

Community Decision Making & Review Process
Kahnawà:ke Residency Law
Second Hearing
Kahnawà:ke Moose Lodge
17, Ohiarí:ha/June 2026
5:00pm – 8:00pm

FINAL RECORD OF DISCUSSION

FACILITATORS:

Chris Bush, Kahnawà:ke Legislative Services
Keira Diabo, Kahnawà:ke Legislative Services

RESOURCE PEOPLE:

Kiera Beauvais, OKKR Officer
Myriam Girard, KLS Legal Counsel
Kasonniio Patton, Kahnawà:ke Legislative Services

TDC

Melanie Gilbert, General Manager, CBS/OKKR
Alan John Rice, Executive Operations officer
Kyle Jacobs, OKKR Compliance Officer
Mike Delisle, OKKR Registrar
Trisha Delormier, KLS Legal Counsel
Jeremiah Johnson, Portfolio Chief

RECORDER:

Paxton Phillips

Number of Community Members in Attendance: 10

AGENDA

- ❖ **Opening Address (Ohén:ton Karihwatéhkwén) – Chris Bush**
- ❖ **Introduction/Meeting Guidelines - Keira Diabo**
- ❖ **Review of Proposed Amendments to Kahnawà:ke Residency Law – Melanie Gilbert, Alan John Rice, Kyle Jacobs, Mike Delisle, Chief Jeremiah Johnson & Trisha Delormier**
- ❖ **Next Steps – Keira Diabo**
- ❖ **Closing – Chris bush**

OPENING ADDRESS, INTRODUCTION/MEETING GUIDELINES – Keira Diabo & Chris Bush

The meeting was opened with the Ohén:ton Karihwatéhkwén being recited. An explanation was provided that the intent of this Second Hearing is to go over what was agreed to at the First Hearing held May 13, 2026, and ask if what was agreed to is reflected in the current version.

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The Kahnawake Legislative Services (KLS) team and Kahnawake Residency Law (KRL) Technical Drafting Team (TDC) members and the Community Representatives were introduced.

The meeting guidelines which are as follows were read out:

- ➔ Respect
- ➔ Cell phones on mute
- ➔ Be brief
- ➔ Participation
- ➔ Stick to the issue and the scope
- ➔ One speaker at a time
- ➔ Commitment– encouraged to attend future sessions
- ➔ Build consensus

It was added that because the sections proposed for amendment had been gone over at the First Hearing, they will be trying to complete the full review tonight. If they do not get through it, another date will be proposed to continue.

Scope

- Complainant 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- Adjusting references that are outdated, such as references to the Community Review Board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

FINAL REVIEW OF PROPOSED AMENDMENTS TO KAHNAWÀ:KE RESIDENCY LAW - Melanie
Gilbert, Alan John Rice, Kyle Jacobs, Mike Delisle, Chief Jeremiah Johnson & Trisha Delormier

KAHNAWÀ:KE RESIDENCY LAW

K.R.L. c. R-3

[Enacted by MCR #1/2019-2020 on 17, Ohiarí:ha/June 2019]

[Amended by MCR # X/2026-2027 on XX, Month/ 2026]

- **Consensus Reached**
- Objections/Abstentions: None

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3. DEFINITIONS

3.1 For the purposes of this Law and the Regulations,

"Age of Majority" means eighteen (18) years of age or older;

- Consensus Reached
- Objections/Abstentions: None

3. DEFINITIONS

"Kanien'kehá:ka of Kahnawà:ke" means a person recognized as a Kanien'kehá:ka of Kahnawà:ke, according to the criteria and procedures in the *Kanien'kehá:ka of Kahnawà:ke Law* and the Regulations and, for greater certainty, includes a person who is listed on the Kahnawà:ke Kanien'kehá:ka Registry;

- Consensus Reached
- Objections/Abstentions: None

3. DEFINITIONS

~~"Onkwehón:we" for the purposes of this Law means a person of an Indigenous Nation of what is currently known as Canada and the continental United States of America, including the Inuit;~~

~~for the purposes of this Law means a person of the Original Peoples of what is referred to as Turtle Island which, for greater certainty, means a person of a First Nation or the Inuit of what is currently known as Canada and the continental United States of America, including Alaska;~~

- Consensus Reached
- Objections/Abstentions: None

3. DEFINITIONS

~~"Raised in the Community" means a person who has, from a young age, Resided and has spent more than half their lives Residing on the Territory;~~

means a person who has spent a significant portion of their youth;

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- a) Residing on the Territory; or
b) maintaining relationships within the community and a presence on the Territory.

- **Consensus Reached**
- Objections/Abstentions: None
- Clarification: where the Law has been changed, the definitions will be updated across all regulations to match and ensure consistency.

8. COMMUNITY REVIEW BOARD

- ~~8.1 — There is hereby established a body to be known as the Community Review Board empowered by the Mohawk Council of Kahnawà:ke, through the enactment of this Law.~~
- ~~8.2 — The Community Review Board may be the same Board as the one established under the Kanien'kehá:ka of Kahnawà:ke Law.~~
- ~~8.3 — The Residency Registrar or the Compliance Officer's decisions which are subject to review pursuant to this Law may be reviewed by the Community Review Board on an interim basis, until such time as the Administrative Tribunal is operational pursuant to the Kahnawà:ke Justice Act.~~
- ~~8.4 — The Community Review Board will consist of five (5) members, selected in accordance with the procedures set out in the Regulations.~~
- ~~8.5 — The Community Review Board may quash, confirm, or vary the contested decision and, if appropriate, make the decision which, in its opinion, should have been made initially.~~
- ~~8.6 — The Community Review Board, in performing its duties, conducting its meetings and making its decisions, will respect the principles of fairness, dignity of person, compassion and consensus that are consistent with the traditions and customs of the Kanien'kehá:ka of Kahnawà:ke.~~
- ~~8.7 — The members of the Community Review Board will be remunerated for their services in an amount to be fixed by Mohawk Council Executive Directive.~~
- ~~8.8 — MCK Justice Services will fund the Community Review Board. The Community Review Board will submit to MCK Justice Services an annual budget for its approval.~~
- ~~8.9 — The Community Review Board will create and maintain a record of its proceedings any decisions it makes and the reasons for its decisions.~~

- **Consensus Reached**
- Objections/Abstentions: None
- Clarification: there is a regulation under the Law that is specific to the Community Review Board, the regulation will no longer be required because the CRB is being removed from the Law.

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8. APPROVED KAHNAWÀ:KE RESIDENT

Application to be an Approved Kahnawà:ke Resident

8.1 A person who is not recognized as a Kanien'kehá:ka of Kahnawà:ke but who may ~~meets~~ the eligibility criteria to be an Approved Kahnawà:ke Resident must apply to the Residency Registrar to be authorized as an Approved Kahnawà:ke Resident within thirty (30) days of Residing on the Territory.

- **Consensus Reached**
- Objections/Abstentions: None

~~9.2 — Section 9.1 Applicants who are Residing on the Territory when the Law is enacted, will have one (1) year from the date of this section coming in to force to apply for this authorization; during this year the application fee will be waived.~~

- **Consensus Reached**
- Objections/Abstentions: None
- Clarification: because this section is being removed from the Law, once the Law is passed reference to it in any regulations will also be removed for consistency.

8.3 Eligibility to be an Approved Kahnawà:ke Resident

e) A Minor who was adopted by a Kanien'kehá:ka of Kahnawà:ke prior to November 10th, 2003 and who has reached the Age of Majority.

- **Consensus Reached**
- Objections/Abstentions: None

10. APPLICATION PROCESS FOR AUTHORIZATION AS AN APPROVED KAHNAWÀ:KE RESIDENT AND FOR PERMITS

General

10.1 An Applicant having reached the Age of Majority must submit their application to the Residency Registrar.

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10.2 Any mandated or interested person may, in the best interest of a Dependent Person apply on that person's behalf.

- **Consensus Reached**
- Objections/Abstentions: None

Objections to Approved Kahnawà:ke Residents Applications and Permit Applications Applicant Review

10.17 Within five (5) working days of determining that an Objection is admissible, the Residency Registrar must provide a written notice to the Applicant indicating the deadline mentioned in section 10.11 for the Applicant to provide any written representations or additional evidence with a copy of the Objection submitted. The copy of the Objection to be provided to the Applicant must not include the name of the Objector, or any other information that may identify the Objector, without the prior written consent of the Objector.

- **Consensus Reached**
- Objections/Abstentions: None

Objections to Approved Kahnawà:ke Residents Applications and Permit Objections

10.19 If the Residency Registrar determines that there is sensitive information on the Objection form, they may redact sections of this form prior to providing the copy to the Applicant. The redacted sections of the Objection form must not include the name of the Objector or any substantive information required by the Applicant in order to adequately respond to the Objection.

- **Consensus Reached**
- Objections/Abstentions: None

Objections to Approved Kahnawà:ke Residents Applications and Permit Objections

10.21 The decision rejecting an Objection as not admissible, is final and is not subject to appeal review.

- **Consensus Reached**
- Objections/Abstentions: None

Applicant Interview

10.22 In considering an application, the Residency Registrar may require a separate meeting with the Applicant, an Objector or any other person to answer questions relevant to the Application.

- **Consensus Reached**
- Objections/Abstentions: None

Final Decision on the Application

10.27 If the Residency Registrar denies the application, the Compliance Officer must send the Applicant a Notice of Eviction within five (5) working days of receipt of the Residency Registrar's decision, as applicable.

- **Consensus Reached**
- Objections/Abstentions: None

13. REVOCATION OF RESIDENCY

Procedure for Revoking a Permit or Approved Kahnawà:ke Resident Authorization

13.5 Within five (5) working days of determining that the Complaint is admissible, the Residency Registrar must provide a written notice to the Permit Holder or the Approved Kahnawà:ke Resident informing them of the deadline mentioned in section 14.6 (13.6) to provide any written representations or additional evidence and with a copy of the Complaint submitted. The copy of the Complaint to be provided to the Permit Holder or the Approved Kahnawà:ke Resident must not include the name of the Complainant, or any other information that may identify the Complainant, without prior written consent of the Complainant.

- **Consensus Reached**
- Objections/Abstentions: None

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Procedure for Revoking a Permit or Approved Kahnawà:ke Resident Authorization

13.9 The decision rejecting a Complaint is final and is not subject to ~~appeal~~review.

- **Consensus Reached**
- Objections/Abstentions: None

14. EVICTION

14.3 Within thirty (30) days of receiving a Complaint, the Compliance Officer must determine whether it is admissible.

- **Consensus Reached**
- Objections/Abstentions: None

Complaint for Eviction

14.4 In order for a Complaint to be considered admissible by the Compliance Officer, the Complaint must be:

- a) factually based;
- b) in writing or transcribed;
- c) sworn or solemnly affirmed and signed by the Complainant;
- d) in accordance with the Law and Regulations;
- e) related to one of the criteria for eviction under section **14.2**; and
- f) supported by evidence.

14.5 If the Compliance Officer determines that the Complaint is not admissible, they must provide a written decision to the Complainant within thirty (30) days of receiving the Complaint.

14.6 The Compliance Officer's decision in section **14.5** is final and without ~~appeal~~review.

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- **Consensus Reached**
- Objections/Abstentions: None

Complaint for Eviction *continued*

14.7 ~~Upon receiving a Complaint~~ Within ten (10) working days of the Compliance Officer determining that the Complaint is admissible, the Compliance Officer must provide a written notice to the person in question. The notice must include any substantial information required by the person in order to adequately respond to the Complaint~~with a copy of the Complaint submitted~~ and of the deadline for the person in question to provide any ~~written~~ representations or additional evidence in writing or otherwise. The notice will include a correct and complete statement of the alleged facts, verified for their validity by the Compliance Officer, that would be relied on to request an Eviction Order. The Compliance Officer will proceed with a Complaint if the validity of enough facts can be verified to establish it is more likely than not that the person in question is Residing on the Territory without entitlement to Reside under section 4 of this Law, authorization as an Approved Kahnawà:ke Resident or permission as a Permit holder.

14.8 The written notice in section 14.7 must not include the name of the Complainant, or any other information that may identify the Complainant without the prior written consent of the Complainant.

~~If the Compliance Officer determines that there is sensitive information on the Complaint form, they may redact sections of this form prior to providing the copy to the person in question. The redacted sections of the Complaint form must not include the name of the Objector or any substantial information required by the person in order to adequately respond to the Complaint.~~

14.12 If the person has not applied for a Permit, for authorization as an Approved Kahnawà:ke Resident or for recognition as a Kanien'kehá:ka of Kahnawà:ke, within ten (10) working days of receiving the written notice in section 14.7, ~~the Compliance Officer must determine whether the Complaint is admissible.~~ and the person does not have the entitlement, authorization or permission to Reside on the Territory, the Compliance Officer must enclose with their reasons for the decision that the Complaint is admissible, a Notice of Eviction.

~~15.9 In order for a Complaint to be considered admissible by the Compliance Officer, the Complaint must be:~~

- g) ~~factually based;~~
- h) ~~in writing or transcribed;~~

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- i) ~~sworn or solemnly affirmed and signed by the Complainant;~~
- j) ~~in accordance with the Law and Regulations;~~
- k) ~~related to one of the criteria for eviction under section 15.2; and~~
- l) ~~supported by evidence.~~

~~15.10 If the Compliance Officer determines that the Complaint is not admissible, they must provide a written decision to the Complainant within thirty (30) days of receiving the Complaint.~~

~~15.10 The Compliance Officer's decision in section 15.10 is final and without appeal.~~

14.13 The person who is the subject of a Notice of Eviction has thirty (30) days to comply with the Notice of Eviction or ~~to~~ request a review of the Compliance Officer's decision in section 14.3.

- **Consensus Reached**
- Objections/Abstentions: None

Notice of Eviction

14.14 A Notice of Eviction must be delivered by hand to the person in question and must include:

- a) ~~the date, time and place when an eviction order will be sought before a Justice and the person's right to be present and be heard; and~~ inform the person being evicted that if they do not leave the Territory by the date specified in the Notice of Eviction, a request for an Eviction Order will be submitted by the Compliance Officer to the Court of Kahnawà:ke in accordance with the Regulation Respecting Requests for Eviction Orders; and

14.15 The Compliance Officer must send a copy of any Notice of Eviction or any decision of the ~~Community Review Board~~Administrative Tribunal or ~~Justice Court of Kahnawà:ke~~ upholding of Revocation or a Notice of Eviction to MCK Justice Services.

- **Consensus Reached**
- Objections/Abstentions: None

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Eviction Orders

14.17 The Justice Court of Kahnawà:ke has the authority to issue an Eviction Order against any person who has received a Notice of Eviction and to award costs for the execution of the Eviction Order.

14.18 The decision of the Justice Court of Kahnawà:ke may be appealed to the Kahnawà:ke Court of Appeal.

- Consensus Reached
- Objections/Abstentions: None

15. REVIEW OF DECISIONS OF THE RESIDENCY REGISTRAR OR THE COMPLIANCE OFFICER

15.1 Decisions by the Residency Registrar or the Compliance Officer which are subject to review pursuant to this Law may be reviewed by the Administrative Tribunal in accordance with the *Regulation Respecting the Rules of the Administrative Tribunal*, by filing a petition at the offices of Justice Services within thirty (30) days of receipt of the decision.

15.2 The ~~Community Review Board~~Administrative Tribunal shall review and determine whether due process was followed, whether laws of natural justice were adhered to, ensure absence of bias, ensure the decision was reasonable, determine whether there was an absence of jurisdiction, or, if there was a mistake of law.

15.3 The ~~Community Review Board~~Administrative Tribunal may quash, confirm or vary the contested decision and, if appropriate, make the decision which, in its opinion, should have been made initially.

~~16.3 Proceedings for review The Residency Registrar's or Compliance Officer's decisions which are subject to review pursuant to this Law may be reviewed by are brought before the Administrative Tribunal as established in accordance with the Kahnawà:ke Justice Act and the Regulations and Procedures for the Administrative Tribunal. Proceedings for review are brought before the Administrative Tribunal Community Review Board by submitting a completed application with a copy of the decision within thirty (30) days of receiving the written decision.~~

~~16.4 The application must state the reasons for the application, the conclusions sought and any other information required by this Law and Regulations.~~

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~~16.5 The administrative assistant of the Community Review Board must send a copy of the application to the other implicated parties, who may respond to it in writing within thirty (30) days of receiving the application.~~

~~16.6 The Community Review Board will proceed on the basis of the record; it may, however, if it considers it appropriate or if a party requests it, hear the parties.~~

- **Consensus Reached**
- Objections/Abstentions: None
- Clarification on 16.3 - 16.6:
 - Removed because they are no longer necessary, were related to the Community Review Board which has been changed to the Administrative Tribunal

APPEAL OF DECISIONS OF THE ADMINISTRATIVE TRIBUNAL ~~COMMUNITY REVIEW BOARD~~

16.1 Decisions rendered by the Administrative Tribunal ~~Community Review Board~~ may be appealed to the ~~Justice on an interim basis in accordance with this Law, until such time as the~~ Court of Kahnawà:ke ~~is operational pursuant to the Kahnawà:ke Justice Act~~. Proceedings for appeal are brought before the Court of Kahnawà:ke Justice by submitting a completed application with a copy of the decision within thirty (30) days of receiving the written decision.

16.4 The ~~Justice~~ Court of Kahnawà:ke will proceed on the basis of the evidence presented before the Administrative Tribunal ~~Community Review Board~~.

16.5 ~~No appeal lies from the decision of the Justice. A decision of the Court of Kahnawà:ke may be appealed to the Kahnawà:ke Court of Appeal.~~

- **Consensus Reached**
- Objections/Abstentions: None

17. PENALTIES

17.1 Anyone who:

- a) knowingly provides Residency to someone who does not have an entitlement to Reside pursuant to section 4 of the Law or is not an Approved Kahnawà:ke Resident or does not have a valid Permit;

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- b) illegally Resides on the Territory; or
- c) does not respect an Eviction Order;

is guilty of an offence and shall be liable on summary conviction to:

- i. A minimum fine of \$400.00 and up to a maximum fine of \$800.00 for the first offence;
- ii. A minimum fine of \$800.00 and up to a maximum fine of \$1600.00 for the second; and
- iii. A minimum fine of \$1000.00 and up to a maximum fine of \$2000.00 for each subsequent offence.

- **Consensus Reached**
- Objections/Abstentions: None

18. ENFORCEMENT

18.2 ~~The Justice~~ Unless otherwise specified in the Law, the Court of Kahnawà:ke has sole and exclusive jurisdiction to hear and decide all matters related to this Law. ~~until such time as the Court of Kahnawà:ke is operational under the Kahnawà:ke Justice Act.~~

18.3 If the ~~Justice~~ Court of Kahnawà:ke finds any section of this Law to be invalid the decision does not render this Law invalid in its entirety.

- **Consensus reached**
- Objections/Abstentions: None

19. GENERAL PROVISIONS

Right to Counsel

19.1 All parties have the right to legal counsel before the ~~Community Review Board and the Justice Tribunal and the Court of Kahnawà:ke.~~

Extension of Timelines by Registrar or Compliance Officer

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Written Notice

19.12 Unless otherwise stated in this law, any notices or decisions required by this Law or the Regulations will be sent by registered mail, or any other means that reasonably ensures proof of reception and, for all purposes of this Law and the Regulations, will be deemed to have been received on the date the recipient signs for it or on the date of the proof of reception.

19.13 In the event a notice cannot be sent by registered mail, or the recipient fails or refuses to sign for it within fifteen (15) working days from the date on which the registered mail was sent, the Residency Registrar, Compliance Officer, ~~Community Review Board~~ Administrative Tribunal or the ~~Justice Court of Kahnawà:ke~~ may direct that the required notice be given by bailiff, or any other means that reasonably ensures proof of reception.

- **Consensus Reached**
- Objections/Abstentions: None

21. AMENDMENTS

21.1 This Law may be amended in accordance with the procedure set forth in the "Community Decision-Making and Review Process" or any other process which may replace it.

- **Consensus Reached**
- Objections/Abstentions: None

22. ENACTMENT AND COMING INTO FORCE

22.2 Further to the will of the Kanien'kehá:ka of Kahnawà:ke, this Law is amended on XX, Month/ 2026 by MCR #X/2026-2027.

- **Consensus Reached**
- Objections/Abstentions: None

NEXT STEPS – Keira Diabo / Chris Bush

The Declaration of Conclusion was read and along with presentation of the next steps:

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1. Accept track changes, do proper formatting and adjust clerical errors (if any)
2. A Legislative Session will be scheduled where the TDC will present their Implementation/Operational/Financial plans to the MCK Ratitsénhaiehs for their approval
3. Legal Review completed by MCK Legal Services
4. Reading of the Law into the Record by TDC

Final Notes:

- Consensus has been reached on all amendments made to the law, 0 objections or Abstentions
- Phase II: Hearings has now been complete; we will be moving to Phase III: Enactment

CLOSING

A Closing Address (Ohén:ton Karihwatéhkwén) was recited.

Approved by:

Melanie Gilbert, Interim Director, CBS

Date

Jeremiah Johnson, Portfolio Chief

Date

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