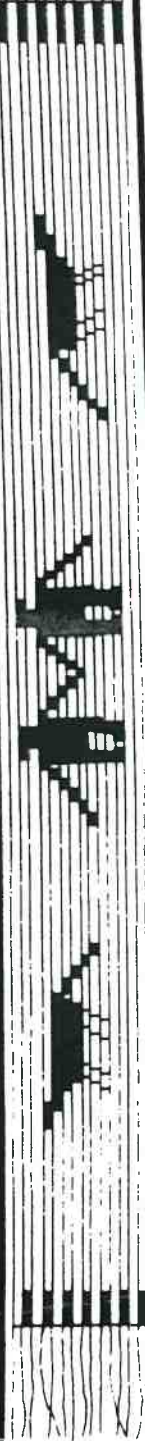


AKWESASNE MOHAWK COUNCIL RESOLUTION

1997/98-312

FILE REFERENCE



THE	MOHAWK COUNCIL OF AKWESASNE	CURRENT CAPITAL BALANCE	\$
AGENCY	SOUTHERN ONTARIO DISTRICT	COMMITTED	\$
PROVINCE	ONTARIO / QUEBEC	CURRENT REVENUE BALANCE	\$
PLACE	ST. REGIS RECREATION HALL	COMMITTED	\$
DATE	15 DAY 12 MONTH 1997 YEAR		

DO HEREBY RESOLVE:

MOVED: *Joseph Phillips*
SECONDED: *Margie Thompson*

WHEREAS, the Mohawk Council of Akwesasne enacted the Akwesasne Residency Law on May 22, 1997 under Mohawk Council Resolution # 1997/98-60; and

WHEREAS said Mohawk Council Resolution further provided that the Mohawk Council of Akwesasne would subsequently approve, by Resolutions, the Regulations governing each respective part of the Akwesasne Residency Law; and

WHEREAS the Legislative Commission has presented draft Regulations dealing with Residency Permits to the Mohawk Council and community of Akwesasne for review and comment;

THEREFORE BE IT RESOLVED that the attached document, cited as the "Application for Residency Permit Regulations", be confirmed, pursuant to section 50 b) of the Akwesasne Residency Law as the Regulations governing the application of a non-member for a Residency Permit.

Carried

for
Against

GRAND CHIEF

Timothy Thompson
CHIEF

Joseph Phillips
CHIEF

Steve Thomas
CHIEF

Margie Thompson
CHIEF

Ginger Blum
CHIEF

Larry
CHIEF

Marie David
CHIEF

Raymond
CHIEF

Lynne Rand
CHIEF

Josephine Desno
CHIEF

Phyllis
CHIEF

THIS MEETING TOOK PLACE IN THE TERRITORY OF AKWESASNE, WITH THE FOLLOWING MEMBERS OF THE AKWESASNE MOHAWK COUNCIL PRESIDING.

RECORDED VOTE:
FOR: 10
AGAINST: 1
ABSTENTION: 1

FOR DEPARTMENTAL USE ONLY

1. BAND FUND CODE	2. COMPUTER BALANCE	3. EXPENDITURE	4. AUTHORITY - INDIAN ACT	5. SOURCE OF FUNDS
	CAPITAL \$ REVENUE \$			☐ CAPITAL ☐ REVENUE
6. RECOMMENDED	APPROVED			
DATE	RECOMMENDING OFFICER	DATE	APPROVING OFFICER	

AKWESASNE RESIDENCY LAW REGULATIONS

In accordance with Section 12 and Section 49 of the Akwesasne Residency Law, the following regulations have been duly ratified by Mohawk Council Resolution No. 1997/98-312 on the 15th day of December, 1997.

TITLE

These regulations may be cited as the Application for Residency Permit Regulations

INTERPRETATION

In these Regulations,

“**Board**” means the Akwesasne Membership Board;

“**Holder**” means the person in possession of a Residency Permit

“**Law**” means the Akwesasne Residency Law;

“**Sponsor**” means a resident member who is authorized by the Applicant to appear before the Membership Board to answer any questions on behalf of the Applicant.

GENERAL PROVISIONS FOR THE APPLICATION FOR A RESIDENCY PERMIT

1. Any Holder, who is Onkwehonweh, may benefit from educational or social services offered in the Territory of Akwesasne where funding policies so authorize and that funds are available.
2. Dependent native children, in the custody of a member residing in the Territory of Akwesasne, do not require a Residency Permit, in accordance with the Akwesasne Membership Code.
3. Non-members wishing to reside in the community on a temporary or occasional basis, require a Residency Permit. “*A temporary or occasional basis*” is one that has a regular quality to it determined by the following :
 - a) The fact of renting living accommodations, and/or
 - b) The fact of leaving personal items at the place of residency.
4. The Board can only consider completed applications that contain the required documents, signatures and fees (Schedule C).

Residency Law Regulations
November 18, 1997

THE APPLICATION (Section 12 of the Law)

5.
 - a) Non-members wishing to apply for permission to reside in Akwesasne must complete the Application for a Residency Permit (Schedule A or B2);
 - b) Persons wishing to apply on behalf of a Non-member who is mentally unable to apply personally, or is a non-native minor child, must complete the proper form (Schedule B1);
 - c) An Application shall not be deemed made until there has been full compliance with Schedule C.
6.
 - a) All first time Applicants for a Residency Permit must complete and sign a Release and Discharge Relating to Consent to Disclosure of Criminal Record Information form (Schedule K), and provide it together with the required Processing fee of \$26.00, to the Membership Clerk.
 - b) For first time applicants residing outside Canada, Applicants must provide comparable Disclosure of Criminal Record Information from the appropriate jurisdiction.
 - c) The Membership Clerk shall forward the required processing fee and the signed Release and Discharge Relating to Consent to Disclosure of Criminal Record Information Form (Schedule K), to the Akwesasne Mohawk Police Service for processing.
 - d) The Board shall have the discretion to determine whether a Release and Discharge Relating to Consent to Disclosure of Criminal Record Information is required for any Applicant's subsequent Application for Residency Permit.
7.
 - a) The processing fee, pursuant to Section 6.a), must be accompanied with an Application fee of \$30.00 payable in cash or by Money Order to the "Mohawk Council of Akwesasne".
 - b) The fee is non-refundable, including those instances when the Board may approve a Permit for a shorter time than applied for.
8. The Membership Clerk shall ensure that the community is notified of any Application by placing a notice in the newspaper in accordance with Section 14 of the Law.

THE INVESTIGATION (Section 15 of the Law)

9. a) Upon receipt of a completed application (in person or mail) the Membership Clerk shall confirm that it contains all required documents and signatures.
- b) If the Application form is in order the Membership Clerk shall:
 - i) begin to complete the “Application for a Residency Permit Report” (Schedule C).
 - ii) prepare and transmit the community notice to the newspaper (deadline date for submissions is day before applicant interview when possible)
 - iii) begin to verify the information in the Application.
10. The Membership Clerk shall submit all Application material to the Board.

APPLICANT INTERVIEW (Section 16 of the Law)

11. In considering the Application, the Board may require an interview with the Applicant or its Sponsor to answer questions relevant to the Application.
12. If an interview is scheduled, the Board shall send a written notice to the Applicant/Sponsor informing he/she will be required to answer, in person, in questions relevant to the application.
13. If the Applicant/Sponsor is unavailable for the interview, the Applicant/Sponsor must give a valid reason. The Board shall then decide whether to reschedule the interview.
14. When the Board requires the Applicant/Sponsor to attend the interview and the Applicant/Sponsor is absent, without a valid reason, the Board may proceed in their absence.
15. The Board shall consider an Application by reviewing the material provided to it by the Membership Clerk and any other information deemed by the Board to be appropriate.
16. In considering an Application for a Residency Permit, the Board shall take into consideration each of the following:
 - a) The principal motive for the Application;
 - b) Whether the Applicant is of good moral character;
 - c) Whether the Applicant is willing to obey community laws;
 - d) Whether the Applicant is willing to uphold community standards of conduct;

- e) Whether the Applicant is Onkwehonweh (as defined in the Law);
 - f) Whether the Applicant has family ties in the community;
 - g) Whether the Applicant has been of good conduct in the community;
 - h) Whether the Applicant was of good conduct in his/her previous community;
 - i) The means by which the Applicant intends to support themselves and their dependents, if applicable;
 - j) Whether there are adequate housing and services available on the Territory to ensure that the Applicant will have a suitable residence;
 - k) Any other criteria that the Board deems relevant.
17. Any interview of the Applicant by the Board shall be recorded.
18. After considering an Application, as required by Section 9 and 16 of these Regulations, and determining that a Hearing is not warranted, the Board shall:
- a) Approve the Application and issue a Residency Permit, with the terms that it specifies (Schedule D); or
 - b) Deny the application and issue a Notice of Denial, with the terms that it specifies (Schedule E).

REQUIREMENTS FOR A HEARING (Section 17 of the Law)

19. The Board shall conduct a Hearing if:
- a) The information obtained in the Application and/or at the Applicant's interview, needs to be further investigated in a public manner; or
 - b) The Membership Clerk has received requests from individuals wishing to make presentations concerning the Applicant.
20. In the event of a Hearing, the Board shall inform the Applicant and any persons who have indicated to the Membership Clerk the desire to make representations to the Board of the date, place and time for the Hearing.
21. a) The Hearing, is open to the community except when confidential information, as determined by the Board, is being discussed.
- b) The Hearing shall be recorded.
22. a) If the Applicant is unavailable for the Hearing, the Applicant must give a valid reason. The Membership Board shall decide whether to reschedule the Hearing.

- b) If the Applicant is absent without a valid reason, the Membership Board may proceed in their absence.
23. The Applicant and any individual recognized by the Board have a right to make representations to the Board in relation to the Application.
24. a) The Applicant has the right to question other persons making representations to the Board concerning the application. The Applicant shall question such persons immediately after they have made their representations.
- b) If the Board deems it appropriate, it may keep the identity of any individual or witness confidential, provided that such confidentiality does not unduly prejudice the Applicant.
25. Any person making representations at the Hearing shall represent only themselves, provided that an Applicant making an application on behalf of a Dependent Child or a person physically unable to attend the Hearing, shall have the right to make representation on behalf of the Dependent Child or a person physically unable to attend the hearing.
26. The Board may question any person making presentations at the Hearing.
27. At the Hearing, the Board Chairperson shall:
- a) Introduce all individuals and explain their role or reason for being present;
 - b) Instruct all individuals present on how they shall conduct themselves and explain the following rules of the Hearing:
 - i) Save and except for the Board members, there shall be no interruptions during any presentations;
 - ii) Only individuals on the advance list may make presentations;
 - iii) Disorderly or disrespectful individuals can be ordered evicted from Hearing by the Board Chairperson;
 - iv) The Board Chairperson may establish any rules not foreseen by those listed above.
 - c) Determine the order of witnesses or presenters according to the following:
 - i. Presenters opposed to the Application speak first;
 - ii. Presenters in favour of the Application shall be next;
 - iii. Applicant shall make the final presentation.
 - d) Determine and announce any recesses or adjournments.

28. If the Presenter is unable to attend and provide a valid reason to the Board at least 24 hours before the Hearing date, the Board may re-schedule the Hearing or proceed in their absence.
29. The Board shall decide whether any individual's reason for their absence from the Hearing is valid, by a majority vote.
30. All Presenters will confirm their attendance with the Membership Clerk immediately before the commencement of the Hearing.

DECISION (Section 18 of the Law)

31. After consideration of all the documents and presentations in relation to the Application, the Board shall:
 - a) Approve the Application and issue a Residency Permit, with the terms that it specifies, (Schedule D); or
 - b) Deny the Application and issue a Notice of Denial, with the terms that it specifies, (Schedule E).

NOTICE OF DECISION

32. An Applicant who is granted a Residency Permit shall be informed in person or by mail of the Board's decision and shall be provided with a Residency Permit.
33.
 - a) An Applicant who is denied a Residency Permit, shall be informed in person or by registered mail, by being provided with a Notice of Denial with reasons;
 - b) The extension period provided in section 21.b) of the Law, shall be determined by the Membership Board;
 - c) The extension period provided in section 21.d) of the Law, shall be determined by the Council of Elders.
34. Where a decision is under appeal, an Appellant may remain in the Territory of Akwesasne until the Council of Elders makes a decision.
35. The Board shall provide a copy of any decision (Schedule D or E) made regarding the Applicant, to the Akwesasne Mohawk Police Service, the Mohawk Council of Akwesasne, and any other MCA programs or other enforcement agencies that the Board deems appropriate.
36. The recording of the Applicant's interview in Sections 17 and 21.b) shall be kept

with the Application, by the Membership Clerk until the Appeal period for the Board's decision has expired, or the expiry date of the Residency Permit, whichever is later.

PUBLICATION OF MEMBERSHIP BOARD DECISIONS (section 23)

37. Any decisions of the Board, concerning an Application for a Residency Permit, shall be published in at least one community newspaper and by posting it in a public place in each District.

**PROCEDURES FOR REVOCATION OF RESIDENCY PERMIT
(Section 38 of the Law)**

INITIATING REVOCATION OF RESIDENCY PERMIT

38. The person requesting a hearing to revoke a Residency Permit must complete the Notice to Request Revocation of a Residency Permit form (sch. G).
39. The Membership Clerk shall receive the completed Notice of Revocation of a Residency Permit form.
40. The Membership Clerk shall verify the information contained in the Notice to Request for Revocation of a Residency Permit and forward all the following documents to the Board:
- a) the Notice to Request for Revocation of a Residency Permit (schedule G)
 - b) a copy of the Application for a Residency Permit (schedule A or B1-2)
 - c) a copy of the Application for Residency Permit Report (schedule C)
 - d) a copy of the Residency Permit (schedule D)
 - e) recording of the Applicant interview meeting. (if requested by the Board)
 - f) recording of Hearing (if applicable and if requested by the Board)

**DETERMINING WHETHER A REVOCATION HEARING IS
WARRANTED**

41. Pursuant to Section 37.ii) of the Law, "lesser offences" shall mean summary convictions, in Canada, and misdemeanor, in the United States
42. In deciding whether to conduct a Revocation Hearing, the Board may:
- a) summons the Complainant, as listed in the Notice to Request for Revocation of Residency Permit, to clarify its contents; and/or
 - b) summons the Holder of the Residency Permit in order to respond to the contents of the Notice to Request for Revocation of a Residency Permit.

43. If the Board deems it appropriate, it may keep the identity of the Complainant or any individuals confidential, provided that such confidentiality does not unduly prejudice the Holder.
 44. If the Board determines that there are not sufficient grounds to proceed with a Revocation Hearing it shall send a written notice of its decision, with reasons, to the Complainant and the Holder.
- THE REVOCATION HEARING**
45. If the Board determines there are sufficient grounds to proceed with a Revocation Hearing, it shall instruct the Membership Clerk to notify the Complainant and the Holder of the date, time and place for such a Hearing.
 46. The Membership Clerk will prepare an advance list of Presenters by confirming their attendance for the Hearing.
 47. All appropriate rules governing the Requirements For A Hearing (section 19 to 30 of these regulations) shall apply at the Revocation Hearing, it being understood that the "Applicant" is now the "Holder".
 48. The Board shall determine whether or not to revoke the Residency Permit by reviewing all submissions and documents filed at the Revocation Hearing.
 49. If the Board decides not to revoke the Residency Permit, it shall notify the Holder and Complainant, of its decision in person if possible, and mail them a copy as well.
 50. If the Board decides to revoke the Residency Permit it shall inform the Holder in person if possible, and/or send the Notice of Revocation form (Schedule H) by registered mail or hand delivery.
 51. If the Residency Permit is revoked, the Board shall provide a copy of its decision (Sch. H) to the Mohawk Police Service, the Mohawk Council of Akwesasne, and any other MCA programs or other enforcement agencies that the Board deems appropriate.
 52. The community will be notified of the Board's decision in accordance with Section 41 of the Law.
 53. An Appeal of the Board's decision for the Revocation of a Residency Permit shall be made on the Appeal of Revocation of Residency Permit form (Schedule I).

**APPEAL OF THE DENIAL, APPROVAL OR CONDITIONS OF A
RESIDENCY PERMIT (section 42 of the Law)**

54. Any appeals from the Boards decision regarding the denial, approval or conditions of an Application for a Residency Permit, are to be made to the Council of Elders on the Appeal of Residency Permit form (Sch F).
55. The person requesting a Hearing to Appeal the decision regarding the denial, approval or conditions of an Application for a Residency Permit must complete the Appeal of Residency Permit form.
56. The Appeal of Residency Permit form, must be presented to the Membership Clerk:
 - a) by the Applicant within ten (10) days of the date of the Notice of Denial of Residency Permit (Sch. E); or
 - b) by any individual within ten (10) days of the date of the community notice under Section 23 of the Law.
57. The Membership Clerk shall verify the information contained in the Appeal made pursuant to Section 55 and forward all the following documents to the Council of Elders:
 - a) a copy of the Application for Residency Permit (Schedule A, B1 or B2); and
 - b) Application for Residency Permit Report (Schedule C); and
 - c) Notice of Denial (Schedule E); or
 - d) Residency Permit (Schedule D); and
 - e) Appeal of Residency Permit Form (Schedule F);
 - f) recording of the Applicant interview meeting (if requested by the Council of Elders);
 - g) recording of the Hearing (if applicable and if requested by the Council of Elders).
58. Any written evidence or documents to be considered by the Council of Elders shall be submitted to the Membership Clerk by way of affidavit within ten (10) days of the date of the community notice under section 23 of the Law.
59. The Council of Elders shall consider all submissions and documents filed with an Appeal and render a decision in accordance with the authority confirmed upon it by the Residency Law.
60. In the event that the Council of Elders determines that there is not sufficient grounds for an Appeal, it shall inform the Appellant, of its decision with reasons, in writing.

61. In the event that the Council of Elders decides to Hear the Appeal, it shall schedule the time and place for the Hearing.
62. All appropriate rules governing the Requirement for a Hearing (section 19 to 30 of these regulations), shall apply at the Appeal Hearing for the Council of Elders. It being understood that the "Applicant" is the "Appellant" and the "Board" is the "Council of Elders"
63. After considering the evidence, the Council of Elders shall:
 - a) Confirm the Notice of Denial of a Residency Permit (Sch. E) made by the Board and if necessary amend its terms; or
 - b) Confirm the Approval of the Residency Permit (Sch. D) and if necessary amend its terms; or
 - c) Overrule the Notice of Denial of the Residency Permit (Sch. E) made by the Board and instruct the Membership Clerk to issue a Residency Permit (Sch. D); or
 - d) Overrule the Approval of the Residency Permit (Schedule D) made by the Board and order the Appellant to leave the Territory of Akwesasne.
64. Where the Council of Elders has overruled the approval of a Residency Permit (Sch. D), in accordance with Section 63.d), it shall instruct the Holder to surrender the Residency Permit (Sch. D) to the Membership Clerk immediately.
65. The Notice of any Appeal Hearing must be communicated to the general public as well as any subsequent decisions made by the Council of Elders (Section 23 of the Law).

APPEAL OF THE REVOCATION OF A RESIDENCY PERMIT

66. Any appeals of the decision made by the Board regarding the Revocation of a Residency Permit (Sch. H) are to be made to the Council of Elders on the Appeal of Revocation of Residency form (Sch. I).
67. The person requesting a Hearing to Appeal the Revocation of A Residency Permit must complete the Appeal of Revocation of Residency Form.
68. The Appeal of Revocation of Residency Permit form (Sch I), must be presented to the Membership Clerk :
 - a) by the Appellant within ten (days) of the date of the Notice of Revocation of Residency Permit form; or

- b) by any individual within ten (10) days from the date of the community notice under Section 23 of the Law.
69. The Membership Clerk shall verify the information contained in the Appeal made pursuant to Section 67 and forward all the following documents to the Council of Elders:
- a) a copy of the Application for Residency Permit (Sch. A, B1 or B2);
 - b) Application for Residency Permit Report (Sch. C);
 - c) Residency Permit (Sch. D);
 - d) Notice of Revocation of Residency Permit (Sch. H);
 - e) Appeal of Revocation of Residency Permit Form (Sch. I);
 - f) recordings of any interview or Hearing of the Applicant (if requested by the Council of Elders).
70. All appropriate rules governing the Requirements for a Hearing (Section 19 to 30) shall apply at the Appeal Hearing of the Revocation of a Residency Permit, it being understood that the "Applicant" is the "Appellant" and "Board" is the "Council of Elders".
71. Any written evidence or documents to be considered by the Council of Elders shall be submitted to the Membership Clerk by way of affidavit within ten days of the date of the community notice under section 23 of the Law.
72. The Council of Elders shall consider all submissions and documents filed with an Appeal and render a decision in accordance with the authority confirmed upon it by the Residency Law.
73. In the event that the Council of Elders determines that there is not sufficient grounds for an Appeal, it shall inform the Appellant of its decision with reasons, in writing.
74. In the event that the Council of Elders decides to Hear the Appeal, it shall schedule the time and place for the Hearing.
75. After considering all presentations the Council of Elders, shall:
- a) Confirm the Notice of Revocation of Residency Permit (Sch. H) made by the Board and if necessary, amend its terms; or
 - b) Overrule the Notice of Revocation of Residency Permit (Sch. H) made by the Board and instruct the Membership Clerk to renew/re-issue a Residency Permit (Sch. D) for a period no longer than the original Residency Permit.
76. Notice of any Appeal Hearing must be communicated to the general public as well as any subsequent decision made by the Council of Elders.

MOHAWKS OF AKWESASNE

Application for a Residency Permit

on Behalf of a Person who is Mentally Unable to Apply,
or is Under Eighteen (18) years of Age.

The Akwesasne Residency Law represents one of the measures adopted by the Mohawk community at Akwesasne and the Mohawk Council of Akwesasne to control the residency of non-members within the Territory of Akwesasne, so to preserve Akwesasne culture, traditions and values. Community members have accepted that some persons may, under certain conditions, reside temporarily in the Territory as long as they qualify for a limited Residency Permit, in accordance with the Akwesasne Residency Law.

Non-member residency in the Territory of Akwesasne is a privilege and persons with permission to reside here must abide by all of the laws governing the Territory and to respect the customs and community standards of the Mohawk people of Akwesasne.

I make this application on behalf of a non-member:

_____ who is mentally unable to apply personally: or

_____ who is under the age of eighteen (18) years with non-native ancestry.

(Please fill in all appropriate sections)

PART I.(Applicant's Information)

1. NAME: _____
Last First Middle (Maiden)

2. Applicant's Present Address: _____

_____ phone number

3. Date of Birth: _____

4. Sex: _____ Male _____ Female.

5. Social Insurance No.: _____ Social Security No: _____

6. List applicant's addresses for the past five years:

7. Applicant's proposed Akwesasne Address: _____

8. Occupant or Owner
of Akwesasne Residence: _____
(phone number)

9. Applicant's present status:

- a) Probationary Akwesasne Member: _____ date of approval
 or
 b) Non-Member: _____ date of permit

10. If Applicant is Onkwéhonweh:

- a) Name of First Nation Community: _____
 b) Address: _____

 c) Contact person: _____

11. Membership/Band/Tribal No: _____
 (Copy of certificate of Indian Status, Tribal Card, Enrollment Certificate is required)

12. Applicant's Marital Status: Married _____ Single _____ Separated _____
 Widowed _____ Divorced _____ Common Law _____

13. Name of Applicant's Spouse: _____

14. Spouse's date of Birth: _____

15. Is Applicant's Spouse Onkwéhonweh: _____

16. Date of Marriage: _____
 (attach copy of marriage/divorce documents)

17. Children's Names _____ Sex _____ Date of Birth _____ Place of Birth _____

18. Applicant's Occupation: _____

19. Employer's Name: _____

20. Employer's Address: _____

21. If Applicant is attending school:

Name of School: _____

Address: _____

PART II. (References)

22. Please provide the name, address and telephone number of two (2) individuals who are character references. At least one reference should be an Akwesasne member who resides in the Akwesasne Community:

name	address	phone
name	address	phone

23. How long does Applicant wish to reside in Akwesasne? _____

(not to exceed 12 months)

24. Explain why Applicant wishes to reside in Akwesasne? _____

25. How does Applicant intend to support themselves while residing in Akwesasne?

26. Does Applicant have family ties in the Akwesasne Community? If yes, please provide details:

27. Do you have a Criminal Record in any jurisdiction? If yes, please provide details.

PART III. (Authorization and Acknowledgment)

28. This application is being made by me, _____, as
legal guardian for _____ (name of legal guardian)
_____, as _____
(applicant's name)

29. I, _____, hereby give permission to the Office
(legal guardian)
of Vital Statistics and the Akwesasne Membership Board to research and verify
any information provided on this Application for a Residency Permit.

I further permit the Office of Vital Statistics to release the Applicant's name and the results and/or information of the Application, to the public and any enforcement agencies who may require the information contained herein.

In addition, I acknowledge that I am required to obtain a criminal record check on the Applicant in order to complete the Application. If the criminal record check is obtained through the Akwesasne Mohawk Police, they hereby authorized to release this information to the Membership Clerk and to the Akwesasne Membership Board for the purpose of this Application.

I further acknowledge that in considering this Application, the Membership Board may require me to attend before it to answer questions regarding this application.

Guardian signature

Witness

30. I acknowledge that I have received and read the Residency Law and that the Applicant will respect the customs and community standards of the Mohawk people of Akwesasne and furthermore that residency can be revoked pursuant to Section 37(vi) of the Akwesasne Residency Law, if any information provided in this Application is false.

Guardian signature _____ date _____

PART IV. (Guardianship)

31. Particulars of Guardian making this Application on behalf of the Applicant:

- a) Name: _____
- b) Address: _____
- c) Phone No.: _____
- d) Band No: _____
- e) Relationship to Applicant: _____

32. Fee is \$30.00 for the Residency Permit

Fees are payable by cash or money order to the Mohawk Council of Akwesasne. Fee is non-refundable.

Akwesasne Membership Board will only consider applications for a Residency Permit that are complete and contain the required documents and fee.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED BY THE MEMBERSHIP BOARD.

Application form must be forwarded with fee to:

Office of Vital Statistics
Mohawk Council of Akwesasne
P.O. Box 579
Cornwall, Ontario K6H 5T3
(613) 575-2250
(613) 575-2181 (fax)

MOHAWKS OF AKWESASNE

Application for a Residency Permit
on Behalf of a Person who is Physically Unable to Apply,

The Akwesasne Residency Law represents one of the measures adopted by the Mohawk community at Akwesasne and the Mohawk Council of Akwesasne to control the residency of non-members within the Territory of Akwesasne, so to preserve Akwesasne culture, traditions and values. Community members have accepted that some persons may, under certain conditions, reside temporarily in the Territory as long as they qualify for a limited Residency Permit, in accordance with the Akwesasne Residency Law.

Non-member residency in the Territory of Akwesasne is a privilege and persons with permission to reside here must abide by all of the laws governing the Territory and to respect the customs and community standards of the Mohawk people of Akwesasne.

PART I.(Applicant's Information)

1. NAME:

Last First Middle (Maiden)
2. Applicant's Present Address:

phone number
3. Date of Birth:
4. Sex: Male Female
5. Social Insurance No.: Social Security No:
6. List applicant's addresses for the past five years:
7. Applicant's proposed Akwesasne Address:
8. Occupant or Owner of Akwesasne Residence: (phone number)

9. Applicant's present status:

- a) Probationary Akwesasne Member: _____ date of approval
or
b) Non-Member: _____ date of permit

10. If Applicant is Onkwewhonweh:

- a) Name of First Nation Community: _____
b) Address: _____
b) Contact person: _____

11. Membership/Band/Tribal No: _____

(Copy of certificate of Indian Status, Tribal Card, Enrollment Certificate is required)

12. Applicant's Marital Status: Married _____ Single _____ Separated _____
Widowed _____ Divorced _____ Common Law _____

13. Name of Applicant's Spouse: _____

14. Spouse's date of Birth: _____

15. Is Applicant's Spouse Onkwewhonweh: _____

16. Date of Marriage: _____

(attach copy of marriage/divorce documents)

17. Children's Names Sex Date of Birth Place of Birth

18. Applicant's Occupation: _____

19. Employer's Name: _____

20. Employer's Address: _____

21. If Applicant is attending school:

Name of School: _____

Address: _____

PART II (References)

22. Please provide the name, address and telephone number of two (2) individuals who are character references. At least one reference should be an Akwesasne member who resides in the Akwesasne Community:

name	address	phone
name	address	phone

23. How long does Applicant wish to reside in Akwesasne? _____
(not to exceed 12 months)

24. Explain why Applicant wishes to reside in Akwesasne?
25. How does Applicant intend to support themselves while residing in Akwesasne?
26. Does Applicant have family ties in the Akwesasne Community? If yes, please provide details:
27. Do you have a Criminal Record in any jurisdiction? If yes, please provide details.

PART III (Authorization and Acknowledgment)

28. I, _____, hereby give permission to the Office of Vital Statistics and the Akwesasne Membership Board to research and verify any information provided on this Application for a Residency Permit.

I further permit the Office of Vital Statistics to release my name and the results and/or information of the Application, to the public and any enforcement agencies who may require the information contained herein.

In addition, I acknowledge that I am required to obtain a criminal record check on the myself in order to complete the Application. If the criminal record check is obtained through the Akwesasne Mohawk Police, they are hereby authorized to release this information to the Membership Clerk and to the Akwesasne Membership Board for the purpose of this Application.

I acknowledge that I am applying on behalf of myself and not for any other party.

I further acknowledge that I have received and read the Residency Law and that I will respect the customs and community standards of the Mohawk people of Akwesasne and furthermore that my residency can be revoked pursuant to Section 37(vi) of the Akwesasne Residency Law, if any information provided in this Application is false.

Applicant's signature _____ date _____

PART IV (Sponsorship)

29 I further acknowledge that in considering this Application, the Membership Board may require myself or my sponsor to attend before it to answer questions regarding this application.

Applicant's signature

Witness

30. Particulars of Sponsor on behalf of the Applicant:

- a) Name: _____
- b) Address: _____
- c) Phone No.: _____
- d) Band No: _____
- e) Relationship to Applicant: _____

31 I, _____, hereby consent to act as sponsor on behalf of _____ in his/her application for a Residency Permit.

Signature of Sponsor

date

32. Fee is \$30.00 for the Residency Permit

Fees are payable by cash or money order to the Mohawk Council of Akwesasne.
Fee is non-refundable.

Akwesasne Membership Board will only consider applications for a Residency Permit that are complete and contain the required documents and fee.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED BY THE MEMBERSHIP BOARD.

Application form must be forwarded with fee to:

Office of Vital Statistics
Mohawk Council of Akwesasne
P.O. Box 579
Cornwall, Ontario K6H 5T3
(613) 575-2250
(613) 575-2181 (fax)

- 9) Applicant's Occupation: _____
- 10) Employer's Name: _____
- 11) Employer's Address: _____
- 12) If Applicant is attending school:
Name of School: _____ phone # _____
Address: _____ Phone # _____
- 13) Please indicate present status:
a) Probationary Akwesasne Member: _____ date of approval _____
b) Non-Member: _____ (if renewing, expiry date of current permit)
- 14) If Applicant is Onkwewhonwe:
a) Name of First Nation community _____
b) Address: _____
c) Contact person: _____
- 15) Membership/Band/Tribal No. _____
(Copy of Certificate of Indian Status, Tribal Card, Enrollment Certificate is required)

- 16) Please provide family tree:

Grandmother	Grandfather	Grandmother	Grandfather
Mother			
Father			

Applicant

- 17) Marital Status: Married _____ Single _____ Separated _____ Widowed _____
Divorced _____ Common-law _____
- 18) Name of Applicant's Spouse: _____
(This includes common-law spouse)
- 19) Spouse's Date of Birth: _____
- 20) Is Applicant's Spouse Onkwewhonwe: _____
- 21) Date of Marriage: _____ (attach copy of marriage/divorce documents)

22) Children's Names Sex Date of Birth Place of Birth

PART II

23) Please provide the name, address and telephone number of two (2) individuals to serve as character references. At least one reference should be an Akwesasne member who resides in the Akwesasne community.

name	address	phone
_____	_____	_____
name	address	phone
_____	_____	_____

24) How long would you be residing in Akwesasne? _____
(Not to exceed 12 months)

25) Explain why you wish to reside in Akwesasne:

26) How do you intend to support yourself while residing in Akwesasne?

27) Do you have family ties in the Akwesasne community? If so, please list them and their relationship to you.

28) Do you have a criminal record in any jurisdiction? If so, please provide details.

PART III

29) I, _____, hereby give permission to the Office of Vital Statistics and the Akwesasne Membership Board to research and verify any information provided by me on my application for a Residency Permit.

I further authorize the Office of Vital Statistics to release my name and the results and/or information of this Application, to the public and any enforcement agencies who may require the information contained herein.

In addition, I acknowledge that I am required to authorize a criminal record check on myself in order to complete the Application, and that the Akwesasne Mohawk Police are authorized to release this information to the Membership Clerk and to the Akwesasne Membership Board for the purpose of my Application.

I further acknowledge that I am applying on behalf of myself and not for any other party.

Applicant's signature

Witness

30) I acknowledge that I have received and read the Akwesasne Residency Law and that I will respect the customs and community standards of the Mohawk people of Akwesasne, and furthermore that residency can be revoked pursuant to Section 37.vi) of the Akwesasne Residency Law, if any information provided in this Application is false.

Applicant's signature

date

PART IV

31) Fee for the Residency Permit is \$30.00

Fee is payable by cash or money order to the Mohawk Council of Akwesasne.
Fee is non-refundable.

The Akwesasne Membership Board will only consider Applications for a Residency Permit that are complete and contain all of the required documents and fee.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED BY THE MEMBERSHIP BOARD.

Application documents must be forwarded with fee to:

Office of Vital Statistics
Mohawk Council of Akwesasne
P.O. Box 579
Cornwall, Ontario K6H 5T3
(613) 575-2250
(613) 575-2181 (fax)

Application for Residency Permit Report

1. _____ Application for Residency Permit is complete;
2. _____ All required documentation is attached;
3. _____ Application fee has been submitted;
4. _____ Criminal Record Check attached;
5. _____ Community given Notice of application;
6. _____ Received requests to make representations (in response to the community notice);
7. _____ Written submissions attached;
8. _____ Oral submissions requested for Board Hearing;
9. _____ No requests to make submissions received;
10. _____ Character References have been provided/submitted;
11. _____ Confirmed where applicant is living/intends to live in the community;
12. _____ If the applicant indicates they are Onkwewhonwe, confirmation that the applicant has provided evidence that they are Onkwewhonwe;
13. _____ If the applicant indicates they are employed or attending school, confirmation from the employer or school;
14. _____ Any other information that was obtained in the verification of the application.

Report submitted at duly convened Akwesasne Membership Board meeting
on _____

Membership Clerk

Date

Residency Permit Regulations Schedule
November 18, 1997

RESIDENCY PERMIT

Date:

This confirms that _____,
D.O.B: _____, has been granted permission to reside in the
Akwesasne community for the period _____ to _____ in
accordance with the Akwesasne Residency Law.

This Residency Permit **does not** entitle the Holder to any rights or benefits provided
to Members, by the Mohawk Council of Akwesasne, pursuant to the Akwesasne
Membership Code.

Chairperson
Akwesasne Membership Board

For further information, please contact:

Mohawk Council of Akwesasne
Office of Vital Statistics
Administration 1, St. Regis Village
(613) 575-2250 ext. 222.

NOTICE OF DENIAL
OF RESIDENCY PERMIT

Date

Address

Dear _____:

The Akwesasne Membership Board advises you that your Application for permission to reside in the Akwesasne community, dated _____ has been denied for the following reason (s):

According to Section 21.a) of the Law, a person whose Application for a Residency Permit has been denied must leave the Territory of Akwesasne within 48 hours after receiving the Notice of Denial of Residency Permit.

We have considered your circumstance and we have extended this period to _____ hours/days in accordance with Section 21.b) of the Law. (to be used if applicable)

You have the right to appeal the Membership Board's decision to the Council of Elders. You must submit your appeal within ten days of the date of receipt of this Notice of Denial to the Membership Clerk, at (613) 575-2250, in the Office of Vital Statistics located at Admininstration 1, Mohawk Council of Akwesasne.

Chairperson
Akwesasne Membership Board.

encl: Schedule F, Appeal of Residency Permit Form

c.c. Akwesasne Mohawk Police
Mohawk Council of Akwesasne
Manager, Office of Vital Statistics

Residency Permit Regulations Schedule
November 18, 1997

Schedule F

APPEAL OF RESIDENCY PERMIT FORM

This form is to be used by those persons appealing the decision of the Akwesasne Membership Board with regard to the approval, denial or conditions of a Residency Permit.

Name of Appellant: _____

Address: _____

Telephone No: _____ (home): _____ (work): _____

Name of Residency Permit Applicant: _____

Address: _____

Date of Decision by Membership Board: (if known) _____

Reason for appeal: _____

Signature of Appellant _____ date _____

Signature of Membership Clerk _____ date received _____

Schedule G

Notice to Request Revocation of a Residency Permit
(In accordance Section 37 & 38 of the Akwesasne Residency Law)

Name of complainant _____

Address _____

Telephone No. _____

Name of Residency Permit Holder: _____

Address: _____

Date of Issue of Residency Permit: (if known) _____

Reason for Request for Revocation:

Signature of Complainant _____ Date _____

Signature of Membership Clerk _____ Date received _____

**NOTICE OF REVOCATION OF
RESIDENCY PERMIT**

Date: _____

Address: _____

Dear _____:

Upon consideration of the evidence presented at the Revocation Hearing held on _____ the Akwesasne Membership Board has decided to revoke your privilege to reside in the Akwesasne community for the following reason(s):

Persons whose Residency Permits have been revoked must leave the Territory of Akwesasne within 48 hours after receiving the notice. However, we have considered your circumstances and the Akwesasne Membership Board extends this period to _____
(if applicable)

In accordance with Section 41 of the Residency Law, we will be notifying the community and appropriate authorities.

The Residency Law permits you to appeal this decision. You may contact the Office of Vital Statistics for information on the appeal procedures.

Yours truly,

Chairperson
Akwesasne Membership Board

c.c. Office of Vital Statistics
 Mohawk Council of Akwesasne
 Akwesasne Mohawk Police Services

Residency Permit Regulations Schedule
November 18, 1997

Schedule I

APPEAL OF REVOCATION OF RESIDENCY PERMIT FORM

This form is to be used by those persons appealing the decision of the Akwesasne Membership Board with regard to the revocation of a Residency Permit.

Name of Appellant: _____

Address: _____

Telephone No: (home) _____ (work) _____

Name of Residency Permit Applicant: _____

Address: _____

Date of Decision by Membership Board: (if known) _____

Reason for appeal: _____

Signature of Appellant _____
date

Signature of Membership Clerk _____
date received

NOTICE OF HEARING

Date:

Address:

Dear _____:

This is in response to your request, dated _____, to make representations on the Application for a Residency Permit made by _____.

We have scheduled a Hearing on _____. It will be held at the Admin. _____ Building in St. Regis Village at _____ a.m./p.m..

Be advised that you must be present at this Hearing to have your submission considered by the Akwesasne Membership Board. If you do not attend, a decision will be made in your absence.

If you have any questions please call Office of Vital Statistics at (613) 575-2250 ext. 222.

Yours truly,

Membership Clerk

Residency Permit Regulations Schedule
November 18, 1997

Release and Discharge Relating to Consent to Disclosure of Criminal Record Information

****NOTE**:** Applicant must supply two (2) forms of Photo Identification

A.

Surname	Given Name	Middle name(s)	Date of Birth (d/m/y)	☐ Male ☐ Female
---------	------------	----------------	-----------------------	--

Previous Surnames (eg.: Former marriage, maiden)

Address (number, street, lot, concession, township, rural route #, postal code)

Occupation

I hereby authorize the Akwesasne Mohawk Police Service (the AMPS) to release records of criminal convictions for which a pardon has not been granted records of discharges which have not been removed from the CPIC system in accordance with the Criminal Records Act, and records of outstanding criminal charges of which the AMPS is aware, to the person(s) listed below:

Name	Title
------	-------

Department and Branch

Name of Organization

B.

RELEASE AND DISCHARGE

I hereby release and forever discharge the Chief of Police of the Akwesasne Mohawk Police Service and all members and employees of the AMPS from any and all actions, claims and demands for damages, loss or injury howsoever arising which may hereafter be sustained by myself as a result of the disclosure of information by the AMPS to the above named organization.

I acknowledge that information so disclosed may be confirmed only by a comparison of the fingerprints on file to which the information relates and my fingerprints.

Signature	Date
-----------	------

CONFIDENTIAL

The record and the information contained therein, is being provided in confidence and shall not be disclosed to any person with the exception of the person(s) named above without the express written consent of the person named in Section A.

Based on a name check only, and having a birth date as provided above - a records check:

☐ fails to reveal any record relating to the above subject.
☐ indicates the following information may relate to the above subject.

Details cannot be certified as relating to the subject of inquiry, without a fingerprint comparison.