



## Sipekne'katik Band Transfer Policy

This is the policy of the Sipekne'katik Band to consider requests for membership transfer of Status Indians as defined by the Indian Act.

### Reasons for developing this policy:

- Efficiency in processing applications;
- Clear guidelines for our membership department to operate;
- Facilitate growth;
- Equal and fair treatment for those seeking to transfer to Sipekne'katik (025)

### Definitions

In these Rules,

“**Adopted**” means a Child who is adopted in accordance with a legal adoption process, or custom of the band.

“**Band Council Resolution**” means a resolution passed by the Sipekne'katik band, in accordance with the requirements of the *Indian Act*, as amended from time to time.

“**Band List**” means the list of names or persons who are, or were, members of the Sipekne'katik Band

“**Child**” means a person who is under the age of 18 and includes a Child who has been Adopted;

“**Certificate of Indian Status**” card is the laminated status card issued through the band.

“**Council**” means the Chief and Councillors of the Sipekne'katik Band established pursuant to section 74 of the *Indian Act*, and holding office at the relevant time;

“**Dependent**” means a Child or any person over the age of 18 but who by reason of disability, illness or other cause, is in the care or custody, whether in law or in fact, of a Member;

“**Eligible Parent Member**” means a Member, or person entitled to be a Member, who has never been a member of another First Nation

“**Indian Status**” means a person who is a Registered Indian.

“**Married**” means married in accordance with the laws recognized in Canada;

“**Membership**” means Sipekne’katik band Membership;

“**Membership Administrator**” means a person employed as the Sipekne’katik Membership Administrator;

“**Membership List**” means the list of all persons who are Members;

“**Registered Indian**” means a person who is registered as an Indian pursuant to the *Indian Act*;

“**Reserve**” means a reserve of the Sipekne’katik band and includes:

- Indian Brook 14
- New Ross 20
- Penall 19
- Shubenacadie 13
- Wallace Hills 14A

“**Secure Certificate of Indian Status card**” means the status card issued through Ottawa’s National Processing Unit.

The Sipekne'katik Band will consider the requests for membership transfer of status Indians who are;

- Children of Sipekne'katik Band members (First Generation) including minor children or dependents
- Spouses of Sipekne'katik Band members, who are entitled to registration under the Indian Act
- Those affected by marriage prior to April 17, 1985, who are automatically transferred to husband's band and seeking to transfer back
- Persons requesting to be accepted back to the band after being transferred to another band.
- Minor Children of band member's spouses (who are entitled to registration under the Indian Act (Adopted and non-adopted)
- Persons living on the band who are members of another band who have resided on reserve for an extended period of time (minimum 5 years? 10 years?)

## Process

All persons 18 years of age or older must submit a request in writing addressed to the Sipekne'katik Chief and Council on behalf of themselves, minor children or dependents.

A Criminal Check and **Vulnerable Sector (VS) check** must be completed by persons 18 years of age and older.

Where applicable, a copy of the front and back of the Certificate of Indian status card or Secure Certificate of Indian Status card must be provided for of all applicants.

Whereas an applicant is applying to be transferred from a Section 10 band, notification of acceptance will be submitted to that band. A releasing BCR from the Section 10 band is not required.

If the applicant(s) has/have received a letter from the band they are transferring from, acknowledging their request to transfer, a copy must be submitted with your application.

## **INAC required documentation for transfers**

- Admitting Band Council Resolution
- A request in writing from applicant on behalf of themselves and their minor children.
- Custody papers or consent of other parent (see note below)

### Custody Documentation for Minor Child/Children/Dependent(s)

Where one parent or a legal guardian has legal custody of the Minor Child, that parent or legal guardian must provide the following to the Membership Clerk:

- a completed Transfer Application for the Minor Child, signed by the parent or legal guardian with legal custody
- written evidence of legal custody of the Minor Child/Children/Dependent(s);
- In the event of shared custody, both parents must give consent in writing to the transfer, and must attached Custody Arrangement documentation.
- If Applicable, written evidence that the non-custodial parent(s) was/were contacted, or a reasonable attempt was made to contact the non-custodial parent(s) to notify them of the transfer.
- A copy of the death certificate or funeral directors statement for the parent(s) of the minor child/children.

### **Contact Person:**

Director of Operation,  
Sipekne'katik Band  
522 Church St  
Indian Brook NS B0N 1W0  
Telephone: 902-758-2049  
Facsimile: 902-758-2017

**WHEREAS:**

- A. Membership of the Sipekne’katik Band is governed pursuant to Section 11 of the *Indian Act*, R.S.C. 1985, ch. I-5 (the “*Indian Act*”) and managed by “Indigenous and Northern Affairs Canada (“INAC”);
- B. Section 12 of the *Indian Act*, R.S.C. 1985, ch. I-5 (the “*Indian Act*”) provides that a Member of a Band is entitled to be transferred to, and entered on, another Band’s membership list if the Band Council of the admitting Band consents; and
- C. Sipekne’katik wishes to create a transparent and procedurally fair process and determine whether to consent to a Transfer Application pursuant to Section 12 of the *Indian Act*.

**THEREFORE, Sipekne’katik Band, by consent of a majority of the Council at a duly convened meeting on this \_\_\_ day of \_\_\_\_\_, 2017, RESOLVES THAT:**

- 1. The Sipekne’katik Band Transfer Policy attached is hereby adopted to govern Band Council’s consent pursuant to Section 12 of the *Indian Act*; and
- 2. The Sipekne’katik Band Transfer Policy may be amended from time to time pursuant to the amendment provisions found therein.

\_\_\_\_\_  
Chief Michael P. Sack

\_\_\_\_\_  
Councillor Gerry Augustine

\_\_\_\_\_  
Councillor Thomas J Howe

\_\_\_\_\_  
Councillor Colleen Knockwood

\_\_\_\_\_  
Councillor Doreen E. Knockwood

\_\_\_\_\_  
Councillor Glen Knockwood

\_\_\_\_\_  
Councillor Keith Julian

\_\_\_\_\_  
Councillor Alexander McDonald

\_\_\_\_\_  
Councillor Derrick Nevin

\_\_\_\_\_  
Councillor Tim Nevin

\_\_\_\_\_  
Councillor Virginia Peter-Paul

\_\_\_\_\_  
Councillor Earl Sack

\_\_\_\_\_  
Councillor Mary Ellen Syliboy

We/I have reviewed the Sipekne'katik Transfer Policy and believe that our/my child/children/dependent(s) is/are eligible for Membership with the Sipekne'katik Band. We/I are/am requesting that our/my minor child/Children/Dependent(s) be registered on the Sipekne'katik Band.

Signature of Parent/Guardian (at least one must sign)

- 1. \_\_\_\_\_ Date: \_\_\_\_\_
- 2. \_\_\_\_\_ Date: \_\_\_\_\_

Information about Child/Dependent	
Surname:	Given Name:
Date of Birth: <small>YYYY/MM/DD</small>	Child's current band:
Child's Registry Number	

Father of the Child's Information	
Surname:	Given Name:
Date of Birth: <small>YYYY/MM/DD</small>	Registry No:

Mother of the Child's Information	
Maiden Name:	Given Name:
Date of Birth: <small>YYYY/MM/DD</small>	Registry No:

Legal Guardian(s) Information (If Applicable)	
Surname:	Given Name:
Date of Birth: <small>YYYY/MM/DD</small>	Registry No:
Surname:	Given Name:
Date of Birth: <small>YYYY/MM/DD</small>	Registry No:

If you have more than one child/dependent, please complete a form for each individual.

### Adult Transfer Application Form

I have reviewed the Sipekne'katik Transfer Policy and believe that I am eligible for Membership with the Sipekne'katik Band.

I request that if I, \_\_\_\_\_ am eligible, that I be transferred to the Sipekne'katik Band.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date:

#### Applicant Information

Surname:	Given Name:
Maiden Name	Date of Birth:
Name of Band currently Registered in:	Registry Number:
Mailing Address:	Telephone:
Have you attached a completed current Criminal Record Check with this application? Yes _____ No _____	
Office use only:  Criminal/Vulnerable Sector Check Received    Yes _____ No _____	

Please Note: Individuals who do not supply the band with a Current Criminal Check and **Vulnerable Sector (VS) check** will not be transferred to the Sipekne'katik band, until the Criminal Check has been obtained.