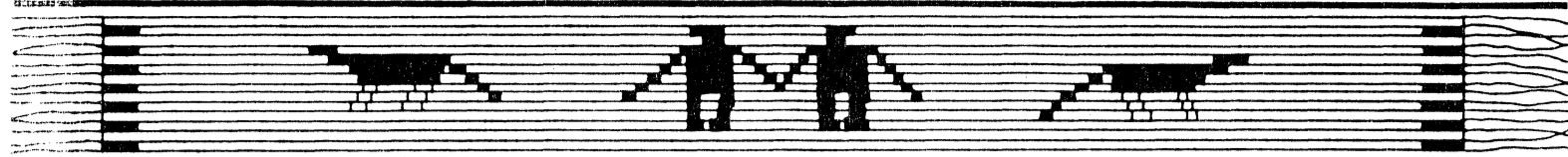


AKWESASNE MOHAWK COUNCIL RESOLUTION

1989/90 - 339



TITLE	MOHAWK COUNCIL OF AKWESASNE			CURRENT CAPITAL BALANCE	\$ _____
AGENCY	SOUTHERN ONTARIO DISTRICT			COMMITTED	\$ _____
PROVINCE	ONTARIO/QUEBEC			CURRENT REVENUE BALANCE	\$ _____
PLACE	ST. REGIS COMMUNITY BUILDING			COMMITTED	\$ _____
DATE	<u>30</u> DAY	<u>SEPT.</u> MONTH	<u>1989</u> YEAR		

DO HEREBY RESOLVE:

MOVED:

Mary David

SECONDED:

Angie Barnes

To accept Law No. 89-01, being a law governing residency matters within the territory of Akwesasne.

RESIDENCY LAW

WHEREAS the Mohawk Council of Akwesasne wishes to preserve the cultural and political integrity of the Mohawk community in Akwesasne;

WHEREAS the Mohawk Council of Akwesasne wishes to protect the rights of its community members and maintain law and order on the territory of Akwesasne;

WHEREAS the Mohawk Council of Akwesasne wishes to control and regulate the process by which non-members are accorded the privilege of residing on the territory of Akwesasne;

In this law:

"Membership Board" means the Akwesasne Membership Board established under the Membership Code of the Territory of Akwesasne enacted on the 26th day of June 1987.

1. Every member of the Mohawk Community in Akwesasne has the right to reside on the Territory of Akwesasne.

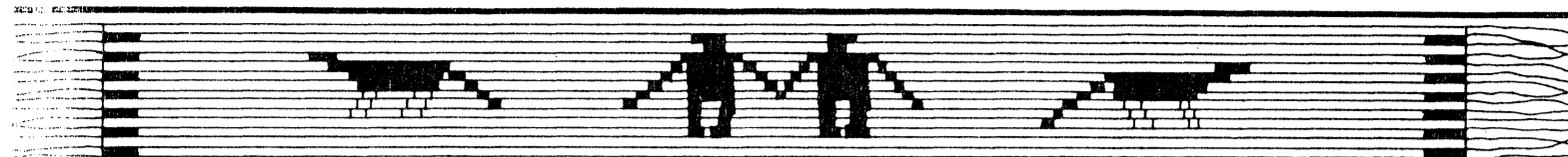
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FOR DEPARTMENTAL USE ONLY

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DATE _____ RECOMMENDING OFFICER _____			DATE _____ APPROVING OFFICER _____		

AKWESASNE MOHAWK COUNCIL RESOLUTION

1989/90 - 339



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Mary David

SECONDED:

Angie Barnes

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2. A person who is not a member enrolled on the Akwesasne Membership Rolls may reside in the territory of Akwesasne if that person is:
 - (a) a dependent child in the custody of a member residing in the territory of Akwesasne;
 - (b) in possession of a Residency Permit issued by the Membership Board.

3. A person wishing to remain on the territory of Akwesasne for a period exceeding fourteen (14) days must apply for a Residency Permit by appearing in person at the Membership Office and filling out the standard application form.

4. (1) In reviewing the person's application for residency, the Membership Board will consider the following factors:
 - (a) whether the applicant is of Native ancestry;
 - (b) the reasons for which the applicant seeks residency;
 - (c) the means by which the applicant intends to support himself and his dependents, if applicable;

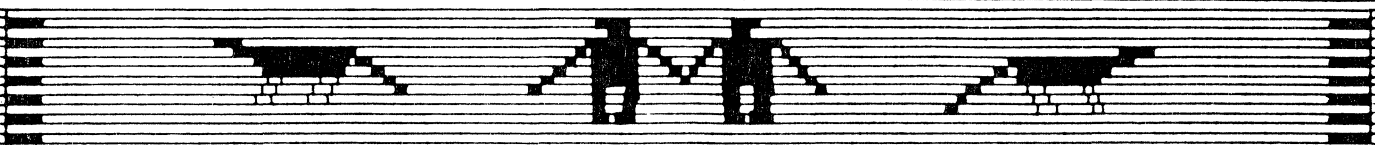
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AKWESASNE MOHAWK COUNCIL RESOLUTION

1989/90 - 339



THE	MOHAWK COUNCIL OF AKWESASNE	CURRENT CAPITAL BALANCE	\$ _____
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DATE	<u>30</u> <u>SEPT.</u> <u>1989</u> <small>DAY MONTH YEAR</small>		

DO HEREBY RESOLVE:

MOVED: Mary David
SECONDED: Angie Barnes

- 3 -

- (d) whether the applicant is married to a community member or has family ties in the community;
 - (e) whether the applicant has a criminal record;
 - (f) whether the applicant was of good conduct in his/her previous community;
 - (g) whether there is adequate housing and services available on the territory to ensure that the applicant will have a suitable residence.
- (2) The Membership Board may require the applicant to appear before it to answer questions relevant to his request before rendering its decision to accept or reject the application.
- (3) The Membership Board may also hear representations by community members in support of or opposed to the person's application.
5. (1) If the Membership Board is satisfied that the applicant meets the criteria set out in Section 4 of this Law, it shall issue a Residency Permit to the applicant for a designated period of time not to exceed twelve (12) months.

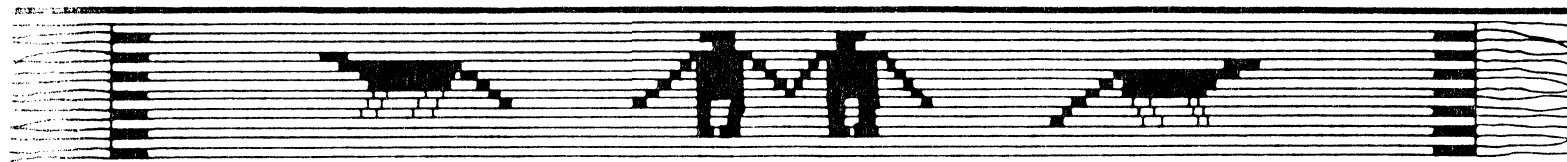
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AKWESASNE MOHAWK COUNCIL RESOLUTION

1989/90 - 339



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30	SEPT.	1989						
DAY	MONTH	YEAR						

WE HEREBY RESOLVE:

MOVED: Mary David
SECONDED: Angie Barnes

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- (2) If the applicant does not meet the criteria set out in Section 4 of this law, the Membership Board shall notify the applicant by sending a Notice of Rejection by registered mail explaining the reasons for its decision.
- (3) A person whose application for a Residency Permit has been rejected must leave the territory of Akwesasne within forty-eight (48) hours of receiving the Notice of Rejection. This delay may be extended at the discretion of the Membership Board.
- 6. (1) A person who wishes to renew his Residency Permit must reapply to the Membership Board prior to the expiry date.
- (2) The Membership Board shall renew the Residency Permit for a designated period of time not to exceed twelve (12) months, subject to Section 4(1), 4(2) and 4(3).
- (3) Notwithstanding Subsection (2), the Membership Board shall not renew the Residency Permit if the possessor has not respected the community's laws or values, has failed to maintain peace in the community or if the person's marriage to a community member has terminated.

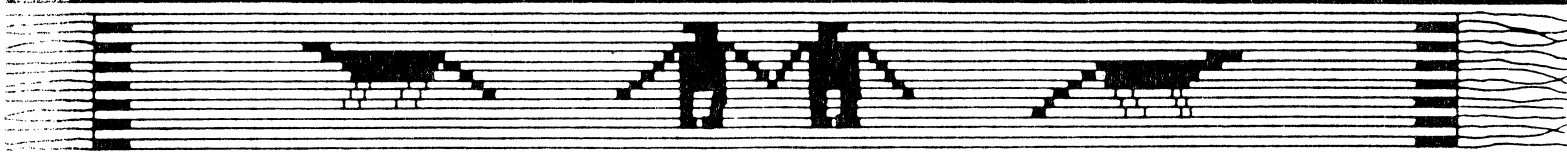
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AKWESASNE MOHAWK COUNCIL RESOLUTION

1989/90 - 339



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DO HEREBY RESOLVE:

MOVED: Mary David
SECONDED: Angie Barnes

- 5 -

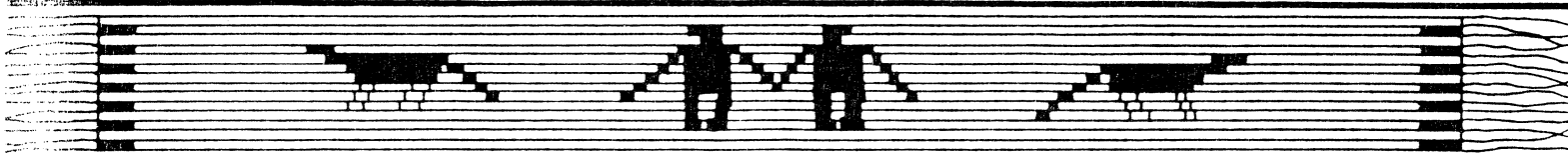
- (4) In exercising its powers under Subsection (3), the Membership Board shall give the individual the opportunity to make representations and shall consider submissions from community members, if so requested.
 - (5) The Membership Board shall inform the individual of its decision not to renew the Residency Permit by sending a Notice of Non-Renewal by registered mail explaining the reasons for its decision.
 - (6) A person whose application for renewal has been rejected must leave the territory of Akwesasne within fourteen (14) days of receiving the Notice of Non-Renewal. This delay may be extended in the case where the non-renewal is due to the termination of the person's marriage to a community member.
7. (1) The Membership Board shall revoke a Residency Permit if the possessor:
- (a) has been convicted of an indictable offence in Canada or of a felony in the United States; or
 - (b) has been convicted of two (2) or more lesser offences against the property or person of a community member; or

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AKWESASNE MOHAWK COUNCIL RESOLUTION
1989/90 - 339



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DO HEREBY RESOLVE:

MOVED: Mary David
SECONDED: Angie Barnes

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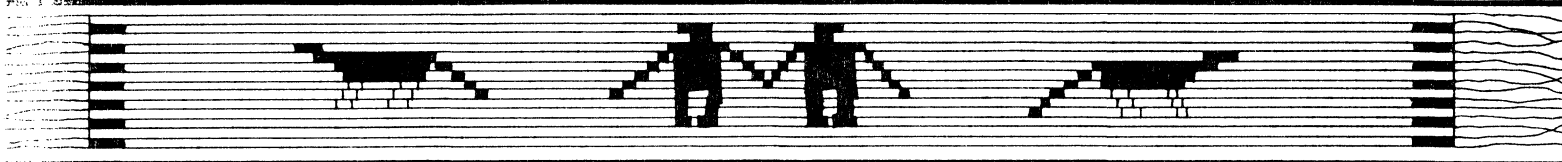
- (c) has breached the community's laws, customs or values.
 - (2) In exercising its powers under Subsection (1), the Membership Board shall give the individual the opportunity to make representations and shall consider submissions from community members;
 - (3) The Membership Board shall inform the individual of its decision to revoke the Residency Permit by sending a Notice of Revocation by registered mail explaining the reasons for its decisions.
 - (4) A person whose Residency Permit has been revoked must leave the territory of Akwesasne within fourteen (14) days of receiving the Notice of Revocation.
8. When the Membership Board obtains information that a person has been residing in Akwesasne for a period exceeding fourteen (14) days without a Residency Permit, it shall contact that person directing him to apply in person at the Membership Office within ten (10) days of the mailing date.

FOR DEPARTMENTAL USE ONLY

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AKWESASNE MOHAWK COUNCIL RESOLUTION

1989/90 - 339



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DO HEREBY RESOLVE:

MOVED: Mary David
 SECONDED: Angie Barnes

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9. A person who fails to comply with the provisions of Sections 5(3), 6(6), 7(4) or Section 8 without cause is guilty of a summary conviction offence and liable to a fine not exceeding one thousand dollars (\$1,000.00) or a term of imprisonment not exceeding thirty (30) days or to both.
10. All decisions rendered by the Membership Board regarding Residency Permits are final.
11. The provisions of this law do not apply to persons in possession of a valid lease issued or approved by the Mohawk Council of Akwesasne.

CARRIED

Lynn Roundpoint
CHIEF
Angie Barnes
CHIEF
Hilda King
CHIEF

Mary David
GRAND CHIEF
CHIEF
Timothy Thompson
CHIEF

Leah J. Sharrow
CHIEF

CHIEF
John Igore
CHIEF
W. A. Anderson
CHIEF

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

FOR DEPARTMENTAL USE ONLY

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