

***Kahnawà:ke Residency Law***  
COMMUNITY MANDATE (Consultation) MEETING  
**Golden Age Club**  
**24, Enniska/February 2026**  
**6:00pm – 8:00pm**

FINAL RECORD OF DISCUSSION

**FACILITATORS:**

Chris Bush, KLS  
Keira Diabo, KLC Coordinator

**RESOURCE PEOPLE:**

Kiera Beauvais, OKKR Officer  
Alan John Rice, Executive Operations Officer  
Kyle Jacobs, OKKR Compliance Officer  
Mike Delisle, OKKR Registrar  
Kasonniio Patton, KLS

**TDC/KLC**

Melanie Gilbert, General Manager, CBS/OKKR  
Trisha Delormier, KLS Legal Counsel  
Jeremiah Johnson, Portfolio Chief

**RECORDER:**

Samantha Montour

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**AGENDA:**

- ❖ **Opening Address (Ohén:ton Karihwatéhkwen) – Chris Bush**
- ❖ **Introduction/Meeting Guidelines - Chris Bush**
- ❖ **Historical Background & What will be asked of the Community at the current meeting – Keira Diabo**
- ❖ **Presentation of the items for review – Melanie Gilbert, OKKR/TDC**
- ❖ **Asking whether the Community gives the Mandate – Keira Diabo**
- ❖ **Asking whether the Community approves the Scope – Keira Diabo**
- ❖ **Selection of three (3) Community Representatives – Keira Diabo**
- ❖ **Next Steps – Keira Diabo**
- ❖ **Closing (Ohén:ton Karihwatéhkwen) – Chris Bush**

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**Opening Address, Introduction & Meeting Guidelines – Chris Bush**

Chris Bush started off by introducing the staff of Kahnawà:ke Legislative Services (KLS) who coordinate on behalf of the Kahnawà:ke Legislative Commission (KLC), and *Kahnawà:ke Residency Law* Technical Drafting Team (TDC) members.

The meeting guidelines are as follows:

- ➔ Be respectful

- ➔ Stick to topic
- ➔ Cell phones on mute
- ➔ One speaker at a time
- ➔ Make brief to the point comments

Chris opened the meeting with the Ohén:ton Karihwatéhkwén followed by a review of the agenda items as listed above.

**Historical Background & What will be asked of the Community at the current meeting – Keira Diabo**

Keira provided a Historical Background of the Kahnawà:ke Residency Law (KRL), a PowerPoint presentation was projected on the screen.

This Background covered the following information:

**Background – Urgent Process**

- The Community gave the Mandate and approved the Purpose & Scope for the *Kahnawà:ke Residency Law (Law)* in 2017. It was categorized as Type I, urgent, which required it to be put through the regular process after one year of enactment. This is to ensure steps not completed while in the urgent process would be taken.
- The Law was completed under the urgent process after having gone through extensive consultation and meetings, after which consensus on the entire Law was obtained. That said, the only step missing was the naming of Community Representatives to sit on the Technical Drafting Committee (TDC).

**Background – Urgent to Regular**

- It is important to note that while a Law passed under the urgent process must go through the regular process after one year of enactment, the steps to be taken for this transition are not defined. However, it should be pointed out that there was extensive consultation, and it took a long period of time to go through the process to enact the law.

**Background – Regular Process**

- As required, the Law entered the regular process and the TDC went out to the community to reacquaint them with the Law, going over areas that the OKKR flagged as needing revision. During this consultation, additional suggested revisions were received from the community. It is these areas flagged by the OKKR and the community that form the basis for the Scope being presented today.
- Considering the background of this Law in terms of the consultation undertaken, the time it took to pass, and the fact that consensus was obtained on all sections of the Law, the TDC is asking for the community to give the Mandate to read through the Law, with focus on the suggested revisions.
- If issues outside of the identified areas (the Scope) are raised and not able to be addressed during the meeting, the issues may be added as part of the Scope where feasible, or they may be added to a ‘Parking Lot’ to be addressed by way of a request for an amendment following (1) year of enactment of the Law.

### **TDC Presentation**

- The Community was informed that the TDC will present the areas where there are suggested revisions to the Law.

### **Confirmation of the Mandate**

- The Community was informed they will be asked to give the Mandate to revise the Law, with focus on the items flagged for revision.

### **Approval of the Scope**

- The Scope that the community was being asked to approve consisted of the following which were suggested revisions received from the community and flagged by the OKKR.
  - o Complaint confidentiality
  - o Clarifying references, including those related to fines
  - o Adjusting references that are outdated, such as references to the Community Review Board
  - o Adjusting references to the Administrative Tribunal, and the Court of Kahnawà:ke, as appropriate
  - o Clarifying definitions
  - o Clerical changes

### **Selection of Community Representatives**

- Selection of three (3) Community Representatives – the selection of community representatives is required for a Type 1 Law in the Regular Process.
- The role of the Community Representative: Participate as a member of the TDC to review the draft prior to hearings to ensure the integrity of the Mandate is adhered to and ensures adherence to the process. Signs the Certification of the Process and Legislative Tracker.
- There will be an honorarium for attending TDC meetings.
- The Community Representative must sign the Community Representative Form and the MCK Terms of Agreement for *Kahnawà:ke Residency Law* Technical Drafting Committee Community Representative Form.

### **Next Steps**

- Once selected, the TDC and KLS will meet with the Community Representative(s) to brief them on their roles and responsibilities.
- The Community will be kept informed of the next steps in the Regular Process as they unfold.

Following Keira's Background presentation, the following questions were asked.

Q. A community member asked if the items in the Scope are the only items that are subject to change or can the community suggest additional changes?

A. Melanie explained that the Scope is what is being focused on, however if there are other items that are deemed important, they could be brought up and added to the Scope but if not, they can go into the Parking Lot items and could be addressed at a later time.

Q. A community member asked where the information is which was provided when there was a community call out for feedback?

A. Melanie responded that the TDC reviewed all feedback and included it in the Scope, where it fit, as they went through all feedback received.

Q. A community member who had participated in one of the Focus Groups that was held questioned if her suggestion for anonymity for the complainant is included in the Scope. She felt that the objectors name should be anonymous as there is an office (OKKR) to do the research and investigation rather than community members.

A. Melanie confirmed that the item of anonymity is in the Scope. It was also noted that with investigations, it is not up to the person making the complaint to investigate, the Compliance Officer plays a role in this. It is a combined effort as well between the complainant, Compliance Officer and the community. The process has been in effect since April 1<sup>st</sup>, 2025, but this is definitely something that has been seen as an issue by the TDC.

#### **Presentation of the items for review – OKKR TDC – Melanie Gilbert**

The TDC members introduced themselves and explained their roles. The only person missing tonight was Alexis Shackleton.

Melanie proceeded to review the PowerPoint presentation. It was explained that in 2017 the community gave the Mandate and approved the Purpose and Scope for the Kahnawà:ke Residency Law which was categorized as a Type 1 Urgent Law. After a series of community hearings, the KRL was enacted on June 17, 2019. The “urgent” categorization meant the Law would have to put in the regular process after one year of enactment to ensure it covered steps not taken while in the urgent process. However, when the Law went through the original process, the only missing step was naming three Community Representatives to the TDC.

In April of 2025, the Office of the Kahnawà:ke Kanien’kehà:ka Registry (OKKR) launched a re-education campaign to re-acquaint the community with the Law. Melanie explained that during Covid there was not a lot that took place, a lot of staff were reassigned, and a lot of work was not done on residency, people were able to apply for residency, but the complaints process did not kick off until April of 2025.

Three (3) public kiosks, two (2) focus groups and a thirty (30) day feedback period were completed along with a survey lasting throughout the summer of 2025. The OKKR received just over a hundred completed surveys. What they found was that people did not know about the *Residency Law*, and they did not know who was or was not allowed to live in the community. People from a basic knowledge level do not know if they are on the KKR or not, they believe that having a band card means they are on the KKR which is not the case, so they were educating people from the

foundations. This is not because it has not been done before, there has been a lot of education from the KKL from way back. What Melanie feels is that if someone is not affected by it, they will not think about it. If they have a card and are living in the community there is no problem. The feedback received from the community through all the initiatives, along with items flagged by the OKKR in their working with the Law have been compiled into suggested revisions. These suggested revisions will form the Scope in reviewing the Law and will now be outlined.

Q. A community member asked if it was the younger generation that did not realize what Melanie described, how there is a lack of knowledge on the Law? Did they get this from the surveys?

A. Melanie replied that it was across the board, including individuals who married out who believed their spouse was native because they had a card (acquired status) which is not true.

## **Proposed Amendments to the *Kahnawà:ke* Residency Law**

### **Section 3.1 Definitions - Clarifications are needed for:**

- **Age of Majority** – This means eighteen (18) years of age. What is being proposed is “18 years of age or older”. This is to make it clearer.
- **Kanien’kehà:ka of Kahnawà:ke** – The only thing that is being looked at to clarify is to reference people that are on the KKR.
- **Onkwehón:we** – After discussions and different geographical perceptions being shared, it was pointed out that different places were not included such as Alaska who have people living there that have the same nations as British Columbia, Yukon etc. So, if they did get an application from someone in Alaska their lineage would not be recognized.

A community member who had been present in the meetings for this Law previously commented that she did not recall ever hearing the term ‘Continental’ they always said the US. Melanie explained that this was a big thing at the time.

Another community member commented that, geographically, Alaska is Continental US as it’s on the continent. Melanie noted it is separate from the mainland base of USA but there are varying opinions so that is why it’s being addressed. The community member also added that there are other nations on the southern border that are in the same situation, such as Mexico.

Melanie explained that what they are proposing is to replace the reference to Canada and Continental USA and to replace it with ‘Turtle Island’. As the area being covered is more of a cultural perspective than political. In some areas ‘Turtle Island’ has been described as including all of North America so North America does include Central America. There were previous debates on this years ago so to make it more culturally explicit, they would have to find a way to draft it and make sense to encompass the meaning of the territory.

Q. It was asked why they are using the term ‘Indigenous’; the community member felt that it sounded more colonial and questioned if it was because of the UNDRIP (United Nations

Declaration on the Rights of Indigenous Peoples)? There was a suggestion to use the term ‘First Nations’.

Trisha also noted for clarification that there is also a reference in the definition that refers to including ‘Inuit’. She was not present when the earlier discussions took place on the term ‘Indigenous’ when it was first being drafted but her understanding is that it comes from an international perspective of ‘Indigenous Populations’. Because of that, it is broader so ‘First Nations’ may have its own definition and again that comes from many places.

A community member agreed that the term ‘Indigenous’ did come from the UNDRIP and shared some insight into when the UNDRIP process began back in the 1980’s. They stated ‘Indigenous People’ which included all people in North America not just First Nations.

Another community member agreed and stated it started off that way, but the term has now been colonized by the Canadian Government and that word is now used against us, when they use that word, he explained it now includes all ‘Métis’ and anybody who claims to have a native background. They have processes in their government system which they are implementing in land claims right now where they are allowing anybody to self-identify and including them under the indigenous constitutional right, so he sees the importance of what was being said and the need to be very specific with a term that is not in line with Canadian law.

Mike Delisle noted that North America includes twenty-three (23) sovereign countries as well as Caribbean Islands and Central America.

At that point Melanie asked those present how they wanted to proceed; if they wanted to leave the definition as is, if they wanted to consider using ‘Turtle Island’ or take out ‘Indigenous’. The community agreed that further clarification is required to determine the proper word.

**Outcome** -> Further discussion/drafting/clarification required.

- **Raised in the Community:** Melanie explained that as the definition stands, it sounds good, but when there is an application received and the applicant was not raised in the community, such as a woman who married out and had to leave, their child(ren) were then not raised in the community by this definition. There is an interview process for KKR or Residency who have one parent who is not native, to discuss their community and family ties. This term is very difficult to quantify. Melanie gave examples of people she had to interview when she was Registrar and Acting Interim Registrar, people who had to live outside but were in the community every day and weekend and had all their family in the community so to her they were raised in the community, but it is left to interpretation. The TDC is proposing if any clarification could be made to this definition while leaving some flexibility to address various circumstances. Another example is children that did not have a chance to be raised in the community, such as a family who had a non-native mother, the parents split up so the mother raised them outside the community and sometimes far from the community, they never had a chance or connection until they were older. They have lineage but can it be said they were raised in the community?

Melanie explained that this makes it difficult for the Registrar to make the determination of ‘half their lives’ so they need to have something that can quantify this and be fair as well.

A community member agreed that this definition does not make sense and gave an example of someone leaving for the military at age eighteen (18) and being away for years, more than half their life. Melanie explained that the definition says ‘from a young age’ so the assumption is from childhood but it is not clear.

Melanie stated that they are looking to clarify this better and come back with a suggestion/suggestions.

At that point Chris discussed how the meeting would proceed regarding the sections of the Law that requires the community to come to consensus on whether those sections would remain part of the Scope. She will ask at the end of each item if the community agrees for the section to remain part of the Scope.

**Outcome: No further questions, this will remain part of the Scope.**

A community member circled back to the definition for ‘Onkwehón:we’ and stated that it means ‘an original person’ so this definition is land tying Canada and US to it, he just wanted to clarify this. He would rather see ‘our’ use of it.

**Sections 8, 15, 16, 17 & 20 – Removal and Replacement of References to the Community Review Board with the Administrative Tribunal and other Updated References to the ‘Justice’ as appropriate in the noted sections.**

Melanie explained that what this means is that they no longer have the Community Review Board (CRB) so any references to this Board now need to be removed and replaced with ‘Administrative Tribunal’ so it is simply wording changes. Any references to the ‘Justice’ would now be removed and replaced by the ‘Justice Act’.

Trisha clarified that the last point made is addressing the term ‘Justice’, not Justice Act, which could refer to the Court of Kahnawà:ke or Judges of the Court of Kahnawà:ke so we just want to go back and make sure this reference is still relevant to the situation of the status of the Court and hearing matters. It is more of a technical check-in.

Melanie further explained that the CRB was in place with the intention of replacing them with the Administrative Tribunal which has happened, so the CRB used to hear applications of people who did not agree with the decisions of the Registrar. They had a few cases go before the CRB, one example is a woman who married out was taken off the KKR now she’s divorced and applied to be added to the KKR but she must meet the lineage requirement of the current Law, and she did not, since she did not have the required four (4) great grandparents. The CRB had three (3) people on the Board, and they would make the decision if there was an appeal (review), only one file was not in the Registrar’s favor.

Melanie explained what the CRB was and gave examples of cases that went before the Board, only one decision was not upheld out of about fifteen or sixteen appeals (reviews). Now the

Administrative Tribunal is in place, they hear the appeals (reviews) not only for OKKR but for MCK as a whole such as denial of decisions from different units.

Q. A community member asked if they should be referencing the ‘*Kahnawà:ke Justice Act*’ in the Law?

A. Trisha noted that they are not referring to the *Justice Act* unless it is necessary because the Administrative Tribunal is established under the *Kahnawà:ke Justice Act*. What is being referred to here is there are provisions that refer to a decision being further reviewed by a Justice of the Court of Kahnawà:ke and whether or not that will be heard by a Justice of the Peace or a Judge of the Court of Kahnawà:ke. We are being cautious to ensure they are making the proper references to those hearing the appeals (reviews), and they may still be okay to make reference to the Justice, but we will double back on that to ensure consistency with the references.

**Outcome: No further questions, this will remain part of the Scope.**

### **Section 9 – Approved Kahnawà:ke Resident – Corrections/Updates required in Subsections 9.1, 9.2 & 9.4**

**Section 9.1** – It is proposed to make a small word change that would read as follows: “A person who is not recognized on the KKR, but who **may** meet the criteria to be an Approved Kahnawà:ke Resident....”.

The way it is currently written gives the assumption they meet the criteria so by adding ‘may’ this takes away that assumption.

**Section 9.2** – It is proposed to remove this section as the transitional provision is no longer necessary to remain in the KRL.

**Section 9.4 ‘e’**- There was a clerical error in the date, it is proposed to add in the day to now read November 10, 2003.

**Outcome: No further questions, this will remain part of the Scope.**

### **Section 11 – Application Process for Authorization as an Approved Kahnawà:ke Resident and for Permits**

**Section 11.1** – Melanie explained that the way this section is written at current states that “*Any person’ may, in the best interest of a Dependent Person apply on that person’s behalf*”. They are proposing to clarify this section to be consistent with the definition of ‘Dependent Person’ which means “a person who has reached the age of majority but who, as the result of physical or mental limitations, requires Mandated care to maintain their quality of life”.

Trisha explained that because it requires Mandated care, the implication is that it has been ordered by legal authorization to represent that person and so you cannot just have anybody stepping in and applying on the dependent person's behalf without the person who is legally authorized to represent that person. It can be considered to say 'any authorized person' or 'any legally authorized person' to keep it consistent with the definition.

**Outcome: No further questions, this will remain part of the Scope.**

## **Section 15 - Eviction**

**Section 15.4** – Melanie read this section aloud. This is the section where the complainants name remains on the form so they are proposing to exclude the reference to the name of the complainant in this section and require the complainant's consent in writing to release their name as well as to apply a consistent approach within other related sections of this law to reflect the approach including references to the objector and/or complainant in sections 11 & 14. The point is, OKKR would know who is making the complaint and would be verified (to be on the KKR) but the person who is being complained about would not know who is making the complaint. If it goes to a Court of Law or there are subpoenas, it would be out of their hands at that point. This was the biggest feedback received as well a concern expressed by the OKKR staff. OKKR has only received eleven (11) complaints since the complaints process was launched on April 1, 2025, and believe that this is the reason why.

Q. A community member asked if a complaint was to go to court, would the objector then be exposed?

A. The option of keeping the complainant or objector anonymous throughout the whole process is being considered but there are risks. The legal risk is if the Compliance Officer is unable to confirm through his own investigation based on the information provided by the person making the complaints. If the Compliance Officer can verify and make that information known to himself, then he would be the witness moving forward should that decision be reviewed or appealed. If that can work, it will be considered to write that into the Law to address the community concern to have complainants and objectors remain anonymous for as much of the process as they possibly can or maybe through the whole process.

Q. A community member asked how the Compliance Officer can investigate the complaints being made?

A. There are powers in the Law; it's possible the Compliance Officer could investigate, confirm the information, and use it as his information. There are limits but it's possible that he would be able to investigate and confirm that information as his own to move forward based on those facts.

Q. The community member asked if the Compliance Officer's job is 9am to 4pm and if he stops any investigation after those hours?

A. Kyle responded that he does investigate outside of office hours, at night or weekends. It is limited in what he can do. For example, he cannot go into yards, or into homes, he is unable to

take pictures, but he does also give that person the opportunity to prove to him that they do not live in the community. If they do not do this then he continues on with the investigation and it become a matter for the court.

At that point the community member gave a scenario of someone providing proof of an outside address but spends time in the community and asked what the timeframe would be for visiting, three (3) days away from the community and then back here.

Kyle noted that this is something to be addressed as it is not specific.

Trisha added that it is already addressed in the Law, not specifically to what the community member is describing but they do have the definition for 'Reside' or 'Residency' which means "one of the places where one ordinarily lives or has their home" so they know people live in more than one place at one time, that does not change the investigation that would happen by the Compliance Officer determining that they are present in the community and treating their being here as one of their places of residence. She is not sure how much more would need to be defined but right now it is left open for the argument to be made before the Administrative Tribunal or Court of Kahnawà:ke to make a determination of who is residing, but this definition is partially if not fully addressing that.

Alan John noted that they may have an external address, but the investigation can determine that they have a primary residence in the community. Through the Law they can determine this and they would be in breach of the Law.

Q. A community member asked if there is responsibility on the individual the person being complained about is living with?

A. Melanie replied there was, there is correspondence with the person they are living with. If they are a landlord, they have a responsibility, whether they do anything about it is up to them, but it is addressed in the procedures.

A community member suggested considering using the term 'presence in the territory' rather than 'residence(y) in the territory' as presence is more measurable.

Melanie explained that there are a lot of ins and outs to the Eviction Complaints Process, and the OKKR has learned a lot over the last eleven (11) months since it has been up and running.

Q. A community member asked how it is going now?

A. Kyle shared that there have been eleven (11) complaints to date, all were admissible but one (1) as the person complained about was in fact on the KKR. Four (4) files were closed and seven (7) are in the Court waiting for decisions on requests for Eviction Orders.

Q. A community member asked what the individuals' arguments are and if they just state they do not live in the community?

A. Kyle responded yes, some do state they do not live in the community however he still conducts his investigation, interviews etc., as per the Law and then it is up to the Court of Kahnawà:ke to decide. Kyle felt that he has enough information when he puts his cases together to go before the Court.

At that point a community member shared her experience as she had filed a complaint. The complaint to her knowledge is currently at the Court of Kahnawà:ke however she shared that when all of the education on this process was taking place, she did not realize her name would be shared with the individual she made the complaint about. She shared that now she is facing repercussions with the family this person is associated with. She is frustrated as this person is completely non-native, yet the community member has to now testify in the Court of Kahnawà:ke. According to the community member, this was never mentioned at any of the kiosks or focus groups. She thought she was doing her part by reporting this individual; she is an elder KKR woman of this community who has lived here all her life and now she must testify against this non-native while the in-laws of the individual hide her car at their home every night so it's not in front of the house she is living in. The community member expressed that something needs to be done. The community member was not informed that this is what could happen, maybe if she was aware of having to go to Court maybe she would never have made the complaint.

Trisha acknowledged the community members' frustration and explained that it is the way the Law is currently structured so that is the process. In terms of the way the Law was drafted, it was complaint driven so it is now proposed to make it anonymous but until that change is made, they must follow the process.

Another community member also shared that they also put a complaint in. During a community meeting this exact subject was being discussed, how the objector's name is disclosed to the person. At the community meeting there were six to seven people present who had worked on this Law for years and it was stated at that meeting that the person complaining, their name was not to be put out. She asked all Chief and Council to investigate why and who put that stipulation in the Law, and she got a response a month later by email saying that more information would be forthcoming because it was unsure why it was put in. To this day they still do not know who put this in there. She is also dealing with repercussions, not everyone has thick skin.

Mike noted that the amendment process is being requested to remove the names. They cannot control the Court of Kahnawà:ke but he does applaud those who put complaints forward because their conviction will be upholding Mohawk Law. When someone contests this in outside court, he reminded the community to not forget why and where this Law came from, an external court case that had said (paraphrased) "...if you had your own *Residency Law*, maybe you would not be here today". Now we have the Court and the Justice Act, our hope is the outside Judge would say they do not have jurisdiction as we now have all the pieces in our own Court. He agrees that this should be removed and the person remains anonymous, but it also goes with natural justice. These people do not belong here, and he believes they will be issued an eviction order.

Q. A community member asked once the file is at the Court of Kahnawà:ke what goes on there?

A. Melanie responded that she is not sure as it's the Court process. Trisha added that the complaint, once it is validated and there is enough information, it is submitted by the Compliance Officer to the Court for an Eviction Order from the Court and the Court makes that determination. She is assuming there is opportunity for both sides to present their case and then the Court makes their determination. If the Court goes ahead with the Eviction Order, it is issued by the Court and carried out by a bailiff. There is a timeline for the person to leave which is ten (10) days. If they do not leave, the Peacekeepers may be asked to assist the bailiff to go to the residence and to remove them.

The Community member noted her letter came from the Court in November but now it is February and questioned why there is no procedure that the Court must follow to update the Compliance Officer so they could in turn update complainants on the status of the file.

Melanie noted the schedule is completely in the Court of Kahnawà:ke's hands.

Chief Jeremiah Johnson noted that the Court of Kahnawà:ke just put a Judge in place, there had not been one for quite a while and the Justice of the Peace (JP) are not able to hear these cases because of a conflict of interest by being employed by the MCK. The JP has now left her position with Client Based Services and was appointed as a Judge under the new Justice Act and can hear cases. The new Judge has been in place just over a month, but it will take time for the cases to be heard, that was the hold up with the cases. They are also currently interviewing for more judges; they have never done this before. He also noted that the Court procedures are different than the procedures for this Law. We are not here to hash all this out right now rather to get the Mandate to work on finding the proper changes that will serve the community better.

The community member reiterated that they believe there needs to be some sort of communication from the Court of Kahnawà:ke to the Compliance Officer so the complainants could be updated. Even if they are to remain anonymous, the Compliance Officer could update the complainant. Melanie acknowledged the suggested but explained that OKKR does not have jurisdiction over the Court so it is something that would have to be discussed further.

Alan John suggested it could be drafted with two options; one is complete anonymity and only OKKR would know the individual making the complaint but that could make gathering evidence for the Compliance Officer difficult. Or the Court and OKKR would know who is making the complaint so if for whatever reason the investigation cannot come up with conclusive evidence that person could be called to testify.

A community member referred to what Mike had previously said and agreed with his comments but noted that this shows that this will be more of a problem. This is a function and responsibility of government, and the Law should be amended to reflect the fact that community members have flagged a problem, but the MCK has to put the resources in place that would make the OKKR the complainant and not the community member.

A community member felt that if a person is breaking the Law, that person should be responsible for proving they are innocent and providing the information and not the other way around.

A community member agreed with previous comments and felt there is a missing link. When they were doing the Membership Law, majority of the time it was said when they got the Justice in place, things would be easier for compliance and process. Right now, that is not happening. There were a lot of recommendations made for the Membership Law that were not included. A lot of good points were made tonight so she is hoping that these suggestions and comments are being heard.

Mike encouraged the community to have faith in the system; it is inside of eleven (11) months that this process has been moving. The Laws have been in place for a while and Justice Services has not been able to move forward as they want, they are looking for resources. He believes the flood gates will open once the first eviction order happens and an eviction takes place.

Q. It was asked if a native woman is living with a non-native man and he says he has rights; how can you force them to show that he has a status card or is from another reserve?

A. Melanie explained that it is up to the Court to decide. She acknowledged that people outside do not respect our rules and to an extent our own people either.

**\*\*\*At this point a short break was taken.**

**Section 15.14** – This section requires updating regarding reference to the date, time and place when an Eviction Order will be sought before a Justice, to reflect the practice of when a request for eviction order will be submitted to the Court of Kahnawà:ke as appropriate.

There were no objections.

**Outcome: No further questions, this will remain part of the Scope.**

## **Section 18 – Penalties**

**Section 18.1 c** – Melanie explained it is being proposed to change it to include a maximum amount in the penalties rather than just state a minimum fine.

Q. It was asked if the penalties are for the individual residing illegally.

A. Trisha responded that the penalties apply to anyone described under section 8.1 a, b or c. It is for enforcement purposes for the Court to consider, rather than just stating the minimum amount without an upper limit. It is also so that the public knows, or those that are in violation, what the maximum fines would be. The maximum amounts would be vetted by the community when they come back with proposed amounts.

Q. It was asked if someone could violate multiple times?

A. Trisha referred to 18.2 which stated that ‘Every day a person is in contravention of this Law constitutes a separate offence’. So, for example, there is a potential for a fine to be issued for every day they remain in the community in contravention of an Eviction Order.

Q. It was asked when the penalties are enforced, would it come from the Court of Kahnawà:ke?

A. Trisha responded that for subsection c it would be addressed by the Court of Kahnawà:ke.

A small discussion took place on the minimum and maximum amounts, there was some research conducted by Trisha, but it must be vetted. A community member made the point that there are some community members who have a lot of money and they would just keep paying the fines to keep the person in the community. Mike acknowledged the comment but also felt it is more about rights and responsibilities of Mohawk Law. Currently there are Commitments and Oaths signed for residency and recognition on the Membership List so why not consider something more consequential such as revoking rights.

**Outcome: No further questions, this will remain part of the Scope.**

### **Section 19 – Enforcement**

**Section 19.2 & 19.3** – Melanie explained that these sections would be updated to reflect the current operational status of the Court of Kahnawà:ke.

**Outcome: No further questions, this will remain part of the Scope.**

### **Section 20 – General Provisions**

Melanie explained that the title currently reads ‘Extension of timelines by Registrar’ so they want to remove the word ‘Registrar’ to make it consistent with the provision which includes reference to the Compliance Officer.

**Outcome: No further questions, this will remain part of the Scope.**

Q. A community member wanted to know if the comment made by Mike about another type of penalty being the revocation of a residency permit was recorded?

A. Chris confirmed that all comments, suggestions and questions will be included in the Record of Discussion (ROD) and will be posted online.

#### **QUESTION:**

**Does the community give the Mandate and approve the Scope to move the Law through the Community Decision Making Process?**

**MANDATE:** Keira asked if those present give the Mandate to move this Law through the CDMRP.

**Outcome:** There were no objections by the community.

**Consensus reached.**

**SCOPE:** Keira then asked if those community members present approved the Scope, which are the following list of suggested revisions received from the community and flagged by the OKKR.

- Complaint confidentiality
- Clarifying references, including those related to fines
- Adjusting references that are outdated, such as references to the Community Review Board
- Adjusting references to the Administrative Tribunal, and the Court of Kahnawà:ke, as appropriate
- Clarifying Definitions
- Clerical changes

**Outcome:** There were no objections by the community.

**Consensus reached.**

### Selection of Three (3) Community Representatives

#### **DISCUSSION:**

Keira went over the Community Representatives Responsibilities for Type I Legislation which are:

- Participate as a member of the TDC to review the draft prior to hearings to ensure the integrity of the Mandate is adhered to and ensure adherence to the process. Signs the Certification of the Process and the Legislative Tracker.
- There will be an honorarium for attending the TDC meetings.
- The Community Representative must sign the Community Representative Form, and the MCK Terms of Agreement for Kahnawà:ke Residency Law Technical Drafting Committee Community Representative form.

Q. It was asked if someone has previously submitted a complaint for eviction, could they still submit their name to be a Community Representative for the TDC.

A. Trisha felt it could be a perceived conflict; however, she would have to get back on this question.

A short discussion ensued on whether those who have made complaints could participate as Community Representatives or if a Community Representative makes a complaint after their time on the TDC could be seen as conflicts. Chris explained that usually where there is a potential conflict, a person would make the personal choice to remove themselves.

Q. It was asked when the meetings would take place?

A. Melanie responded it would be based on the availability of the Community Representatives; the TDC would accommodate their schedule.

Chris explained that what is in the Scope is what the Community Representatives are to ensure is covered in the drafting of the amendments for the Law. They will not be meeting every week.

**OUTCOME:** The following are the two (2) *Kahnawà:ke Residency Law* Community Representatives: Shatekaronhiase Cross and Carrie Layne Diabo should there be no conflict of interest found. If there is a conflict, there was consensus to have just the one (1) Community Representative.

**NEXT STEPS:**

The final minutes (Record of Discussion) of tonight's meeting will also be posted on the CDMRP website.

**FINAL OUTCOME:**

The Community Consultation (Phase 1) concluded with the community members present giving the Mandate and approving the Scope to move the *Kahnawà:ke Residency Law* through the Community Decision Making and Review Process. Two (2) Community Representatives were selected, who are: Shatekaronhiase Cross and Carrie Layne Diabo, should she not have a conflict due to her having made a previous complaint under this law.

**CLOSING:**

A Closing Address (Ohén:ton Karihwatéhkwén) of the meeting was done.

Approved by:

Ratsénhaienhs Jeremiah Johnson

Name (Portfolio Chief)

March 19, 2026

Date

Alan John Rice

Name (TDC Representative)

March 19, 2026

Date