CITIZENSHIP/MEMBERSHIP ISSUE

Indeterminacy (Limitless Numbers)

Case Example: Qalipu Mi'kmag First Nation

2008

2012

2013

2019

In 2008, Canada settled with the Federation of Newfoundland Indians and began the process of creating a new band under the *Indian Act* – the Qalipu Mi'kmaq First Nation. Of note, the band has no land and is based on membership. The agreement stipulates that all people who became members of the band also gain Indian status.

Membership is based on the *Powley Criteria*:

- 1. Mi'kmaq ancestry
- 2. Community acceptance
- Declaration he or she identified as Mi'kmaq prior to the date of the Recognition Order

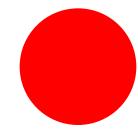
Expected Number of Applications 20, 000



The broad *Powley* membership criteria led to a huge number of applications. In total, 100,682 people applied for membership before the deadline. This is approximately 1/5 the population of Newfoundland.

The membership criteria in Powley was too broad. It raised the issue that an indeterminate number of people could be members of the Qalipu First Nation Band.

Actual Number of Applications 100,682



In response to the overwhelming number of applications, a Supplemental Agreement with new membership criteria was signed. All applicants have to meet the new criteria, even if they were already been approved for membership.

MEMBERSHIP CRITERIA

Powley Criteria:

- 1. Mi'kmaq ancestry
- 2. Community acceptance
- Declaration he or she identified as Mi'kmaq prior to the date of the Recognition Order

AND

Evidence they selfidentified as Mi'kmaq, for example:

- Identified as Mi'kmaq on census prior to 2008
- Member of Federation of Newfoundland Indians
- Newspaper article that documents person participating in a ceremonial or cultural activity

Current Number of Band Members 21,000



There have been several court cases that questioned the fairness of the membership application process.

In R v Wells the judge found the short deadlines and lack of an appeal process was not reasonable. The case allows 58,000 who were previously denied membership to reapply.

Ten years after Qalipu Mi'kmaq First Nation began accepting application, the number of founding band members is still not finalized.

Number of Applications Eligible to be Reassessed 58,000



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