

 Wulana kinu  
THIS IS WHO WE ARE

# Enrollment Committee Handbook

**Information on the Implementation and Operation of the  
Enrollment Process for Enrollment Committee Members**

## **TABLE OF CONTENTS**

TABLE OF CONTENTS .....	2
PREAMBLE.....	3
PURPOSE.....	5
HOW THE PROCESS WAS CREATED .....	5
RIGHTS AND RESPONSIBILITIES .....	6
ELIGIBILITY CRITERIA .....	7
THE ENROLLMENT ELIGIBILITY CRITERIA .....	7
FAMILIAL CONNECTION (s. 2(a)).....	7
ACCEPTANCE (s. 2(b)) .....	11
Assessment of Eligibility Criteria (s. 6) .....	14
APPLICATION PROCESS .....	16
STEP ONE: SUBMISSION OF APPLICATION.....	16
STEP TWO: SCREENING OF APPLICATION.....	17
STEP THREE: REVIEW OF APPLICATION.....	18
STEP FOUR: NOTICE OF DECISION.....	20
SUMMARY OF NOTICES PROVIDED TO APPLICANT .....	20
OPTIONS WHEN REFUSED ENROLLMENT .....	21
Request for Reconsideration following a negative decision of the Enrollment Committee .....	21
REMOVALS FROM THE ENROLLED LIST .....	23
ENROLLMENT COMMITTEE.....	25
SELECTION AND APPOINTMENT .....	25
TERM OF APPOINTMENT.....	25
CONDITIONS OF APPOINTMENT .....	26
TERMINATION .....	26
POWERS.....	26
DUTIES.....	28
ENROLLMENT OFFICER AND OFFICE .....	30
ENROLLED LIST.....	32
CONFIDENTIALITY OF THE ENROLLED LIST .....	32
FAMILY NAMES & ADVISORY COMMITTEES .....	33
IDENTIFICATION OF FAMILY NAMES .....	33
CREATION OF ADVISORY COMMITTEES.....	34
DUTIES OF AN ADVISORY COMMITTEE.....	35
COMPLAINTS PROCESS .....	35
GLOSSARY OF TERMS.....	36

## **PREAMBLE**

Our identity as a Nation is grounded in our family roots and connections. When Mi'kmaq interact, the first things we ask are questions like *tami wetapeksin*, *wenik kujjewijik*, and *wenik kikmaq*? When we ask the question of who is a Mi'kmaw, and who is an heir of our Treaties and Aboriginal Rights, the answer must come from our culture and our history and our heritage. A process to identify rights-holders must reflect our understandings, our definitions and our ways of identifying who is L'nu and what it means to be L'nu.

For Mi'kmaq, who we are is straight forward. "Wula na kinu" means exactly that, "This is who we are". And this is what this enrollment process is grounded in, our identity, our concepts, our culture. These questions are the way we connect to one another and identify Mi'kmaw people.

Importantly, we do not want to re-create the *Indian Act* or replicate its processes of recognition. A part of recognition as a Nation means defining who we are, and protecting our Rights and our homeland, Mi'kma'ki. We have become accustomed to government processes that are not within our control, but government processes are not our identity. Our identity is a reflection of the world around us. We are a cyclical people – everything is interconnected.

This Enrollment Process is not a citizenship code or process. Rather, it is about identifying who are the beneficiaries or holders of Aboriginal and Treaty rights in the province of Nova Scotia. While non-Mi'kmaq people who participate in our events, live in our communities, or are in relationships with Mi'kmaq, may be generally considered or defined to be "community members", they are not Mi'kmaq for the purpose of accessing Aboriginal Rights. As self-governance progresses, the Mi'kmaq may develop a citizenship process which acknowledges or includes this broader community, we are not at that stage yet. This Enrollment Process is not intended to interfere with non-Mi'kmaq participation or engagement in our community, but to define who is properly a Mi'kmaq rights-holder in Nova Scotia.

With Rights come Responsibilities. If individuals abuse the resources, there should be recourse, including potential loss of privileges in terms of resource access. Guidelines, like the *Moose Harvesting Guidelines*, outline how these processes work in specific contexts. The Assembly of Nova Scotia Mi'kmaq Chiefs ("Assembly") will continue to build and develop more of our own processes and guidelines to ensure that as Mi'kmaq we are practicing Netukulimk. We will work with our harvesters and our knowledge-holders to continue to develop this work to ensure that our resources are available for all to use, today and for future generations.

It is important that our Enrollment Process be flexible enough to change over time, to reflect our needs and our demographics. We know that Mi'kma'ki is more than just Nova Scotia, but everything needs to start somewhere. Like a tree which sows its seed into the ground, over time the tree will grow, take root and spread, but without that initial seed there will be no growth.

In the last year, Nova Scotia Mi'kmaq and the Assembly of Nova Scotia Mi'kmaq Chiefs have agreed that the criteria and procedural components for the Nova Scotia Mi'kmaq Enrollment Process reflects their thoughts and views. They have agreed that they would prefer to pilot the Nova Scotia Mi'kmaq Enrollment Process ("process") to determine how the process would work at a procedural and practical level. A pilot is critical for creating trust in the work. This pilot includes eligibility requirements for issuing of Harvester Identification Cards to individuals who are Non-Status or are registered Status Indians on the Atlantic General List (those who do not have a status card to one of the 13 Nova Scotia Mi'kmaq Bands) to harvest renewable resources under provincial jurisdiction (wildlife, freshwater fish, plants and trees). Based on this direction, the Assembly unanimously approved a resolution on April 25th, 2019 for the pilot to start in August 2019.

## **PURPOSE**

The purpose of this document to provide the Enrollment Committee a guide for the assessment of applications submitted under the Nova Scotia Mi'kmaq Enrollment Process ("Enrollment Process").

This Handbook will be followed for the administration of the Pilot Project ("Pilot") for Harvester Identification Cards ("HIC"). The Pilot is limited in scope to harvesting renewable resources under provincial jurisdiction (wildlife, freshwater fish, plants and trees). This means that successful applicants can utilize their harvester identification card to access provincial resources. The Nova Scotia Mi'kmaq Enrollment Process will be utilized for this pilot.

## **HOW THE PROCESS WAS CREATED**

The Assembly has heard from many community members who have concerns about the Indigenous and Northern Affairs Canada (INAC) registration ('status') policy set out in the *Indian Act*. Many Mi'kmaq feel that this policy took away individual First Nations' traditional processes of nationhood, and homogenized First Nations as a single group. Section 6 of the Indian Act, in particular, has negatively impacted individuals, especially prejudicing women and making identity an issue of blood quantum.

Some of the first work on Nova Scotia Mi'kmaq identity began in 2001 with the Nova Scotia Mi'kmaq Beneficiaries Project. In 2008, the *Mi'kmaq of Nova Scotia Nationhood Proclamation* asserted the Nationhood of the Mi'kmaq Nation in Nova Scotia as a part of Mi'kmaq self-determination and as a first step towards Mi'kmaq governance in Nova Scotia. In the same year, the Assembly of Nova Scotia Mi'kmaq Chiefs commissioned a report on Mi'kmaq identity.

- Kwilmu'kw Maw-klusuaqn is based on five pillars and is focused on the implementation of Mi'kmaq Treaty and Title Rights and Aboriginal Rights in Nova Scotia. One of the five pillars is "to revive, promote and protect a healthy Mi'kmaq identity".

The Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO), under the direction of the Assembly, has been conducting research and engaging with Nova Scotia Mi'kmaq community members since 2008 toward these goals.

- Engagement on the Enrollment Process was conducted from 2008-2017. Engagement included: community sessions, think-tanks, symposiums, youth conferences, regional discussions, Nationhood conferences, meetings with the Grand Council, news articles, social media outreach, individual meetings, focus groups and webinars.

## **RIGHTS AND RESPONSIBILITIES**

With Rights come Responsibilities. The Mi'kmaq do not own this land, rather we are the caretakers of Mi'kma'ki. While Nova Scotia is our homeland and we have been here since time immemorial it does not mean we have the Right to abuse the land, air and waterways. We have a duty to protect our home and ensure its wellbeing, not just for ourselves, but for future generations.

It is our Right as Mi'kmaq to exercise our Treaty and Aboriginal Rights, but we have to recognize that access to our Rights must be exercised responsibly.



## **ELIGIBILITY CRITERIA**

### **THE ENROLLMENT ELIGIBILITY CRITERIA**

#### **TO BE ELIGIBLE:**

- A Mi'kmaw of Nova Scotia is an individual eligible to exercise Mi'kmaw Aboriginal and Treaty rights.
- To be eligible to be enrolled as a Mi'kmaw of Nova Scotia, an applicant must meet **both** of the following criteria:

#### A. Familial Connection, established by one of three methods:

- i. The applicant has Mi'kmaw of Nova Scotia Ancestry, meaning the applicant can demonstrate their ancestry to a Mi'kmaw of Nova Scotia family; or
- ii. The applicant was adopted before the age of 18, under laws recognized in Canada or in accordance with Mi'kmaq custom, by an individual who can establish Nova Scotia Mi'kmaq Ancestry under (i); or
- iii. The applicant is the biological or adopted child of an enrolled Mi'kmaw of Nova Scotia; AND,

#### B. Acceptance by the Nova Scotia Mi'kmaq Nation

### **FAMILIAL CONNECTION (s. 2(a))**

How should “familial connection” be understood by the Enrollment Committee? How is it understood by the Nova Scotia Mi'kmaq and how should it be interpreted under this process?

#### **i. *Nova Scotia Mi'kmaq Ancestry (s. 2(a)(i) and (ii)).***

Nova Scotia Mi'kmaq have clearly stated that to be a Mi'kmaw of Nova Scotia, a person must be ancestrally Mi'kmaq. However, the English word “ancestry” does not translate and explain Mi'kmaq concepts of family and connection in the same way. The Mi'kmaq explain **ancestry** through concepts like *tami wetapeksin*, *wenik kikmaq*, *wenik kujjewijik*, and *tami tleyawin*. It is about your relations – who is your family, what are your roots and to whom you are related.

Flowing from this understanding, the criterion of Nova Scotia Mi'kmaq Ancestry under s. 2(a)(i) and 2(a)(ii) of the Eligibility Criteria requires proof of two elements: an ancestral connection on at least one side of the family, and a present-day connection to at least one Nova Scotia Mi'kmaq family. Nova Scotia Mi'kmaq Ancestry may be established by birth or adoption.

***ii. An ancestral connection on at least one side of the applicant's family line (maternal or paternal), demonstrated after 1871 (s. 3(a)).***

The Enrollment Committee will consider the following factors in assessing Nova Scotia Mi'kmaq Ancestry:

- The applicant must demonstrate in their application that at least one side of their family (maternal or paternal) has Nova Scotia Mi'kmaq Ancestry.
- The applicant must demonstrate an ancestral connection after 1871. As Nova Scotia Mi'kmaq have stated, “just because your great, great, great, great grandparent was Mi'kmaw, that doesn't make you Mi'kmaw”.

**Evidence** (proof) of Nova Scotia Mi'kmaq Ancestry may include:

- Evidence that the applicant's or ancestor's family name can be verified as Mi'kmaq. For example, some names like Gould or Googoo are undoubtedly tied to Mi'kmaq families. Surnames like Muise or McDonald are names that are also commonly found in non-Mi'kmaq families.
- Photographic proof that the family member was/is a Mi'kmaw, when combined with other evidence.
- Oral testimony from individuals pitewey-time by the Enrollment Committee.
- Official records, such as baptismal, marriage, or census records, which state that the applicant or their ancestor was an “Indian”, “Micmac” or “Mi'kmaw”.
- Whether the applicant and/or their ancestor was born in, or resided in, an area that is recognized as a traditionally Mi'kmaq settlement.
- See also below for more details.



- The Enrollment Committee will not accept documentation dated prior to 1871 as proof of Nova Scotia Mi'kmaq Ancestry, unless that documentation is accompanied by proof of ancestry records dating from after 1871.
- The Enrollment Committee must consider and weigh all of the available documentary and other evidence presented by the applicant, to determine whether the applicant's ancestors are in fact Mi'kmaq, on a balance of probabilities (more likely than not).

**Factors** are substantive elements, considerations, or sub-criteria that the Enrollment Committee will look at in assessing whether an applicant meets the main Eligibility Criteria of Familial Connection and Acceptance.

**Evidence** is the information or documentation an applicant or another person (i.e. Advisory Committee) may provide to demonstrate ("prove") the applicant meets the factors or the Eligibility Criteria.

*iii. A present-day connection to at least one Nova Scotia Mi'kmaq family (s. 3(b)).*

Being a Mi'kmaw of Nova Scotia does not simply mean an applicant can present evidence that somewhere within their family tree or lineage, they had one blood relative who was Mi'kmaq. Ancestry for the Nova Scotia Mi'kmaq, and for the purposes of the Enrollment Process, is centered on the consistent and present role of the family and the Nation.

The Enrollment Committee will consider the following **factors** in assessing a present-day connection to a Nova Scotia Mi'kmaq family:

- An applicant must demonstrate that they are connected to and/or a part of at least one Nova Scotia Mi'kmaw family presently. Even if an applicant can demonstrate Mi'kmaw heritage from a historical time point, an applicant must still demonstrate their current and continued connection to a Nova Scotia Mi'kmaw family. Examples of **evidence** may include:
  - Photographs of participation in family events or functions
  - Letters of support from family members.
- In circumstance where further verification is needed to validate an applicant's eligibility, an Advisory Committee may be established (see section "Family Names and Advisory Committees").

- In cases where the Advisory Committee cannot or will not verify the applicant, the Enrollment Committee must examine whether the applicant was disconnected from their family due to special considerations under s. 3(c).

See section on Acceptance for other examples of the **evidence** the Enrollment Committee may consider in assessing connection to a present-day Nova Scotia Mi'kmaq family.

***iv. Disconnection from a present-day Nova Scotia Mi'kmaq family due to special circumstances (s. 3(c)).***

In cases where the Advisory Committee cannot or will not verify the applicant, the Enrollment Committee must examine whether the applicant was disconnected due to special considerations under s. 3(c).

The Enrollment Committee will waive the requirement of “a present-day connection to at least one Nova Scotia Mi'kmaq family” if the Enrollment Committee is satisfied, on a balance of probabilities (more likely than not), that special circumstances exist which explain the individual’s disconnection from their Nova Scotia Mi'kmaq family.

Special circumstances may include, but are not limited to:

- residential schools;
- the “Sixties Scoop”;
- the child-welfare system;
- domestic or intimate-partner violence or abuse;
- gender-based discrimination under the Indian Act;
- reasons related to personal characteristics such as gender, disability, family or marital status; or
- other impacts of colonialism.

***v. Adopted Children (s. 2(a)(ii) and s. 4)***

Nova Scotia Mi'kmaq Ancestry can be established through birth or adoption.

Adoption into the Nova Scotia Mi'kmaq Nation must have occurred under laws recognized by Canada, or through a Custom Mi'kmaq Adoption (see *Ankwe'aq Mi'kmaq Custom Adoption Protocol*).

In the context of adopted children (legal and customary), Mi'kmaq have explained that as long as a person was raised as a Mi'kmaq and participated in the Mi'kmaq Nation, "blood shouldn't count". Grand Captain Antle Denny furthers this statement in explaining that

historically when a Mi'kmaw family adopted children, those children were accepted as part of Mi'kmaq society.

As an important part of Mi'kmaq identity is Familial Connection and Acceptance by the Mi'kmaq Nation, the Enrollment Committee will assess that the adoption was in good faith, with the intention of raising the child within the family and as a part of the Nation and culture. This includes the following scenarios:

- legal adoption – meaning a Mi'kmaw family legally adopts a child;
- custom adoption – an Indigenous child raised by a Mi'kmaw family;
- non-Mi'kmaq raised as Mi'kmaq – meaning individuals who as minors were brought up and raised Mi'kmaq who may not have been formally adopted (and are now adults).

In the case of minors, parents will have to provide proof of adoption, either legal or custom.

### ***Child of an Enrolled Mi'kmaw Beneficiary (s. 2(a)(iii)).***

Once an individual is enrolled as a Mi'kmaw of Nova Scotia under this process, their children need only provide recorded proof that at least **one parent** is enrolled as a Mi'kmaw of Nova Scotia in order to satisfy the requirement of Familial Connection under s. 2(a).

### **ACCEPTANCE (s. 2(b))**

Acceptance means the Nova Scotia Mi'kmaq Nation accepts an individual as a Mi'kmaw of Nova Scotia.

Mi'kmaq customs, traditions and practices connect many aspects of Mi'kmaq life. Even if a person hunts, makes baskets, attends powwows, and harvests sweet grass, this does not mean a person is L'nu pursuant to Mi'kmaq customs, traditions and practices.

The Enrollment Committee will consider a combination of the following **factors** in assessing whether an applicant meets the Acceptance criterion for eligibility:

- The applicant's participation, contribution, or ties to the Nova Scotia Mi'kmaq Nation, including an applicant's ties to one or more of the following Mi'kmaq bands and/or areas:

Acadia;

L'sitkuk (Bear River);

Potlotek;

Eskasoni;

Glooscap;

Membertou;

Millbrook;

Paqtnkek;

Pictou Landing;

Sipekne'katik;

Wagmatcook;

We'koqma'q;

Other known historic Mi'kmaq settlement areas (such as, but not limited to Shelburne, Springhill, New Germany, North Sydney, Middleton, Liverpool, Cook's Cove);

- knowledge of the person by members of the Nova Scotia Mi'kmaq Nation;
- the degree of knowledge of or familiarity with Mi'kmaq culture, customs, lifestyles, and history;
- the degree of knowledge of the Mi'kmaq language;
- where and how the applicant was raised, and how this factor may have impacted the applicant's ability to demonstrate the above factors.

- in cases where evidence of Acceptance is not strong and/or verification cannot be confirmed through the establishment of an Advisory Committee, the Enrollment Committee must examine:
  - The impacts of colonialism, including residential schools, the Sixties Scoop, or the child welfare system, and how these factors may have impacted the applicant's acceptance by the Nova Scotia Mi'kmaq Nation.
  - Any reasons related to personal characteristics of the applicant, such as gender, disability, family or marital status, that may have impacted the applicant's acceptance, including but not limited to domestic or intimate-partner violence or abuse and gender-based discrimination under the *Indian Act*, and how these factors may have impacted the applicant's acceptance by the Nova Scotia Mi'kmaq Nation.

**Evidence** (proof) of Acceptance may include any combination of:

- Letter(s) of support from a family member and/or member of the Nova Scotia Mi'kmaq Nation.
- Oral evidence or other verification provided to the Enrollment Committee by an Advisory Committee.
- Oral evidence provided by the applicant or other individuals whom had pitewey-time with the Enrollment Committee (e.g., regarding participation by the applicant in the Nova Scotia Mi'kmaq Nation, or knowledge of language, customs or history).
- See also sections on Acceptance above, and Assessment, below.
- Note: the applicant's consent is required before the Enrollment Committee may discuss their application and/or eligibility with a third party, including Advisory Committees. Should the applicant decline to provide their consent, the Enrollment Committee may request further information from the applicant, and/or base its decision on the documentary information submitted by the applicant. The applicant has the right to review the evidence from the Advisory Committee, if one is required, and evidence provided to the Committee and reviewed by them.
- In assessing whether an applicant meets the Acceptance criterion for eligibility, the Enrollment Committee will consider and weigh any combination of available documentary and oral evidence.

### **Assessment of Eligibility Criteria (s. 6)**

- In assessing whether the applicant meets the Eligibility Criteria, the Enrollment Committee must consider and weigh all available documentary and oral evidence.
- The following supporting documents are required as part of the applicant's application package. The application will be considered incomplete if this supporting documentation is not included:
  1. copy of long-form birth certificate;
  2. copy of government-issued photo identification;
  3. identification photo;
  4. completed Family Tree – completed in the application form
- In addition to the required supporting documentation, applicants are encouraged to include additional evidence to support their applications, including but not limited to any combination of the following:
  1. Evidence of a Mi'kmaq family name. In some cases, family name alone may be determinative. However, where a family name is commonly associated with both Mi'kmaq and non-Mi'kmaq families, the Enrollment Committee will examine other supporting evidence in combination with the family name.
  2. Vital Statistics Records (e.g., birth certificate, marriage certificates showing parents' marriage, death records).
  3. Letter(s) of support from family members.
  4. Letter(s) of support from members of the Nova Scotia Mi'kmaq Nation.
  5. Court Orders or Court documents.
  6. Church records (e.g., for birth, baptism, marriage, and death). Among evidence presented prior to 1908, Parish records will be weighted the highest.
  7. Census records (for every year except 1891, enumerators were told to record the racial origin of each individual, note: not all Mi'kmaw were recorded in census records).



8. Historical photographs (while historical photographs alone will not be adequate to establish Nova Scotia Mi'kmaq Ancestry, they may be accepted in combination with other evidence).
  9. Completion of Genealogy.
  10. Adoption Records.
  11. Status Cards.
  12. Statutory declarations of the applicant or other individuals.
- With the prior written consent of the applicant, the Enrollment Committee may conduct pitewey-time to supplement the documentary evidence provided by the applicant (e.g., regarding participation by the applicant in the Nova Scotia Mi'kmaq Nation). In such cases the Enrollment Committee will also consider the oral evidence provided by the applicant or other individuals whom had pitewey-time.
  - Where an applicant's Familial Connection under s. 2(a) is through the paternal line, and the applicant is unable to establish or unwilling to disclose the identity of their parent, grandparent or ancestor, the Enrollment Committee may consider any combination of available evidence to establish whether it is more probable than not that the unknown or unstated parent, grandparent or ancestor was Mi'kmaw.
  - When historical records (e.g., parish records) are provided, which do not indicate whether a person was Mi'kmaw, the Enrollment Committee will consider a variety of factors to assess whether the record can establish that the individual was Mi'kmaw on a balance of probabilities, including the names of the parents, and the location of the birth/baptism/death/marriage/record as cross-referenced with their proximity to known Mi'kmaq settlements at the time of the documentation.
  - The Enrollment Committee must evaluate whether the available oral and documentary evidence, considered as a whole, establishes that the applicant meets the Eligibility Criteria on a balance of probabilities (more likely than not).
  - If, in rejecting an Application, the Enrollment Committee places more or less weight on certain evidence due to its quality, credibility, or verifiability, the Committee will be required to explain this in its reasons for decision.

## **APPLICATION PROCESS**

### **STEP ONE: SUBMISSION OF APPLICATION**

#### **(a) Applicants**

A person wishing to be enrolled as a Mi'kmaw of Nova Scotia must submit the prescribed application form and all supporting documentation to the Enrollment Officer.

Applicants must be 18 years of age or older.

Minor children under the age of 18 years will be enrolled under their parent's Application until they reach 18 years of age, at which time they must submit their own Application. In the cases where a minor has been adopted out and/or estranged from their Mi'kmaq parent(s), the guardian may make an application on their behalf.

In the case of an adult applicant under a legal disability or incapacity, the applicant's legal guardian or representative may submit an Application on their behalf.

An applicant may appoint a representative, in writing, to make enquires or submissions on their behalf about their Application.

#### **(b) Application materials**

Applicants are encouraged to include as much information as possible with their Application to establish they meet the Eligibility Criteria.

The following information **must** be included with an Application. If any of this documentation is missing, the Application will be considered incomplete:

1. copy of long-form birth certificate;
2. copy of government-issued photo identification;
3. identification photo (specifications);
4. completed Family Tree on Nova Scotia Mi'kmaq family connection;

5. any other supporting documentation designated as “required” in any rules or procedures established by the Enrollment Committee).

The following are examples of additional information an applicant may include in support of their Application:

1. Vital Statistics records (e.g., birth, marriage, death records).
2. Letter(s) of support from family members verifying present-day familial connection and acceptance;
3. letter(s) of support from a member of the Nova Scotia Mi'kmaw Nation, verifying acceptance.
4. Court Orders or Court documents.
5. Church records (e.g., birth, baptism, marriage, funeral).
6. Census records.
7. Historical photographs.
8. Completion of genealogy.
9. Adoption records.
10. Status cards.
11. Statutory declarations of the applicant or other individuals.

## **STEP TWO: SCREENING OF APPLICATION**

The Enrollment Officer will issue a Letter of Receipt to the applicant within one week of receiving a completed Application.

Note: Applications submitted electronically may be processed more quickly than faxed or paper applications.

### **Incomplete applications**

The Enrollment Officer shall screen all Applications upon receipt to ensure:

1. all sections of the Application Form are completed; and
2. all **required** supporting documents are included.

In the event the Enrollment Officer considers an Application to be incomplete, the Enrollment Officer must notify the applicant in writing:

1. that their Application is incomplete,
2. identifying the missing information or documentation,
3. requesting that the missing information or documentation be submitted to the Enrollment Officer within 30 days,
4. that their Application may be rejected if the missing information is not provided within 30 days; and
5. that they may request additional time to provide the missing information if necessary.

If the Application remains incomplete after the expiry of the time period provided for submitting the missing information, the Enrollment Officer will recommend to the Enrollment Committee that the Application be rejected, and outline the reasons for that recommendation.

### **STEP THREE: REVIEW OF APPLICATION**

The Enrollment Officer shall transmit completed Applications to the Enrollment Committee for review.

The Enrollment Committee will review the Application, including supporting documentation, to determine whether the applicant meets the Eligibility Criteria.

#### **(a) Pitemaney - Come Have Pitewey With Us**

When the Enrollment Committee is not satisfied that the documentation provided in support of the Application is sufficient to allow the Enrollment Committee to determine whether the applicant meets the Eligibility Criteria, the Enrollment Committee may request additional documentary evidence from the applicant and/or conduct a discussion(s).

The Enrollment Committee may have a discussion the applicant.

Subject to having obtained the prior written consent of the applicant to do so, the Enrollment Committee may also establish an Advisory Committee to verify an applicant's eligibility.

Circumstances in which the Enrollment Committee may consider it necessary to have p̄tewey (tea) with the applicant and/or establish an Advisory Committee include:

1. to confirm present-day Family Connection and Acceptance, when the applicant has not provided a letter(s) of support or in cases where there are concerns with the authenticity and/or means in which the letter of support was acquired;
2. to verify the applicant's degree of knowledge of or familiarity with Mi'kmaq culture, customs, lifestyles, history and language;
3. to ascertain whether "special circumstances" exist to explain the applicant's disconnection from their present-day Nova Scotia Mi'kmaq Family, under s. 3(c) of the Enrollment Process, or to verify those circumstances;
4. to ascertain whether any personal or special circumstances exist that may have affected the applicant's acceptance by the Nova Scotia Mi'kmaq Nation under s. 5(e)-(f) of the Enrollment Process, or to verify those circumstances.

The Enrollment Officer shall ensure the Enrollment Committee has obtained the applicant's written consent for any necessary p̄tewey-time.

The Enrollment Committee shall conduct p̄tewey-time in person or via video/web conference (e.g., Skype). Conversations may not be conducted by telephone conference unless reasonably required to accommodate a disability of the applicant.

The Enrollment Officer shall schedule p̄tewey-time. While reasonable efforts shall be made to accommodate the availability of individual, applicants are expected to make themselves available for p̄tewey-time. Conversations should be scheduled at least 30 days in advance. The date, time and location of the p̄tewey-time must be communicated in writing to the applicant.

The Enrollment Officer shall schedule Advisory Committee meetings. The Enrollment Officer will select the participants on the Advisory Committee based on the application in question – Advisory Committee members will include individuals with knowledge of the

present-day family connection, who are members of that family and/or individuals from the area the applicant claims ties to.

The Enrollment Committee shall maintain a record, including notes or audio-recordings, of all conversations conducted and of Advisory Committee meetings. A summary of the information obtained by the Enrollment Committee through conversations shall be shared with the applicant. The applicant will be provided 30 days to respond to that information, before the Enrollment Committee makes a decision on their Application.

#### **STEP FOUR: NOTICE OF DECISION**

After reviewing the Application, completing any p̄tewey-time(s), and considering any further response from the applicant to information collected during p̄tewey-time, and any information or recommendations provided by the Advisory Committee where established, the Enrollment Committee will make a decision on the Application and issue a Letter of Decision.

A Letter of Decision will be one of the following:

- a) Letter of Approval: advising the applicant of the date of their approval as a member of the Nova Scotia Mi'kmaq Nation, and enclosing the applicant's Nova Scotia Mi'kmaq Identification Card.
- b) Letter of Rejection: advising the applicant that they have been refused enrollment as a member of the Nova Scotia Mi'kmaq Nation, and providing reasons for the decision of the Enrollment Committee. Letters of Rejection shall include an explanation of the applicant's options to: apply for reconsideration, appeal the decision, or reapply after two years (see "Options when Refused Enrollment", below).

#### **SUMMARY OF NOTICES PROVIDED TO APPLICANT**

An applicant will receive written notice at different points in the Application Process:

- 1) Notice that their Application is incomplete (if applicable) – step 2
- 2) Confirmation of receipt of their Application – step 2
- 3) Request for additional information, documentation, or consent to conduct p̄tewey-time with third parties (if applicable) – step 3
- 4) Notice of p̄tewey-time date and time (if applicable) – step 3



- 5) Disclosure of summary of information obtained through pitewey-times and Advisory Committee members, with opportunity to respond (if applicable) – step 3
- 6) Notice of Decision – step 4

With the prior written consent of the applicant, notices and correspondence will be sent to the applicant by email. Alternatively, notices and correspondence may be sent by regular mail. Applicants are responsible for ensuring their contact information with the Enrollment Office is up to date.

### **OPTIONS WHEN REFUSED ENROLLMENT**

When the Enrollment Committee issues a Letter of Rejection, the applicant has four options:

1. accept the negative decision of the Enrollment Committee (do nothing); or
2. request that the Enrollment Committee reconsider its decision; or
3. appeal the decision of the Enrollment Committee to the Appeals Board, or
4. reapply after at least two years.

### **Request for Reconsideration following a negative decision of the Enrollment Committee**

An applicant who has been refused enrollment as a Mi'kmaw of Nova Scotia by the Enrollment Committee may, within 30 days of receiving the Letter of Rejection, submit additional information to the Enrollment Committee and request that it reconsider its decision based on the additional information.

The Enrollment Committee shall consider the applicant's original Application, any information obtained through conversations conducted during the original Application Process, and any new information submitted by the applicant with their request for reconsideration, and shall either:

1. confirm its original decision to reject the Application, or
2. vary its original decision and enroll the applicant.

Applicants shall receive written notice of the reconsideration decision of the Enrollment Committee, which shall include reasons for the decision.

Reconsideration decisions of the Enrollment Committee may be appealed within 30 days to the Appeals Committee. Alternatively, applicants may reapply for enrollment after at least two years from the date of the reconsideration decision.

### **APPEAL**

Where the Enrollment Committee issues a Letter of Rejection or confirms its Letter of Rejection following a request for reconsideration, the applicant may appeal the decision of the Enrollment Committee to the Appeals Committee in accordance with the Enrollment Appeals Process.

### **REAPPLICATION**

Applicants may reapply for enrollment after at least two years have passed since the later of: A Letter of Rejection or reconsideration decision of the Enrollment Committee, or an appeal decision of the Appeals Committee.

Applicants may only reapply for enrollment once.

**NOTE: With Rights come Responsibilities. Mi'kmaq identity is not about accessing benefits. It is important to Nova Scotia Mi'kmaq that individuals of the Nation know their culture and are a part of their society.** When an applicant is advised in a decision of the Enrollment Committee to establish a stronger connection to the Nation and/or Mi'kmaq culture, the onus remains on the applicant to demonstrate how they meet the Eligibility Criteria, including Acceptance, should they decide to request a reconsideration or reapply.

## **REMOVALS FROM THE ENROLLED LIST**

- An individual whose name is removed from the Enrolled List will cease to be enrolled as a Mi'kmaw of Nova Scotia. This means that the individual will no longer be entitled to the rights and privileges flowing from their beneficiary status, including the right to exercise Aboriginal and Treaty Rights.
- The Enrollment Officer will remove an individual from the Enrolled List when:
  - a. the Enrollment Officer receives satisfactory evidence that the individual has died (e.g., an official certificate of death);
  - b. the Enrollment Officer receives a written request from an individual, in the prescribed form, to renounce their status as a Mi'kmaw of Nova Scotia; or
  - c. so, directed by the Enrollment Committee pursuant to s. 17(b) of the Enrollment Process.
- The Enrollment Committee may approve the removal of an individual from the Enrolled List if the Enrollment Committee is satisfied that the individual was enrolled as a Mi'kmaw of Nova Scotia as a result of an error or on the basis of false information.
- Before the Enrollment Committee makes a decision about the removal of an individual from the Enrolled List, the individual shall receive notice:
  - i. that their enrollment is under review,
  - ii. of the reasons the Enrollment Committee has for believing that person should be removed from the Enrolled List; and
  - iii. of their right to make submissions to the Enrollment Committee, within 30 days of the notice, concerning their removal from the Enrolled List.
- a. The Enrollment Committee shall consider any submissions received from the individual before making a decision about their removal from the Enrolled List.
- The Enrollment Officer shall issue a written letter to an individual who is removed from the Enrolled List indicating:
  - a. they have been removed from the Enrolled List;

- b. the reasons they have been removed;
  - c. their right of appeal, if removed under s. 17(b); and
  - d. the right to reapply, if removed due to renunciation of status under s. 17(c).
- 
- Minors who were enrolled under a parent's Application will remain on the Enrolled List until they reach the age of eighteen, unless their parent's removal is to correct an error or due to enrollment on the basis of false information, under s. 17(b).
  
  - An individual who has renounced their status as a Mi'kmaw of Nova Scotia under s. 17(c) may be reinstated to the Enrolled List if they submit a new Application demonstrating that they still meet the Eligibility Criteria, which is approved in accordance with this Enrollment Process.

## **ENROLLMENT COMMITTEE**

Prior to the beginning of the initial Enrollment period, the Assembly will establish an Enrollment Committee.

The Enrollment Committee shall consist of five (5) members, who may each represent one of the following groups:

- a. youth between the ages of 18 and 35;
- b. urban (off-reserve) residents;
- c. Elders;
- d. single parents; and
- e. the Grand Council.

## **SELECTION AND APPOINTMENT**

The Assembly will issue a public call for applications to serve on the Enrollment Committee. Any Mi'kmaw from any of the representative groups listed under (a) to (d), above, wishing to serve on the Enrollment Committee, may submit an application in writing to the Assembly.

The Assembly, taking into consideration factors like merit, demography and geography, will appoint a lead member and an alternate member from each of the five representative groups, except that reserved for a representative of the Grand Council.

The Grand Council may recommend to the Assembly a lead member and an alternate member for the Enrollment Committee.

Future vacancies on the Enrollment Committee shall be filled according to this selection and appointment process.

## **TERM OF APPOINTMENT**

Each member of the Enrollment Committee holds office for a term of one year. Members may be reappointed upon the expiry of their term, but no member shall serve on the Enrollment Committee for more three consecutive terms (three years).

### **CONDITIONS OF APPOINTMENT**

All members of the Enrollment Committee shall swear an Oath of Office before a Justice of the Peace, Notary Public, or a duly appointed Commissioner of Oaths. The Oath of Office will include provisions on confidentiality and conflicts of interest.

Members of the Enrollment Committee:

- f. shall not be a Chief or Councillor;
- g. shall not be employed by or receive remuneration of any kind from KMKNO or the Assembly.

### **TERMINATION**

In the case of death, incapacity, resignation, or temporary absence of any lead member of the Enrollment Committee, the alternate member shall replace the lead member on the Enrollment Committee. The Assembly may remove a committee member for conduct that brings the process into disrepute. The Assembly shall then designate a new alternate member to fill any vacancy created on the Enrollment Committee.

Alternate members may attend Enrollment Committee meetings even when the lead member is present, but only as an observer.

### **POWERS**

In assessing an Application, the Enrollment Committee may:

- a. have pitewey-time with the applicant;
- b. conversations with any other individual, including establishing an Advisory Committee, that the Enrollment Committee considers likely to have information necessary to decide the application;
- c. request that the applicant provide additional information or documentation that the Enrollment Committee considers necessary to decide the application.

The Enrollment Committee may:

- a. enroll an applicant, if the Enrollment Committee is satisfied that the applicant meets the Eligibility Criteria;



- b. refuse to enroll an applicant, if the Enrollment Committee is not satisfied that the applicant meets the Eligibility Criteria;
- c. remove an individual from the Enrolled List, if the Enrollment Committee is satisfied that an individual was enrolled due to error or on the basis of false information;
- d. approve the addition of a family name to the List of Family Names;
- e. remove an Advisory Committee member from their duties if the Enrollment Committee is satisfied that the Advisory Committee member has acted in bad faith, for an improper purpose, or has otherwise violated their Oath of Office.

Subject to the *Enrollment Process* and this *Handbook*, the Enrollment Committee may determine its own rules and procedures.

Subject to this *Enrollment Process*, the Enrollment Committee shall establish policies or guidelines for the purpose of managing and administering the Nova Scotia Mi'kmaq Enrollment Process, including in respect of:

- amendments to the *Enrollment Committee Handbook*;
- terms of Reference of the Enrollment Committee;
- procedures of the Enrollment Committee;
- the establishment of Advisory Committees in verifying or confirming any aspect of an Application;
- terms and procedures for the Advisory Committees;
- identification, appointment, or removal for just cause of individuals on the Advisory Committees;
- the maintenance of, and procedures for adding to, the List of Family Names;
- maintenance of the Enrolled List;
- the making and updating of any forms or templates to be used by the Enrollment Office;
- the administration of any oath, solemn affirmation or declaration;
- supporting documentation or other evidence required or admissible to demonstrate eligibility as a Mi'kmaw of Nova Scotia;
- the roles, responsibilities, and coordination of other parties involved in verifying or confirming any aspect of an Application.

## **DUTIES**

The Enrollment Committee will:

- a. appoint and direct the Enrollment Officer;
- b. consider and assess each Application or request for reconsideration based on the Eligibility Criteria;
- c. issue Letters of Decision to each applicant setting out its decision in respect of their application, and, if Enrollment is refused, include reasons for that decision;
- d. upon request, provide the applicant's Application file to the Appeals Committee;
- e. consider and assess requests for additions to the List of Family Names;
- f. consider and assess complaints about Advisory Committee members;
- g. keep confidential information provided by and about an applicant;
- h. report annually on the Enrollment Process to the Assembly; and
- i. exercise its powers and perform its duties in accordance with the Enrollment Process and the *Enrollment Committee Handbook*.

## **PROCEEDINGS**

The **quorum** for a meeting of the Enrollment Committee is 5 members.

## **MEETINGS OF THE ENROLLMENT COMMITTEE**

The Enrollment Committee will meet as required to fulfill its duties. Meetings will normally take place at the Enrollment Office premises. In the case of inclement weather or other circumstances, the Enrollment Committee may meet by conference call or video conference.

## **CHAIRPERSON**

At the first meeting of the Enrollment Committee in each calendar year, the Enrollment Committee must appoint from among themselves a chairperson who is responsible, during that calendar year, for:

- chairing all meetings of the Enrollment Committee, including p̄itewey-times of applicants or other individuals;
- directing the Enrollment Officer;
- signing all decisions and orders of the Enrollment Committee.

### **DECISION-MAKING**

- **Consensus or Majority Vote:** The Enrollment Committee will attempt to reach its decisions by consensus. If consensus is not possible on a particular matter, the Enrollment Committee must decide the matter by vote on a motion, in which case a motion passes if it is supported by a simple majority of the members of the Enrollment Committee who vote on the motion.
- **Abstentions:** In the case of abstention, the vote will not count.
- **Tied Votes:** If a vote of the Enrollment Committee is tied on the question of an applicant's entitlement to be enrolled as a Mi'kmaw of Nova Scotia, including:
  - whether an applicant meets the Eligibility Criteria, or
  - whether an individual should be removed from the Enrolled List;the vote is deemed to be a vote that the person should be, or continue to be, a Mi'kmaw of Nova Scotia.
- **Conflicts of Interest:** No member of the Enrollment Committee shall participate in any aspect of the decision-making process in respect of an Application or other matter in which they have a real or apparent conflict of interest. Immediately upon becoming aware of the potential conflict of interest, the member shall declare the conflict to the other members of the Enrollment Committee. The alternate member shall fulfill the duties of the lead member in respect of that matter.

## **ENROLLMENT OFFICER AND OFFICE**

The Enrollment Committee will appoint an Enrollment Officer.

## **POWERS TO HIRE AND LEASE PREMISES**

The Enrollment Officer may:

- with the approval of the Enrollment Committee, hire and employ staff to provide administrative support to the Enrollment Committee and the Enrollment Officer;
- with the approval of the Enrollment Committee, lease premises for the Enrollment Office;

Although Kwilmu'kw Maw'klusuaqn Negotiation Office (KMKNO) shall be responsible for the expenses of the Enrollment Office (e.g., cost of leasing premises for the Enrollment Office, salaries for the Enrollment Officer and staff), the Enrollment Office shall be independent from KMKNO.

## **POWERS TO REMOVE INDIVIDUALS FROM ENROLLED LIST**

The Enrollment Officer shall remove an individual from the Enrolled List upon:

- receiving proof of their death in the form of an official certificate of death (s. 17(a)); or
- receiving a request in the prescribed form to renounce their status as a Mi'kmaw of Nova Scotia (s. 17(c)).

(For greater clarity, only the Enrollment Committee (not the Enrollment Officer) may remove an individual from the Enrolled List for the reasons set out at s. 17(b) of the Enrollment Process).

## **DUTIES OF THE ENROLLMENT OFFICER**

The Enrollment Officer shall:

- a. direct staff of the Enrollment Office;
- b. publish and maintain the List of Family Names and the Roster of Advisory Committee members;
- c. establish and maintain the Enrolled List;
- d. ensure the accuracy of the Enrolled List, and the List of Family Names, including promptly updating the Lists as necessary to:
  - i. implement decisions of the Enrollment Committee;
  - ii. implement decisions of the Appeals Committee;
  - iii. update contact information for Nova Scotia Mi'kmaq;
- e. screen Applications for completeness and compliance with technical requirements;
- f. convey completed Applications to the Enrollment Committee for review and decision;
- g. process and send any notices required to be issued by the Enrollment Committee;
- h. process and send correspondence of the Enrollment Committee;
- i. schedule the Enrollment Committee's pitewey-time with applicants;
- j. oversee the logistics including administration, coordination and meetings of Advisory Committees, when required;
- k. update and publish forms as amended by the Enrollment Committee from time to time;
- l. publish the Enrollment Process, Eligibility Criteria, Enrollment Committee Handbook, and any rules or procedures established by the Enrollment Committee;
- m. process and issue Identification Cards;
- n. provide forms to applicants;
- o. respond to inquiries from the public regarding the Enrollment Process;
- p. carry out other duties as directed by the Enrollment Committee or as may be required for the proper administration of the Enrollment Process and the Enrolled List.

### **ENROLLED LIST**

- The Enrolled List is the list of all enrolled Nova Scotia Mi'kmaq.
- The Enrollment Officer is responsible for establishing, maintaining, and ensuring the accuracy of the Enrolled List.
- The Enrolled List shall record the name, date of birth, identification number, enrollment date and contact information for all enrolled Nova Scotia Mi'kmaq.
- On the fourth Tuesday of each month, the Enrollment Officer shall send a Confirmation of Update to the Enrollment Committee and the Appeals Board notifying of any changes to the Enrolled List during the previous month, including the reason for any additions or removals. If no updates were required, the Confirmation of Update will state "No change in list".

### **CONFIDENTIALITY OF THE ENROLLED LIST**

The Enrolled List will be maintained in a secure location within the Enrollment Office.

Access to the Enrolled List shall be limited to the Enrollment Committee and the Enrollment Officer. The Enrollment Officer may authorize staff of the Enrollment Office to access the Enrolled List if necessary, for the fulfillment of their duties as set out in this Handbook.

The Enrollment Committee, Enrollment Officer, and Enrollment Office staff must protect the confidentiality of the information contained in the Enrolled List.

Exceptions to the duty of confidentiality are:

- a. the Enrollment Committee or the Enrollment Officer may disclose personal information of an applicant for the purpose of carrying out the procedures of the Enrollment Process, in which case they shall not disclose more information than is required to fulfill the objective of the disclosure;



- b. the Enrollment Officer may disclose or certify a Mi'kmaw of Nova Scotia's enrollment status to an official of a First Nation, provincial or federal government in connection with the recognition, protection, or advancement of the rights, privileges and benefits to which the beneficiary is or may be entitled by virtue of their enrollment;
- c. the Enrollment Officer may disclose the personal information of a Mi'kmaw of Nova Scotia to a third party, with that individual's prior written consent.

Any applicant or enrolled Mi'kmaw of Nova Scotia may submit a request to the Enrollment Officer for access to for their own personal information contained in:

- their own Application file; or
- the Enrolled List.

The request must be made in the prescribed form.

Any enrolled Mi'kmaw of Nova Scotia may make a request, in writing, to the Enrollment Officer to have their personal information contained in the Enrolled List be corrected or updated.

## **FAMILY NAMES & ADVISORY COMMITTEES**

### **IDENTIFICATION OF FAMILY NAMES**

Mi'kmaq identity is based on family relations. In day-to-day conversations, confirmation of Mi'kmaq identity is determined through questions about which family a person is connected to, and what area they are from. Family connection is established through family or surnames. There are specific family names that are identified as Mi'kmaq families. For many of these names, Nova Scotia Mi'kmaq have categorized and associated these to family names.

### **WHY DO APPLICANTS NEED TO CONNECT TO A FAMILY?**

Throughout the engagement process, Mi'kmaq were clear that decision-making must start with the family. Mi'kmaq were also clear that Mi'kmaq identity derives with the family so it

is incumbent that at the heart of this process, family is involved. Accordingly, as part of the Familial Connection eligibility criterion, an applicant must demonstrate that they are connected to at least one of the Mi'kmaq clans or families recognized in Nova Scotia, through verification by a representative of their clan or family.

### **LIST OF FAMILY NAMES**

Through a consultative process, KMKNO has developed a list family names to be used in assessing whether an applicant meets the “Familial Connection” criterion under the Enrollment Process. First, a historian compiled a list of Nova Scotia Mi'kmaq (family) surnames from historical records. Additional work on surnames was then conducted by Gerald Gloade at Mi'kmawey Debert and by Mi'kmaw Kina'matnewey. These lists were presented to membership clerks for the thirteen bands, who noted if any family names were missing. The Grand Council and Nova Scotia Mi'kmaq organizations will also be contacted to ensure there are no gaps in the identification of family names for Nova Scotia Mi'kmaq who are not connected to one of the thirteen bands, but who are connected to areas in Nova Scotia that were historic Mi'kmaq Settlements (Middleton, New Germany, Liverpool).

The Enrollment Officer will maintain and publish the List of Family Names and update the list as required from time to time.

### **ADDITIONS TO THE LIST FAMILY NAMES**

Although every effort will be made to ensure that all family names are listed for all areas in Nova Scotia, there may be cases where a Mi'kmaq family name is omitted from the list. If this occurs, any individual member of that family may write a letter to the Enrollment Committee requesting that their family name be added to the list. The individual should include as much detail concerning their family tree, the geographic area(s) the family is connected to in Nova Scotia, and any other relevant information. The Enrollment Committee shall inquire into the request and may seek expert advice from Mi'kmaq historians for this purpose. The Enrollment Committee shall decide whether or not the name should be added to the List of Family Names and shall notify the individual of their decision, including written reasons. The decision of the Enrollment Committee shall be final and binding, and not subject to further appeal.

### **CREATION OF ADVISORY COMMITTEES**

Mi'kmaq families are very large. A single family can be connected to more than one area in Nova Scotia. Family members may only have knowledge of the relatives in their own local

area and/or band, and in some instances, it may be someone outside the family who is most knowledgeable of the family history and connections, such as Elders or membership clerks. These individuals are respected and viewed as objective sources of information to verify and validate acceptance and family connection. Advisory Committees will only be established on an ad hoc basis when the Enrollment Committee feels that further investigation is required to determine if an applicant meets the enrollment criteria. Appointees to an Advisory Committee will reflect the application and will be based on factors such as: family connection, geographic area, knowledge of the area and/or family the individual claims connection to. An Advisory Committee will be composed of no less than three and no more than seven individuals.

### **DUTIES OF AN ADVISORY COMMITTEE**

Advisory Committee members shall be responsible for determining and validating an applicant's Acceptance – this includes present-day connection to a family and broader Acceptance by the Nova Scotia Mi'kmaq Nation.

Advisory Committee members shall be required to sign a confidentiality agreement.

### **COMPLAINTS PROCESS**

An applicant who believes that an Advisory Committee member has denied family connection and/or acceptance in bad faith or for an improper purpose (e.g., based on a protected personal characteristic of the applicant), or has otherwise violated their oath of office, may make a formal complaint in writing to the Enrollment Committee. The Enrollment Committee shall inquire into the complaint. If the Enrollment Committee considers it necessary or practical to do so, the Enrollment Committee may appoint an independent investigator to investigate the facts underlying a complaint. If, after inquiring into the complaint, the Enrollment Committee is satisfied that the complaint is substantiated, the Enrollment Committee may remove the Advisory Committee member from their duties, and depending if that member's actions has swayed the outcome of decision by an Advisory Committee, may require the convening of another Advisory Committee meeting.

## **GLOSSARY OF TERMS**

**ABORIGINAL RIGHT** – Our Mi'kmaq Aboriginal rights are our collective rights, which come from our continual and continued use and occupation of our lands and waters. Aboriginal rights consist of the practices, traditions and customs, which were engaged in before contact with Europeans. As each First Nation, Métis and Inuit group is different, each having a unique culture, specific Aboriginal rights vary for each Aboriginal Nation.

**ACCEPTANCE** – One of the Eligibility Criteria upon which the Enrollment Committee assesses applications. Acceptance may be established by a combination of factors including: an applicant's ties to the Nova Scotia Mi'kmaq Nation or a Nova Scotia Mi'kmaq band or area; knowledge of the person by members of the Nova Scotia Mi'kmaq Nation; the degree of knowledge of or familiarity with Mi'kmaq culture, customs, lifestyles, history, or language.

**ADOPTION** – An adoption of a child under 18 years of age, pursuant to laws recognized in Canada or in accordance with Mi'kmaq custom, in good faith with the intention of raising the child within a Nova Scotia Mi'kmaq family, and the Mi'kmaq Nation and culture.

**ADVISORY COMMITTEE MEMBER** – An individual appointed pursuant to the Enrollment Process for the purposes of certifying that an applicant is part of a family and/ or accepted by the Nation.

**APPEALS COMMITTEE** – An independent committee of representatives appointed by the Assembly and Grand Council, responsible for administering the Appeals Process. Appeal Panels responsible for deciding appeals are appointed from among the members of the Appeals Committee.

**APPEALS PROCESS** – The process to have a case reviewed by an Appeal Panel after an applicant has been rejected by the Enrollment Committee in the Nova Scotia Mi'kmaq Enrollment Process, or their name has been removed from the Enrolled List.

**APPLICANT** – An individual making an Application under the Nova Scotia Mi'kmaq Enrollment Process, or an individual on whose behalf an application is made.

**APPLICATION** – An application to the Enrollment Committee for enrollment as a Mi'kmaq of Nova Scotia under the Nova Scotia Mi'kmaq Enrollment Process.

**ASSEMBLY OF NOVA SCOTIA MI'KMAW CHIEFS** – The highest level of decision-making in the negotiation process.

**ELIGIBILITY CRITERIA** – The criteria an individual must meet in order to be an enrolled as a Mi'kmaq of Nova Scotia. The Eligibility Criteria are: Familial Connection and Acceptance.

**ENROLLMENT COMMITTEE** – An independent committee of representatives appointed by the Assembly and Grand Council, responsible for administering the enrollment process and deciding Applications according to the Eligibility Criteria.

**ENROLLED LIST** – The list of all enrolled Nova Scotia Mi'kmaq.

**ENROLLMENT OFFICER** – Permanent staff person appointed and directed by the Enrollment Committee to assist in the administration of the Enrollment Process, including to manage the Enrolled List and Family List.

**FAMILIAL CONNECTION** – One of the Eligibility Criteria for enrollment.

**HEIR** – Referenced in the Peace and Friendship Treaties, a Mi'kmaw descendent of these Treaties, also referred to in this document as a Mi'kmaw of Nova Scotia.

**MI'KMA'KI** – The traditional land of the Mi'kmaq, including, but not limited to present day Nova Scotia.

**MI'KMAQ CUSTOM ADOPTION** – The practice of transferring the primary on-going responsibility for a Mi'kmaw or Aboriginal child from a current parent or caregiver to a new caregiver according to the traditions, practices and customs of the band.

**MI'KMAQ GRAND COUNCIL (GRAND COUNCIL)** – Also known as the Santé Mawiómi, is the traditional government for the Mi'kmaq. The Grand Council is made up of representatives from the seven districts in Mi'kma'ki, the Kji-Saqmaq (Grand Chief), the Kji-Keptin (Grand Captain), and the Putus.

**MI'KMAW OF NOVA SCOTIA** – An individual enrolled under the Nova Scotia Mi'kmaq Enrollment Process, who is eligible to exercise Mi'kmaq Aboriginal and Treaty rights.

**MI'KMAQ NATION** – Means all of Mi'kma'ki; the entire collective of Mi'kmaq, including present day Nova Scotia.

**NOVA SCOTIA MI'KMAQ ENROLLMENT PROCESS** – The process created by the Mi'kmaq for the Mi'kmaq to determine who is Nova Scotia Mi'kmaq, meaning the process identifying the individuals who are eligible to exercise Mi'kmaq Aboriginal and Treaty rights.

**NOVA SCOTIA MI'KMAQ ANCESTRY** – An applicant can demonstrate their ancestry to a Nova Scotia Mi'kmaq family, on at least one side of their family line, after 1871, as well as a present-day connection to a Nova Scotia Mi'kmaq Family.

**NOVA SCOTIA MI'KMAQ FAMILY** – A family recognized by the Assembly or the Enrollment Committee for the purposes of establishing eligibility for enrollment under the Nova Scotia Mi'kmaq Enrollment Process.

**NOVA SCOTIA MI'KMAQ NATION** – The collective of Mi'kmaq of Nova Scotia.