

Context and Application of the Policy

All individuals applying for citizenship within the Métis Nation of Ontario (“MNO”) must follow and meet the requirements of the MNO Registry Policy (the “Policy”).¹ Collectively, this Policy includes this document as well as the attached guidelines, backgrounder and two appendices. Nothing in this Policy alters the MNO Bylaws or the MNO’s definition for citizenship. This Policy provides guidance on how the MNO Bylaws and the MNO’s definition for citizenship are to be interpreted. It also outlines the administrative processes to be followed for registration. The MNO Registrar must follow the MNO Registry Policy.

Self-Identification

This means that applicants to the MNO Registry must see themselves and identify themselves as distinctly Métis. This requires that individuals make a positive choice to be culturally and identifiably Métis. Being Métis is to be part of a proud and old culture and aboriginal society. If an individual identifies as an Indian (whether status, non-status, treaty or non-treaty) one is identifying as a different aboriginal people – not as Métis. An individual does not become Métis because one is simply not permitted to register as an Indian or Inuit. An individual is not Métis if they are registered as an Indian or Inuit on another aboriginal registry. An individual is not Métis simply because he or she has some aboriginal ancestry, but does not have Indian or Inuit status. An individual does not become Métis simply because he or she has Indian ancestry with parents who do not live on a reserve or parents who cannot pass on Indian status to them.

Proving Historic Métis Nation Ancestry

This means that an applicant must have an ancestral connection to the historic Métis society (the “Historic Métis Nation”). This requires a genealogical connection to a “Métis ancestor”² – not an Indian or aboriginal ancestor. This Métis ancestor must be connected to the Historic Métis Nation.

Connection to the Historic Métis Nation means that an applicant’s “Métis ancestor” must have identified or been identified by others as a Métis who lived in the Historic Métis Nation Homeland at a time after the Historic Métis Nation came into being, which is generally considered to be the late 1700s. In light of this, and without more, evidence of an Indian or aboriginal ancestor who lived outside the Métis Nation Homeland prior to the late 1700s does not provide sufficient proof that an applicant is Métis. Moreover, and without more, evidence of an individual having an Indian or aboriginal ancestor who lived within the Métis Nation Homeland prior to the late 1700s does not provide sufficient proof that an applicant is Métis.

¹ The MNO Registry Policy has been in place—as an interim policy adopted by PCMNO—since March 2009. In August 2014, the Policy was formally adopted by special resolution of the 21st MNO AGA.

² Many historic documents identify mixed-race aboriginal individuals using terms other than “Métis”. Such terms may include but are not limited to: chicot, bois-brule, half-breed, French breed, other breed, etc. There is no requirement that an applicant must provide a document that specifically uses the term “Métis”. Documents using these other descriptive terms may, taken together with other evidence, be acceptable as proof of Métis ancestry.

For the purposes of identifying whether the applicant's Métis ancestor was living within the Historic Métis Nation Homeland, the Métis Nation Homeland is considered the land that the historic Métis Nation lived in, used and occupied as its traditional territory. The Historic Métis Nation Homeland was quite large and the limits were not clearly defined. It is a general theory that this territory covered "west central North America" or the "North West" but there were also no hard borders to the Historic Métis Nation Homeland.

The MNO asserts that the Historic Métis Nation Homeland in Ontario is the territory identified in the map attached as Appendix A. If an applicant can demonstrate a genealogical connection to a Métis ancestor who identified or was recognized as a Métis who lived in this territory in the late 1700s or later, that will suffice to demonstrate an ancestral connection to a Métis ancestor. In applying this policy statement, the MNO recognizes that its identified Métis traditional territories are not defined with absolute precision. So, for example, if an applicant has a Métis ancestor who lived just outside one of these identified Métis traditional territories or over the United States or Quebec border the applicant may meet the requirement for demonstrating a Métis ancestor.

Community Acceptance

This means being accepted as Métis by the rights-bearing Métis collective – the Métis Nation. It is part of the basic theory of "peoplehood" that the people defines itself and its citizens. While many may lay claim to being Métis Nation citizens, it is the role of the people themselves to determine who its citizens are and the terms on which those citizens will be accepted. The Métis Nation is not obliged to accept all claimants. The Métis Nation is in the process of developing national guidelines for acceptance and enrolment. In the meantime, the MNO, as the representative government of the Métis Nation in Ontario, accepts all applicants who meet its registration requirements by registering them with the MNO. Registration as a citizen of MNO constitutes acceptance by the rights-bearing Métis community – the Métis Nation.

Within 6 months of submitting their application to the MNO Registry, an applicant whose application is not complete or has not been approved by the MNO Registrar shall be notified in writing. Such notice shall contain the reason(s) the application is not approved (i.e. more information needed, failure to establish that the claimed Métis ancestor is Métis, etc.). If the application is incomplete, the onus is on the applicant to provide the needed information to the MNO Registry. There is no appeal process for applications that are incomplete. If the application has not been approved for other reasons, applicants have two levels of appeal, as set out below.

Appeals

The MNO will have a two-stage appeal process. The first stage is a reconsideration of the application by the Registrar. Stage one is a prerequisite for stage two. In stage two an applicant may appeal the reconsideration decision of the Registrar. That appeal application will be reviewed by an independent genealogist with experience in Métis genealogy. The decision of the appeal genealogist will be final and binding on MNO and the applicant. All applications for reconsideration and appeals must be in writing. All reconsideration decisions of the Registrar and appeal decisions by the independent genealogist shall be in writing with reasons and shall be delivered in a timely manner. The MNO may impose fees on applicants for reconsiderations and appeals. In the event that finances are not provided from government to support the Registry, the appeal process may be streamlined or terminated.

Independent and Confidential Registry

MNO shall maintain the Registry as a confidential registry and shall not permit any access to individual files of registry decision making by anyone other than registry personnel and the Registrar. No PCMNO members shall take part in the decision-making with respect to any individual files. No information shall be disclosed from any file except with consent of the applicant or citizen or for research subject to a formal agreement that governs how the information will be used and protected.¹

Security

The MNO shall make every effort to protect the Registry from fire, theft, mischief and loss of electronic data.

Pending Applications

The MNO shall only accept files that are complete. Only files that are complete will be listed as pending applications. If a file is incomplete or rejected the MNO Registrar will notify the applicant within a timely manner.

¹ 2015 amendment replaced “from any file without the consent” with “from any file except with consent” and added the phrase “or for research subject to a formal agreement...”.

General

1. The MNO Registry shall be in two separate parts – a Citizenship Registry and a Harvesters Registry.
2. The Registrar shall be solely responsible to register applicants for MNO citizenship.
3. All personal information in the Registry shall remain confidential and no personal information from a file may be disclosed to anyone, including members of the PCMNO, without the consent of the applicant or citizen or for research subject to an agreement that governs how the information will be used and protected.²
4. The Registrar shall only register applicants who are citizens of the Métis Nation within the meaning of the Métis Nation Citizenship Definition in the MNO Registry Policy — Background.
5. No registered MNO citizens will be removed from the MNO Registry unless the Registry receives (a) written consent from that registered citizen; or (b) proof that the citizen is registered as an Indian under the *Indian Act* or is registered as an Inuit or other Aboriginal person under a modern day land claims agreement. Registered MNO citizens may request, in writing, to have their names removed from the MNO Registry.³
6. It is the responsibility of the applicant to provide all of the required documents to support an application.
7. Applications that are incomplete will not be accepted for registration.
8. Many historic documents identify mixed-race aboriginal individuals using terms other than “Métis”. Such terms may include but are not limited to: chicot, bois-brule, half-breed, French breed, other breed, etc. There is no requirement that an applicant must provide a document that specifically uses the term “Métis”. Documents using these other descriptive terms may, taken together with other evidence, be acceptable as proof of Métis ancestry.
9. Evidence provided in support of an application may include but is not limited to scrip applications, photographs, census records, church records, diaries, journals, secondary sources, government documentation, etc.

Applications

10. Each applicant must provide proof that he or she is ordinarily resident in Ontario.
11. Each applicant must provide proof of Canadian citizenship.

² 2015 amendment replaced “shall be kept strictly confidential” with “shall remain confidential” and added the phrase “or for research subject to an agreement...”. These amendments permit the MNO to continue its health research partnership with the Institute for Clinical Evaluative Sciences and to pursue other research relationships.

³ 2015 amendment added the phrase “unless the Registry receives (a)” and clause (b).

12. Each applicant must provide a head and shoulders photograph of the applicant.
13. Each applicant must sign a waiver permitting access to his or her file for aggregate data. This waiver will not permit access to personal information without the prior consent of the applicant.
14. Each applicant must pay any required application fee.
15. A completed MNO citizenship application form shall include the following information:
 - a. Full name of applicant;
 - b. Address or place(s) of residence;
 - c. Date of birth;
 - d. Marital status (optional);
 - e. The name of any spouse of the applicant (optional);
 - f. The dates of any marriages of the applicant (optional);
 - g. The names and dates of birth of any children of the citizen; and
 - h. The full name and date of birth of that citizen's mother and father

Self Identification as Métis

16. Each applicant must sign a declaration that they self-identify as Métis.
17. Each applicant must sign a declaration that they are not registered on another aboriginal registry and are not registered as an Indian under the *Indian Act*. For greater certainty, Métis National Council membership lists or registries are not considered “another aboriginal registry” and applicants may be concurrently registered or have membership in the Manitoba Métis Federation, Métis Nation-Saskatchewan, Métis Nation of Alberta or the Métis Nation of British Columbia.

Proof of Historic Métis Nation Ancestry

18. The applicant must prove Historic Métis Nation ancestry by providing evidence of a genealogical connection to a Métis ancestor who lived in the Historic Métis Nation Homeland after 1750.
19. There is some flexibility with respect to the exact boundaries of the Métis Nation Homeland. For example, proof that an applicant's ancestor lived just over the Ontario border in the United States or in Quebec may meet the requirement for demonstrating a Métis ancestor.
20. An applicant must provide documentary proof that links the applicant through each generation to a Métis ancestor.
21. Without more, genealogical proof that the applicant had an Indian ancestor is not sufficient to prove Métis ancestry.
22. Without more, genealogical proof that the applicant had a mixed-race ancestor who lived outside the Historic Métis Nation Homeland is not sufficient to prove Métis ancestry.
23. Without more, genealogical proof that an applicant had a mixed-race ancestor who lived prior to 1750 is not sufficient to prove Métis ancestry.

Community Acceptance

24. The MNO, as the representative government of the Métis Nation in Ontario, accepts all applicants who meet its registration requirements by registering them with the MNO.
25. Registration as a citizen of MNO constitutes acceptance by the rights-bearing Métis community – the Métis Nation.

Harvesters Registry

26. An MNO citizen may apply for a Harvesters Card and shall provide a Captain of the Hunt with proof of the following:
 - a. that he or she is ordinarily resident in and intends to participate in the Métis harvest in his or her traditional territory; and
 - b. if the applicant intends to use firearms or a bow in the Métis harvest, he or she must demonstrate sufficient knowledge of firearms or bow hunting safety or completion of a firearms safety course.
27. Captains of the Hunt shall forward completed applications for Harvesters Cards to the MNO Registry.
28. Harvesters Cards shall have a term of validity of 3 years, which term shall begin from the date of issue.
29. The fee for a Harvesters Card shall be as set by the PCMNO from time to time.
30. An application for renewal of a Harvesters Certificate shall be sent to the applicant's Captain of the Hunt, who shall sign the renewal application form and forward it to MNO for processing.

Appeals

31. Within 6 months of submitting an application to the MNO Registry, an applicant whose application is not complete or has not been approved by the MNO Registrar shall be notified in writing. Such notice shall contain the reason(s) the application is not approved (i.e. more information needed, failure to establish a Métis ancestor, etc.).
32. If the application is incomplete, the onus is on the applicant to provide the needed information to the MNO Registry.
33. There is no appeal or reconsideration for applications that are determined by the MNO Registry to be incomplete.
34. If the application has not been approved for reasons other than being incomplete, an applicant may ask, in writing, to have the decision of the MNO Registrar reconsidered by the MNO Registrar.
35. Written requests for reconsideration must include the grounds for the challenge and may include additional documentation in support of the challenge.
36. Upon receipt of the written request for reconsideration, the MNO Registrar shall consider all the materials in the applicant's file and may consider any additional information during the reconsideration process.

37. The MNO Registrar shall provide a written response to the reconsideration request within 90 days of receiving such request.
38. Reconsideration is a necessary prerequisite to filing an appeal.
39. An applicant may appeal the MNO Registrar's reconsideration decision by:
 - a. in relation to citizenship, completing a MNO Citizenship Final Appeal Request Form. A copy of this Form is attached as Appendix B; or
 - b. in relation to a Harvester's Card, completing a MNO Harvester's Card Final Appeal Request Form. A copy of this Form is attached as Appendix C; and
 - c. including a payment of \$250.00 to the MNO for the administrative costs associated with the appeal.⁴
40. Upon receipt of the required materials in support of the appeal, the MNO Registrar shall forward the contents of the applicant's file to an independent, qualified genealogist with experience in Métis genealogy for review and consideration of the applicant's appeal.
41. This genealogist will review the documents in the applicant's file based on the MNO Registry Policy, Guidelines, Backgrounder and MNO Harvesting Policy (if applicable). Upon completion of the genealogist's review, he or she may either uphold or overturn the Registrar's determination. A letter from the genealogist setting out his or her decision, with reasons, will be provided to the MNO Registrar and the applicant. A copy of the decision shall be placed in the applicant's file. The decision of the independent genealogist will be final and binding on the parties to the appeal.⁵
42. An applicant must exhaust the MNO reconsideration and appeal process prior to filing any claim or action in a court.

⁴ 2015 amendments added the phrase "in relation to citizenship" in clause "a" and all of clause "b" as well as the MNO Harvester's Card Final Appeal Request Form attached as Appendix C..

⁵ 2015 amendments added the phrase "and MNO Harvesting Policy (if applicable)".

The Métis Nation of Ontario Statement of Prime Purpose

The following are relevant excerpts from the MNO Statement of Prime Purpose, which was adopted when the MNO was initially created:

Who We are as a People

We, the Métis are a people of the lands, which gave rise to our history and tradition and culture. We call those lands the Métis Homelands. The Homelands stretch from the lakes and rivers of Ontario; cross the wide prairies, traverse the mountains into British Columbia and into the northern reaches of the Northwest Territories. They include the hills and valleys of the north-central American States. These are our lands. They are Métis lands. They are the lands of our past which nurture us today and which we value as the precious foundation of our future. As Métis who live in the Homelands, we hold it to be a fundamental truth that we are one of the Aboriginal peoples of the Americas. ...

Now Therefore We Declare as Follows:

We, the Métis Nation, are a distinct Nation among the Aboriginal peoples in Canada and as such our Aboriginal and treaty rights are recognized and affirmed under Section 35 of the Constitution Act, 1982. We, the Métis Nation, have the inherent right of self-determination and self-government;

We, the Métis who live within the Métis Homelands of Ontario, desiring to bind our people together to collectively promote our common cultural, social, political, and economic well-being, have founded the Métis Nation of Ontario, to be our representative body with the following aims and objectives:

- to research, publish and promote the genealogical documentation of the Métis, and to establish and maintain a registry of the Métis Citizens of Ontario; ...

The Historic Métis Nation and the Historic Métis Nation Homeland

The Métis are the children of the fur trade and the unions between Indian women and Euro-Canadian men in what was historically known as west central North America or the North West. While the children of the earliest Indian and Euro-Canadian unions had mixed ancestry, the creation of a distinct Métis identity and culture was a process that took some time. It was the subsequent intermarriages between these men and women of mixed ancestry that resulted in the genesis of a new aboriginal society by the late 1700s, which we call the Historic Métis Nation.

The Historic Métis Nation developed a collective identity and consciousness, a language (Michif with regional dialects), a distinctive culture and a way of life. The Historic Métis Nation lived in, used and occupied a large territory from Ontario to British Columbia and includes parts of the Northwest Territories and the northwestern United States. The Métis call this area the Métis Nation Homeland.

The members of the Historic Métis Nation were highly mobile. They moved regularly throughout the Métis Nation Homeland as they exercised their customs, practices and traditions and participated in the fur trade, the buffalo hunt and other cultural, social and economic institutions that were important to their existence. Members of the Historic Métis Nation established their own distinct settlements within the Métis Nation Homeland and lived in or used other settlements established by Indians and non-aboriginal peoples. The mobility of the members of the Historic Métis Nation maintained their extensive kinship connections throughout their Homeland.

Today, the Historic Métis Nation continues and refers to itself and is referred to by others as the Métis Nation. The Métis Nation's contemporary assertions of aboriginal nationhood are grounded on well-recognized international principles for the recognition of Indigenous people, which includes a shared identity, history, culture, language and territory.

The Royal Commission on Aboriginal Peoples

In 1996, the Royal Commission on Aboriginal Peoples recognized the principle that aboriginal citizenship must be determined by the aboriginal nation itself. Specifically, in relation to Métis citizenship, the Commission recommended that:

Every person who

- (i) identifies himself or herself as Métis and
- (ii) is accepted as such by the nation of Métis people with which that person wishes to be associated, on the basis the criteria and procedures determined by that nation be recognized as a member of that nation for the purposes of a nation - to - nation negotiations and as Métis for that purpose.

The Métis National Council Definition

In September 2002, after years of discussion, the Métis National Council General Assembly unanimously adopted a National Definition for Citizenship within the Métis Nation ("Métis Nation Citizenship Definition"). In doing so, the Métis Nation exercised its inherent right to define itself and its citizenship.

The Métis Nation Citizenship Definition reads as follows:

Métis means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation.

"Historic Métis Nation" means the Aboriginal people then known as Métis or Half-Breeds who resided in Historic Métis Nation Homeland.

"Historic Métis Nation Homeland" means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known.

"Métis Nation" means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the "aboriginal peoples of Canada" within s.35 of the *Constitution Act, 1982*.

"Distinct from other Aboriginal Peoples" means distinct for cultural and nationhood purposes.

R. v. Powley

In 2003, the Supreme Court of Canada handed down its reasons for judgment in *R. v. Powley*. That case set out a general definition of Métis and made several observations that are relevant to a discussion about who is Métis for constitutional purposes. With respect to the identification of the Métis community, the Supreme Court held that,

[12] A Métis community can be defined as a group of Métis with a distinctive collective identity, living together in the same geographic area and sharing a common way of life.

[17] The inclusion of the Métis in s. 35 represents Canada's commitment to recognize and value the distinctive Métis cultures, which grew up in areas not yet open to colonization...

With respect to identification of Métis individuals, the Supreme Court held that,

[31] ... the claimant must self-identify as a member of the Métis community. This self-identification should not be of recent vintage...

[32] ... the claimant must present evidence of an ancestral connection to the historic Métis community...

[33] ... the claimant must demonstrate that he or she is accepted by the modern community whose continuity with the historic community provides the legal foundation for the right being claimed...

[49] ... The development of a more systematic method of identifying Métis rights-holders for the purpose of enforcing hunting regulations is an urgent priority.

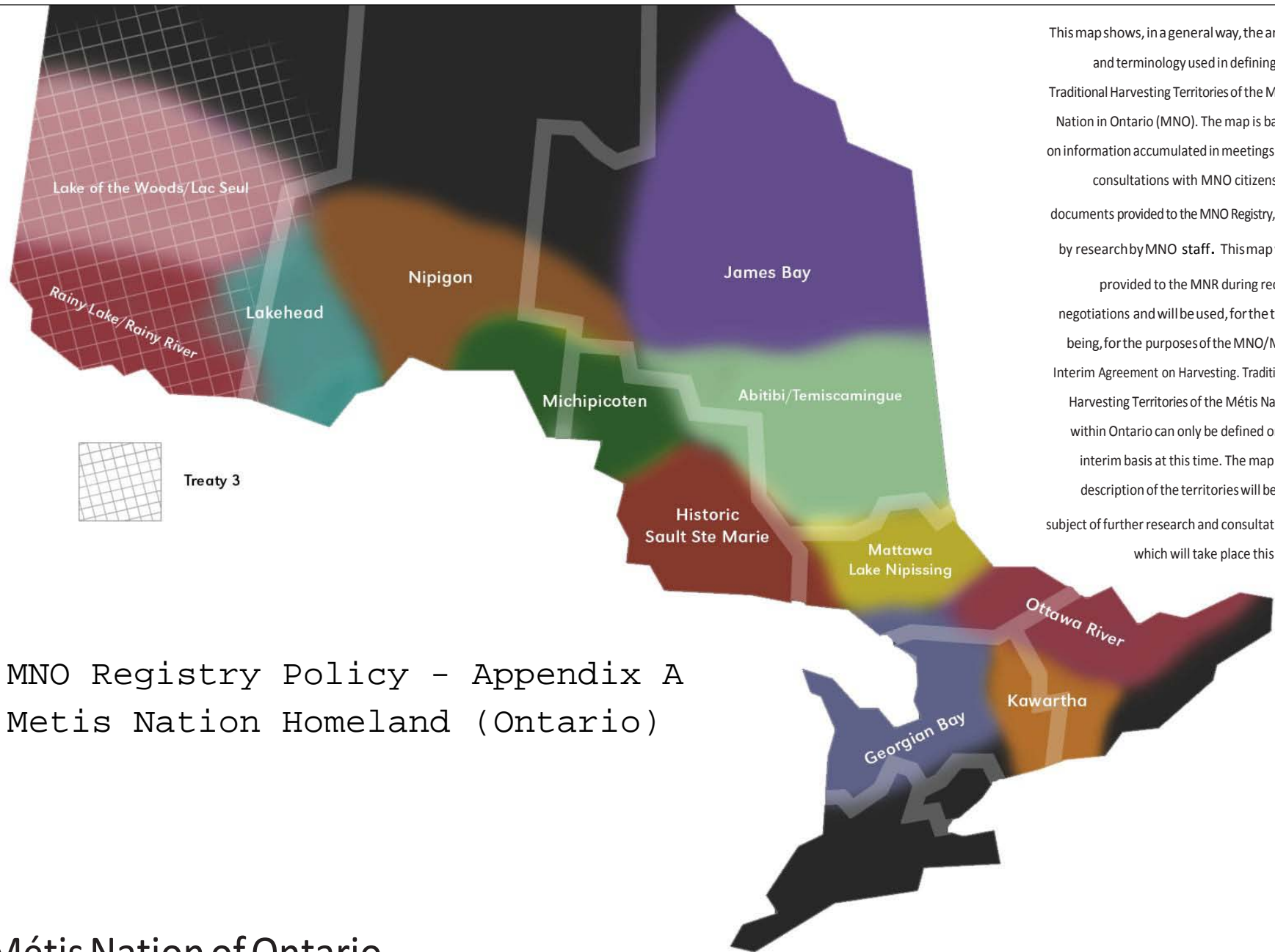
The Métis Nation of Ontario Definition

In July 2004, the MNO as the Métis government representing the Métis Nation in Ontario, adopted the Métis Nation Citizenship Definition by consensus at its Annual General Assembly. As well, the Métis Nation Citizenship Definition has been adopted by other Métis governments representing the Métis Nation across the Métis Nation Homeland. These Métis governments include the Manitoba Métis Federation, Métis Nation – Saskatchewan, Métis Nation of Alberta and Métis Nation British Columbia. All of these Métis Nation governments are now in the process of implementing the Métis Nation National Definition. In Ontario, the MNO is implementing the Métis National Definition through its Registry process. The MNO Registry is based on the Métis Nation's inherent right to register and identify its citizens based on its own customs, practices and traditions. As the representative government of the Métis Nation within Ontario, the MNO Registry is mandated to register and identify all citizens of the Métis Nation who live in Ontario.

United Nation Declaration on the Rights of Indigenous People

In 2007, the right of an aboriginal people to determine its own identity and citizenship, in accordance with its own customs, practices and traditions, is recognized in international law. Article 33 of the United Nation's *Declaration on the Rights of Indigenous People* reads:

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship in the States in which they live.
2. Indigenous peoples have the right to determine structures and to select the membership of their institutions in accordance with their own procedures.



This map shows, in a general way, the areas and terminology used in defining the Traditional Harvesting Territories of the Métis Nation in Ontario (MNO). The map is based on information accumulated in meetings and consultations with MNO citizens, by documents provided to the MNO Registry, and by research by MNO staff. This map was provided to the MNR during recent negotiations and will be used, for the time being, for the purposes of the MNO/MNR Interim Agreement on Harvesting. Traditional Harvesting Territories of the Métis Nation within Ontario can only be defined on an interim basis at this time. The map and description of the territories will be the subject of further research and consultations which will take place this fall.

MNO Registry Policy - Appendix A
Metis Nation Homeland (Ontario)

Métis Nation of Ontario

Traditional Harvesting Territories

Citizenship Final Appeal Request Form
Registry Policy — Appendix B

I, _____ [insert name] received the MNO
Registrar's reconsideration decision dated _____ in which
the Registrar upheld her initial decision to reject my application for citizenship.

By sending in this Form, I hereby request an appeal of the MNO Registrar's reconsideration of
my application for citizenship.

Additional Materials for Consideration on this Appeal

- ☐ I have no additional materials for the appeal.
- ☐ I enclose the following additional materials may be submitted for consideration as part of
an appeal. (Please list and attach to your Form)

1. _____
2. _____
3. _____
4. _____

More documents may be listed on a separate paper.

My contact information is:

Name: _____

Address: _____

Phone: _____

Email: _____

Fax: _____

Harvester's Card Final Appeal Request Form

Registry Policy — Appendix C

I, _____ [insert name] received the MNO Registrar's reconsideration decision dated _____ in which the Registrar upheld her initial decision to reject my application for a Harvester's Card.

By sending in this Form, I hereby request an appeal of the MNO Registrar's reconsideration of my application for a Harvester's Card.

Additional Materials for Consideration on this Appeal

- ☐ I have no additional materials for the appeal.
- ☐ I enclose the following additional materials may be submitted for consideration as part of an appeal. (Please list and attach to your Form)

1. _____
2. _____
3. _____
4. _____

More documents may be listed on a separate paper.

My contact information is:

Name: _____

Address: _____

Phone: _____

Email: _____

Fax: _____