sections 6.5 and
6.6

HOW DO I BECOME A STS'AILES CITIZEN IF I AM NOT AUTOMATICALLY REGISTERED?

If you meet one of the eligibility criteria set out on page 6 under the heading **“Can I become a Sts’ailes Citizen?”** but do not qualify for automatic registration, you must complete the Provisional Citizenship process:



HOW DO I BECOME A STS'AILES CITIZEN IF I AM NOT AUTOMATICALLY REGISTERED?

In more detail, the Provisional Citizenship process is as follows:

STEP 1 Application for Provisional Citizenship	<ul style="list-style-type: none">• To begin the process, you must fill out and submit an application to the Sts'ailes Citizenship Department. The Citizenship Department will publish the form that you must use.• When the Citizenship Department receives your application, they will review it and determine if you are accepted as a Provisional Citizen based on your proof of eligibility.• The Citizenship Department will notify you about whether you have been accepted or not. If you are not accepted, you may reapply after one year if you provide new information about why your application should be accepted.	Section 7.1 and 7.2
STEP 2 Provisional Citizenship Period	<ul style="list-style-type: none">• If accepted, you will be a Provisional Citizen for a period of one to five years, as decided by the Citizenship Department. During that period, you must reside in <i>S'ólh Téméxw</i> and uphold all the responsibilities of Sts'ailes Citizens.	Section 7.3
STEP 3 Decision regarding full citizenship	<ul style="list-style-type: none">• When your period as a Provisional Citizen ends, the Citizenship Department will determine whether you have complied with the required conditions and make a recommendation to Chief and Council about whether you should be granted full citizenship, within 15 days of the end of your Provisional Citizen period.	Section 7.2
STEP 4 Result: You are not granted full citizenship or You are granted full citizenship	<ul style="list-style-type: none">◦ As part of their decision about whether to recommend to Chief and Council that you should become a full citizen, the Citizenship Department will consult with various advisory bodies in Sts'ailes' government and may require that you provide support for why you should be granted citizenship or attend an interview with Chief and Council.◦ If Chief and Council decides that you should not be granted citizenship, they may require you to remain a Provisional Citizen for up to two additional years, require you to meet certain specific conditions, require you to repeat the entire Provisional Citizenship period, or end your status as a Provisional Citizen.◦ If the Chief and Council decides that you should be granted full citizenship, the Citizenship Department will register you as a Sts'ailes Citizen once you provide your confirmation that you wish to become a citizen.	Section 7.4 and 7.5
		Section 7.8
		Section 7.9
		Section 7.11
		Section 7.10

WHAT ARE MY RIGHTS AS A CITIZEN?

1. As a Provisional Citizen, you have the right to participate in community consultations, in Sts'ailes ceremonies, and to access Sts'ailes appeals processes.

Section 7.15

2. As a full Sts'ailes Citizen, you may live in *S'ólh Téméxw*, participate in elections for Chief and Council, participate in referendums, seek elected leadership positions, and share in the communal interests in Sts'ailes Lands. Additionally, if you normally live in *S'ólh Téméxw*, you may have other rights to be consulted and participate in decisions about local matters.

Section 6.7 and 6.8

WHAT ARE MY RESPONSIBILITIES AS A CITIZEN?

Both full Sts'ailes Citizens and Provisional Citizens must:

- honour Sts'ailes customs, traditions, and practices;
- follow Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*;
- respect and uphold the Origin Story teachings and the Seven Laws of Life;
- help preserve and enhance Sts'ailes culture and language;
- respect and protect the safety of Sts'ailes children, people, and *S'ólh Téméxw*; and
- maintain active ties and good relations within the Sts'ailes community.

Section 6.9 and 7.5

Provisional Citizens must also normally reside within *S'ólh Téméxw* during their Provisional Period.

CAN I LOSE OR RENOUNCE MY CITIZENSHIP?

1. If you are a Provisional Citizen:

- **You can lose your Provisional Citizenship** if you do not uphold the responsibilities of Sts'ailes Citizens, do not remain ordinarily resident in *S'ólh Téméxw*, or if you are found to have gained citizenship improperly, including by submitting false or incorrect information about your eligibility for citizenship.
- As a Provisional Citizen, if the Citizenship Department determines you are not fulfilling your responsibilities, they will inform you and provide an opportunity for you to correct the issue.
- **You may renounce your Provisional Citizenship** at any time by following the process established by the Citizenship Department.

Section 7.6

Section 7.6

Section 7.7

2. If you are a full Sts'ailes Citizen:

- **You can lose your Sts'ailes Citizenship** where the Citizenship Department recommend that Chief and Council end your citizenship for the following reasons:
 - you no longer meet the eligibility criteria for Sts'ailes Citizenship; or
 - if you are found to have gained citizenship improperly, including by submitting false or incorrect information about your eligibility for citizenship.
- The Citizenship Department will notify you if there is an issue that may lead to you losing your citizenship and provide you with an opportunity to correct that issue.
- **Your Sts'ailes Citizenship can be suspended** if Chief and Council believe that your conduct poses a significant risk to the safety of the Sts'ailes community or *S'ólh Téméxw*.
- **You may renounce your Sts'ailes Citizenship** at any time by following the process established by the Citizenship Department.
- If you lose or renounce your Sts'ailes Citizenship, **you can reapply** by following the process established by the Citizenship Department. You may be required to repeat the Provisional Citizenship process.

Section 8.1

Section 8.2 - 8.4

Section 8.7 - 8.9

Section 8.5

Section 8.6

WHAT IF I DISAGREE WITH A DECISION OF THE CITIZENSHIP DEPARTMENT?

Applicants for Provisional Citizenship, Provisional Citizens, full Sts'ailes Citizens, and *t'set Xwelmexw ye Sts'ailes* can appeal decisions of the Citizenship Department that directly affect them to the Citizenship Department by following the established procedures.

Section 11.1 – 11.2

If you disagree with the outcome of the appeal given by the Citizenship Department, you can appeal the decision to the Sts'ailes Appeals Council.

Section 11.3

CAN I BE A CITIZEN OR MEMBER OF ANOTHER FIRST NATION OR INDIGENOUS GROUP?

1. **Within Canada:** No, Sts'ailes does not permit its citizens to hold memberships or citizenships with other First Nations in Canada.

Section 9.1

2. **Outside of Canada:** Yes, you may hold memberships or citizenship with other First Nations or Indigenous groups outside of Canada.

Section 9.2

WHO ARE T'SET XWELMEXW YE STS'AILES?

“*t'set Xwelmexw ye Sts'ailes*” or “Sts'ailes people” is a concept used in the Citizenship Code to recognize that there are people with Sts'ailes connection and ancestry who hold inherent rights but do not live in *S'ólh Téméxw*, do not participate in the political and community aspects of Sts'ailes, and are not Sts'ailes Citizens.

It is crucial that the Citizenship Code recognize the existence of *t'set Xwelmexw ye Sts'ailes* for the following reasons:

- for the purposes of determining eligibility for Sts'ailes Citizenship;
- because *t'set Xwelmexw ye Sts'ailes* hold inherent rights and exercise those rights subject to *Snowoyelh* and *Si:wes*; and
- certain Sts'ailes Laws may apply to *t'set Xwelmexw ye Sts'ailes* (for example, the *Snowoyelh Te Emi:melh Te Sts'ailes* (Child and Family Services Law)).

The Citizenship Code itself does not set out exactly is required to demonstrate that someone is *t'set Xwelmexw ye Sts'ailes*. This information will be contained in future policies published by the Citizenship Department. Although this information is not yet codified in writing, it is inherent Sts'ailes jurisdiction and traditional law that already exists pursuant to *Snowoyelh* and *Si:wes* – Sts'ailes knows who is Sts'ailes.

Section 3.1(j) and
Article 5, 't'set
Xwelmexw ye
Sts'ailes'

Section 5.2

QUESTIONS?

PLEASE CONTACT:

MICHAELA JAMES

E: MICHAELA.JAMES@STSAILES.COM

T: (604) 796-2116

STEPHANIE ADAMS

E: STEPHANIE.ADAMS@STSAILES.COM

T: (604) 796-2116

