

TITLE 15 - ENROLLMENT

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Chapter 01. Enrollment

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Sec. 15.01.001 Purpose

To establish procedures to maintain a Tribal Roll of the citizens of the Central Council of Tlingit and Haida Indian Tribes of Alaska (“Tlingit & Haida”).

Sec. 15.01.002 Definitions

- A. **Base Roll:** Means the roll prepared by the Secretary of the Interior pursuant to Section 8 of the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat.543).
- B. **Birth Certificate:** Means a document issued by a government to serve as a record of a person’s birth, and may include such details as the person’s name, date of birth, location of birth, and parentage, where the issuing government holds and maintains such record.
- C. **Disenrollment:** Means removal from the Tribal Roll as a result of not meeting the requirements for citizenship in Tlingit & Haida.
- D. **Enrollment Committee:** Means the body within the Tribe vested with authority to make decisions on enrollment matters.
- E. **Letter of Certification:** Means a letter by Tlingit & Haida stating that a person is a citizen of Tlingit & Haida.
- F. **Letter of Verification:** Means a letter by Tlingit & Haida stating that a person has been provisionally enrolled in Tlingit & Haida.
- G. **Provisional Enrollment:** Means temporary enrollment until the next Enrollment Committee meeting.
- H. **Relinquishment:** Means removal from the Tribal Roll at the request of the citizen.
- I. **Sponsor:** Means a person who files an application for enrollment on behalf of another person.
- J. **Supplemental Roll:** Means the roll of persons who have been approved for citizenship in Tlingit & Haida since the Base Roll closed and who have not relinquished their citizenship with or been disenrolled from Tlingit & Haida.

K. Tribal Roll: Means the Base Roll and the Supplemental Roll combined.

Sec. 15.01.003 Application for Enrollment

- A.** Applications for enrollment may be received at any time.
- B.** Application forms shall be available at tribal offices and on the Tlingit & Haida website.
- C.** An application may only be completed by:
 - 1.** An adult applicant for himself or herself;
 - 2.** A parent of a minor child;
 - 3.** A person with legal guardianship over the applicant, proof of which legal guardianship shall be provided and which may be in the form a limited power of attorney for the purpose of enrollment; and
 - 4.** An employee of Tlingit & Haida who is acting in his or her official capacity seeking enrollment a minor child who is the subject of a child welfare proceeding, including an Indian Child Welfare Act case.
- D.** Each application must contain:
 - 1.** A certification as to whether an application is for a natural child or an adopted child of the parent through whom eligibility is claimed;
 - 2.** When an application is filed by a sponsor, the name and address of the sponsor and the relationship of the sponsor to the applicant; and
 - 3.** A family tree, completed to the best knowledge of the person completing the application;
 - 4.** The documentary evidence that forms the basis for the claim for enrollment;
 - 5.** The birth certificate of the applicant.
- E.** Applications for enrollment must be filed with Tlingit & Haida.

Sec. 15.01.004 Enrollment

- A. Eligibility.** All persons who meet the criteria for enrollment in the Constitution shall be eligible for enrollment.
 - 1. ICWA.** A child who is a biological descendant of a Tlingit & Haida citizen is eligible for enrollment with the Tribe, and remains eligible for enrollment even if that child is adopted by parents who are not citizens of Tlingit & Haida.
 - 2. Adoptions.** A child who is adopted by Tribal citizens is not eligible for Tlingit & Haida citizenship unless that child is a biological descendant of a Tlingit & Haida citizen. A child who is a biological descendant of a Tlingit & Haida citizen remains eligible for enrollment even if that child is adopted by parents who are not citizens of Tlingit & Haida.

- B. Authority:** The Enrollment Committee is vested with authority to enroll citizens.
- C. Burden of Proof:** The burden of proof rests on the applicant to establish his or her eligibility for enrollment.
- D. Records:** Enrollment must be based on an application and original supporting documents, for the record.
- E. Procedures.** All completed applications will be presented to the Enrollment Committee at the next scheduled meeting. The Committee will review the application and supporting documents, if any, that form the basis for the potential enrollment. The Committee may also receive testimony regarding the potential enrollment. After reviewing all the evidence, the Committee will approve or disapprove an application. Approved applications are certified by the Committee chair or designee.
- F. Notification:** An applicant shall be notified of his or her citizenship by mail.
- G. Right to Appeal:** Any applicant who is denied citizenship shall have the right to re-apply for citizenship.
- H. Provisional Enrollment**
 - 1. Purpose:** To allow for temporary enrollment between Enrollment Committee meetings.
 - 2. Eligibility:** Applicants who seek provisional enrollment must meet the criteria for enrollment in the Constitution.
 - 3. Authority:** The President or designee has authority to authorize provisional enrollment.
 - 4. Temporary Nature:** Provisional enrollment is temporary and lasts only until the Enrollment Committee next meets. All Enrollment applications approved for provisional enrollment must be presented at the next Enrollment Committee meeting.
 - 5. Letters of Verification:** Letters of Verification will only be provided to entities requiring provisional approvals.
 - 6. Prohibitions:** An applicant shall not be issued a Tribal Identification Card or a Letter of Certification until after the applicant is certified by the Enrollment Committee.

Sec. 15.01.005 Amendments to the Tribal Roll:

- A. Name Changes:** In order to change a citizen's name on the Tribal Roll Tlingit & Haida must be provided legal documentation of the name change, including but not limited to divorce decrees, adoption decrees, birth certificates, Social Security cards, State Identification Cards or a Driver's License.
- B. Blood Quantum.**
 - 1. Eligibility:** Any citizen who believes his or her blood quantum is incorrect may apply to have the blood quantum corrected.

2. **Authority:** The Enrollment Committee is vested with authority to correct the blood quantum of citizens.
3. **Burden of Proof:** The burden of proof rests on the citizen to establish that his or her blood quantum is inaccurate.
4. **Records:** Corrections must be based on an application and supporting documents, for the record.
5. **Procedures:** All completed applications will be presented to the Enrollment Committee at the next scheduled meeting. The Committee will review the application and supporting documents, if any, that form the basis for the request. The Committee may also receive testimony regarding the potential enrollment. After reviewing all the evidence, the Committee will take action consistent with the evidence.
6. **Notification:** A citizen shall be notified of the Committee's action by mail.
7. **Limitation:** While Tlingit & Haida will correct the blood quantum of any citizen on the Tlingit & Haida Base Roll, those corrections only apply to Tlingit & Haida records and do not affect the version of the Base Roll prepared by the federal government.

Sec. 15.01.006 Enrollment Committee

- A. **Membership:** The Enrollment Committee, shall consist of at least five (5) and no more than nine (9) Delegates of the Tribal Assembly, such number of delegates to be determined by the Executive Council.
- B. **Meetings:** The Enrollment Committee shall meet a minimum of twice a year and a maximum of four (4) times per year. Notice of meetings shall be publicized. Meetings are closed to the public.
- C. **Duties:** The Enrollment Committee shall approve and disapprove applications for citizenship, make corrections to blood quantum, approve or disapprove applications for relinquishment and process disenrollments.

Sec. 15.01.007 Relinquishment

- A. **Eligibility:** An adult citizen may relinquish his or her citizenship.
- B. **Authority:** The Enrollment Committee is vested with authority to consider relinquishments, except that when a citizen requests expedited relinquishment and Tlingit & Haida concurs that expedited processing is necessary, the President or designee is authorized to approve the relinquishment.
- C. **Records:** Relinquishments must be based on an application and supporting documents, for the record.
- D. **Procedures:** All completed applications will be presented to the Enrollment Committee at the next scheduled meeting. The Committee will review the application and supporting documents, if any, that form the basis for the request. The Committee may also receive testimony regarding the potential relinquishment. After reviewing all the evidence, the Committee will take action on the application.

- E. **Notification:** An applicant for relinquishment shall be notified of the Committee's action in writing. When the relinquishment is expedited, the Committee shall be notified of the relinquishment at its next meeting, for the record.
- F. **Descendants Not Affected:** Relinquishment will not affect the citizenship of descendants of the relinquishing citizen.
- G. **Readmission After Relinquishment:** Former citizens who have relinquished their citizenship may be readmitted to full citizenship upon application to the Enrollment Committee. Tlingit & Haida will notify the applicant if the former citizen needs to provide additional documentation regarding their eligibility for citizenship.
- H. **Birthright:** It is a Tlingit and Haida child's birthright to be an enrolled citizen of Tlingit & Haida. That birthright cannot be disclaimed or waived by anyone except the child upon reaching his or her majority. A parent or guardian may request relinquishment of a minor citizen's enrollment only when that child is going to be enrolled in another tribe.

Sec. 15.01.008 Disenrollment

- A. **Eligibility:** A citizen may only be disenrolled if it is determined that the citizen does not meet the criteria for enrollment.
- B. **Authority:** The Enrollment Committee is vested with authority to disenroll citizens.
- C. **Records:** Disenrollment of a citizen must be accomplished by resolution, for the record, which shall contain the alleged facts of the situation. That resolution may be supported by additional documentation.
- D. **Procedures:** The Enrollment Committee will review the resolution and supporting documents, if any, that form the basis for the potential disenrollment. The Committee may also receive testimony regarding the potential disenrollment. After reviewing all the evidence, the Committee will vote on the disenrollment resolution, amending the resolution as necessary. A unanimous vote is required in order to disenroll a person.
- E. **Notification:** A disenrollee shall be notified of his or her disenrollment by certified mail. Except when the return receipt establishes a date for service, all service by mail shall be deemed received by the addressee three business days from the date of mailing. Tlingit & Haida shall be entitled to rely upon as accurate and correct the addressee's address last known to Tlingit & Haida.
- F. **Right to Appeal:** Any former citizen who has been disenrolled shall have the right of appeal to the Tlingit & Haida Supreme Court. A disenrollee shall have 30 days from the date of receipt of the notification of disenrollment to appeal his or her disenrollment. The decision of the Supreme Court shall be final.

Sec. 15.01.009 Penalties for Fraud, Misrepresentation and Falsification

- A. A person who commits fraud, misrepresentation or falsification of records as part of any enrollment action or activity is liable to the Tribe for a civil

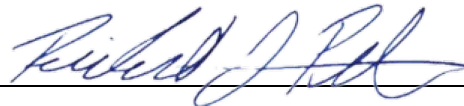
penalty of not more than \$5,000 for each violation. The person responsible for the fraud, misrepresentation or falsification of records shall further be liable for immediate repayment, with interest, of any benefits received as a result of the enrollment action or activity.

Sec. 15.01.010 Administration

- A. Records:** Records regarding citizenship shall be retained by the Tribe in perpetuity.
- B. Privacy.** Enrollment records are the property of Tlingit & Haida. Tlingit & Haida recognizes that enrollment records may contain sensitive, personal information. Tlingit & Haida will draft specific policies regarding enrollment records to protect this sensitive and personal data while still permitting legitimate access.
- C. Tribal Identification Cards:** All Tlingit and Haida citizens shall have the right to be issued a citizenship card.
 - 1.** Tribal Identification Cards shall not state a citizen's blood quantum.

ENACTED this 20th day of April 2022, by the Tribal Assembly of the Central Council of Tlingit and Haida Indian Tribes of Alaska.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Jacqueline L. Pata