

Frequently Asked Questions

General Questions:

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What is the Kahnawà:ke Residency Law?

- This law determines who can and cannot live in Kahnawà:ke, including the Tioweró:ton Territory.

Why is there a Kahnawà:ke Residency Law?

- To ensure our continued survival as a Kanien'kehá:ka community. Following the announcement of bill S-3 by the Canadian Government, the Kahanwà:ke Residency Law was put through the urgent CDMP process. We generally welcome individuals from other Kanien'kehá:ka and Onkwehón:we communities, but in recent times it has become important to create a law with specific criteria and approval processes.

Will there be opportunities to change clauses in the Residency Law?

-Yes. The Community Decision Making Process (CDMP) and all laws have a mandatory 5 year review in case changes are needed. In fact, the Kahnawà:ke Residency Law will go through the Type 1 CDMP process again later this year, as it was originally passed through the urgent law-making process.

Who decided that there should be a Residency Law?

- There have always been residency components to past laws involving Membership and Recognition, but through the CDMP it was decided that Residency should be a separate law. Over 5 years, community members participated in the process resulting in the law officially passed by the MCK in June of 2019.

Where can I get more information?

- The Office of the Kahnawà:ke Kanien'kehá:ka Registry located at the Services Complex can answer your questions. They have copies of the law and applications for Residency available.
- There is also a website full of information, www.kahnawake.com/residency

When will this Law be implemented?

- Applications for Permits and Approved Kahnawà:ke Resident status will be available Fall 2020. Complaints and enforcement will also be forthcoming.

When people from other communities apply, will they be entitled to hold property?

-No, only those on the KKR (Kahnawà:ke Kanien'kehá:ka Registry) can hold land or be entitled to a land allotment. However, those individuals recognized on the KKR who are in a relationship with a permit holder will still be eligible for land transfers and land allotments.

What's the difference between Recognition and Residency?

-They're linked. Those recognized on the Kahnawà:ke Kanien'kehá:ka Registry (KKR) can live here automatically. Those who do not meet the criteria for Recognition as a Kanien'kehá:ka of Kahnawà:ke can apply for Residency.

Do children under 18 have to apply?

No. They would be listed under their parent but will be required to apply for either Recognition under the Kanien'kehá:ka of Kahnawà:ke Law (KKL) or for permission to reside under the Kahnawà:ke Residency Law (KRL) on their own when they turn 18.

Permit/ Approved Kahnawà:ke Resident Application Process:**Who can apply for a Residency Permit?**

- Anyone who is not a recognized Kanien'kehá:ka of Kahnawà:ke nor on the Approved Kahnawà:ke Residents List. Call 450.638.0500 for more information.

Is there a fee to apply?

- For the first year that applications are available, application fees for Approved Kahnawà:ke Residents will be waived. All Permits however will have a fixed fee of \$30.00 to cover the cost of the decision sent by registered mail. A criminal background check will be necessary for all applications at the expense of the applicant.

What are the types of Permits/Authorizations available?

- There are three types of permits that will be available, a Residency permit (valid for 3 years), a work/education permit (valid for 1 year) and a Humanitarian permit (valid for up to 1 year). There is also an Approved Kahnawake Resident status which requires a onetime application that is valid indefinitely unless the individual breaches the Law and could be subject to Revocation.

Will the public know who is applying for permits?

- Yes, similar to the Land Allotment Policy, there will be a public notice posted for 30 calendar days with detailed information on the applicant, to give time for community to provide objections.

Are objections accepted? Who can object?

- Yes, written objections are accepted within 30 days of the last day of the public notice and only someone recognized on the Kahnawà:ke Kanien'keha:ka Registry can make objections.

Who receives the objections? Who makes the final decision?

- The Residency Registrar: Melanie Gilbert.

Can residency be revoked?

- Yes, in the case that a permit holder or an approved Kahnawà:ke Resident is in breach of the Law (as can be found in section 14 of the KRL), by the Residency Registrar.

Can those who stayed after the 1981 Moratorium on Mixed Marriages reside here now?

- Those who were married prior to 1981 and are still married or have been widowed or those who were on the non-member resident list prior to this law coming into force will be transferred to the Approved Kahnawà:ke Resident list. Anyone else can apply for residency but would have to meet the criteria set forth in the current Residency Law.

Complaints/ Complaint Process

How do I make a complaint about a person residing on the territory?

-Complaint forms will be made available at the Office of the KKR.

What is the process for filing a complaint?

-A complaint form must be picked up from the Office of the KKR, filled out by a person recognized on the Kahnawà:ke Kanien'kehá:ka Registry, and be signed and commissioned.

How would anyone know someone is not from the Community?

-The Office of the KKR will have that information, a process is being created to ensure that complaints will not be made against a person who has the entitlement or permission to reside on the territory.

Appeals/Penalties/Enforcement

Can a decision made by the Residency Registrar or the Compliance Officer be reviewed?

Yes, the Community Review Board (CRB) can quash, confirm or vary a decision and if appropriate make the decision which, in its opinion should have been made initially if there was an error in law. The CRB will review decisions of the Residency Registrar or the Compliance Officer on an interim basis until such time as the Administrative Tribunal is operational.

Are there penalties for breaking the law? Who will enforce it?

Yes, fines are prescribed in the Kahnawà:ke Residency Law and can be applied for each day a person is in contravention of the law. ¹

Evictions

What will you do if someone with an eviction notice/order doesn't leave?

We are hoping to never have to evict anyone. We are hoping those who do not have an entitlement/permission to live here will respect the Will of the People and leave on their own peacefully, before it gets to that point. Should an individual refuse to respect the law of this Community, there will be an eviction process to enforce the law.

Will the individual be evicted immediately?

- No, notice will be given to the individual and an investigation will be conducted as well as various procedural steps which will ensure that people have a chance to apply for recognition/authorization/permits and to ensure the process is fair.

If the individual does not meet the criteria for recognition on the KKR for authorization as an Approved Kahnawà:ke Resident or for a permit, will they be evicted?

- An investigation will be conducted by the Compliance Officer and a decision made to deliver a Notice of Eviction. If it is found that the individual is residing in the territory without any entitlement or permission

to do so they may be issued a Notice of Eviction. If a Notice of Eviction is not respected the Compliance Officer will request an Eviction Order from a Justice of the Peace of the Court of Kahnawà:ke.