

CITIZENSHIP AND ENROLLMENT CODE

KEEX' KWAAN TRIBE

ORGANIZED VILLAGE OF KAKE

Kake, Alaska

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Section 1. Purpose

While Article II of the historic Constitution and By-Laws of the Organized Village of Kake, ratified November 17, 1947 has some basic citizenship provisions, the purpose of this Code is to provide clarification, interpretation and specific guidelines for the citizenship requirements and enrollment procedures of the Keex' Kwaan Tribe.

Section 2. Authority

The Tribe through the Tribal Council adopts this Code under its inherent sovereignty, its exclusive jurisdiction to determine citizenship, and specifically under Article II of Section 4 of the Constitution and By-Laws of the Organized Village of Kake. This Code shall not supersede any previous Organize Village of Kake Tribal Council decision on an individual's enrollment. The Council shall have the authority to enroll those who are citizens of the Tribe through lineal descendancy, by a majority vote of at least a quorum of the Council. The Council may adopt new citizens into the Tribe who are not automatically eligible by an affirmative vote of at least 5 members of the Council, under the provisions of Section 3 (E) of this Code. The Council shall also have the authority to disenroll tribal citizens under the conditions outlined in Section 9 of this Code.

Section 3. Citizenship Requirements and Qualifications

- A. Base Roll:** The Base Roll of the Keex' Kwaan Tribe is the 1946 Census for Kake which contains the names of all Alaska Native persons entitled to vote on the adoption of the Constitution and By-laws approved November 17, 1947.
- B. Citizenship:** Persons listed on the Base Roll of the Keex' Kwaan Tribe, and lineal descendants, regardless of blood quantum, shall be citizens of the Keex' Kwaan Tribe and automatically eligible for enrollment. Alaska Natives and American Indians new to the community may be adopted as citizens under the provisions of Section 2(E) of this Code.
- C. Children of Citizens:** Minor children of Base Roll citizens and their lineal descendants are citizens in the Keex' Kwaan Tribe. 'Children' include both biological and Alaska Native or American Indian children adopted through a court of competent jurisdiction. Parents and guardians may not relinquish tribal citizenship, eligibility for enrollment, or disenroll their minor children from the Keex' Kwaan Tribe. Minor children are citizens of the Tribe whether they are formally enrolled into the Keex' Kwaan Tribe or not.
- E. Adoption of new citizens into the Tribe:** By an affirmative vote of at least 5 Council members, the Keex' Kwaan Tribal Council may vote to enroll new citizens who set up homes in Kake as tribal citizens, provided that the person is of Alaska Native, American Indian, or Canadian First Nation descent and that they reside in Kake for at least 3 years before applying. Their children are not automatically eligible for citizenship in the Keex' Kwaan Tribe unless at least one parent is a lineal descendant of a base roll member. The 3-year residency requirement must immediately precede the application for citizenship. Adopted citizens may be disenrolled if they permanently move out of the Village or for other reasons listed in Section 8 of this Code.

F. Loss of Citizenship

1. **“cease to be members”** : Article II, Section 2 of the Constitution and By-Laws of the Organized Village of Kake describes loss of citizenship as: “All members and their minor children who cease to make a permanent home in the Village shall cease to be members of this Village until they resume their residence.” Citizenship in the Keex’ Kwaan Tribe shall not be lost due to moving away from the community of Kake unless the members who are 18 years of age or older file a notarized letter with the Keex’ Kwaan Tribal Council specifically indicating that they do not intend to move back to the Village and fill out a form for relinquishment of tribal citizenship. Citizens 18 years of age and older who move away shall be considered “inactive” citizens of the Tribe and lose the privilege of voting in tribal elections and holding positions on the Tribal council. Children of Citizens are tribal members regardless of where they live and may not lose or relinquish their citizenship for any reason.
2. **Relinquishment of Citizenship:** Any citizen, 18 years of age and older, may willingly give up his or her citizenship in the Keex’ Kwan Tribe, provided that parents or legal guardians may not give up citizenship or eligibility for citizenship for any minor children. The Tribal Council shall provide forms for relinquishment. The form shall be completed, signed, notarized, and submitted to the Keex’ Tribal Council, at which time the person shall be taken off the Citizenship Roll. Relinquishment of a tribal citizenship shall not affect citizenship based on lineal descendancy for any of their descendants. Persons who have previously relinquished citizenship may reapply for citizenship if their circumstances have so changed.

Section 4. Enrollment

Enrollment is the process to document citizenship for various tribal and individual purposes. Base roll citizens and lineal descendants are citizens of the Keex' Kwaan Tribe whether they are formally enrolled or not, and are automatically eligible for enrollment. However, the Tribe may require by Code or other written guidance, formal enrollment of citizens over 18 for purposes such as voting, serving on the Tribal Council, or for entitlement to services under specific programs.

A. Dual Enrollment

- 1. Dual Citizenship and Enrollment for Adults:** Dual enrollment is permitted to both the Keex' Kwaan and in the Tlingit Haida Central Council, and/or to other federally recognized tribes. However, when funding permits, priority for services may be given to those solely enrolled to the Kake Tribe and Tlingit Haida Central Council, and/or to those who reside in the Village of Kake.

- 2. Dual Citizenship and Enrollment for Children:** Dual enrollment is permitted for children under the age of 18. Children who are lineal descendants of citizens shall be tribal citizens even if they are not formally enrolled, and may not be disenrolled from the Tribe for any reason by anybody.

B. Confidentiality of Enrollment Records

- 1. Secured records:** All enrollment records are confidential and shall be kept in a secured area and only be accessed by the Keex' Kwaan Tribal Council and designated tribal staff, except that a list of citizens' names may be made available to tribal citizens or other parties upon approval by the Council.

2. **Special confidentiality arrangements:** Special confidentiality arrangements may be made for individual tribal citizens to verify sensitive issues such as paternity, at their request. The Tribal Council may grant special arrangements upon approval by an affirmative vote of at least 5 Council members. Third parties used to verify information or records in these cases shall be specifically approved by the Council.

C. Enrollment Procedures:

1. **Enrollment Staff:** The Tribal Council shall designate a tribal staff person to oversee the enrollment process and records for the Tribe. The duty of the enrollment staff shall be to receive enrollment applications, review them to ensure that all the needed information is on the applications, forward them to the Tribal Council for their consideration, and to maintain enrollment records in a secure manner.
2. **Application for Enrollment:** Application forms shall be available at the Keex' Kwaan Tribal Council Office. Persons wishing to apply for enrollment in the Keex' Kwaan Tribe shall submit applications and documentation of family lineage as descendants of base roll citizens to the Tribal Office. It is the applicant's responsibility to provide evidence of eligibility in the Keex' Kwaan Tribe. In general, acceptable documentation demonstrating proof of eligibility include certified copies of birth certificates, baptismal records, paternity affidavits, adoption records, and affidavits from family members. Certified copies of birth certificates is the preferable proof, however, other documents listed may be used depending on individual circumstances.
3. **Reviewing Applications:** Applications shall be reviewed for accuracy and completeness by the Enrollment staff. If an application is incomplete, the applicant shall be contacted for additional information or documentation for determining eligibility. Applications may be deferred when there is a question of eligibility, and shall not be considered denied.

4. **Approval and Disapproval of Applications:** Applications shall be forwarded to the Tribal Council by the Enrollment Staff. The Council may approve persons for enrollment who are of lineal descent during the regular course of Council business when a quorum is established. Applications for adopting new citizens into the Tribe shall be placed before the full Tribal Council in a meeting that shall be open to the tribal citizenship, provided that an affirmative vote of at least 5 council members is required to adopt new citizens into the Tribe. In cases of enrolling persons who are lineal descendants of base roll members, or for adopting new persons into the Tribe, the Council has the option to defer applications if there is a question of eligibility. Applications shall be approved by resolution.
5. **Executive Session:** The Tribal Council shall go into executive session for enrollment discussions if necessary to protect confidential information on enrollment applications, provided that the person applying for enrollment, or guardians of persons applying may be present.
6. **Notification:** The Tribal Council, or the designee, shall notify applicants of approvals or disapprovals for enrollment. Notice of disapproval shall include the reason why the applicant was disapproved and information about the appeals process in Section 6 of this Code.

Section 5. Representatives of Minors, Handicapped, and Mentally Incompetent Persons

Minor children, handicapped persons, and mentally incompetent persons may be represented by parents, legal guardians, or other adult tribal citizens as recognized by the Keex' Kwaan Tribal Council.

- A. **Submitting Enrollment Applications and Signing Enrollment Cards:**
Parents or legal guardians may submit applications for their minor children

and sign tribal enrollment cards on their behalf. Parents or legal guardians may not relinquish tribal enrollment or eligibility for citizenship in the Keex' Kwaan Tribe on a child's behalf.

- B. No Authority to Relinquish:** Responsible adult tribal citizens may submit applications and sign tribal enrollment cards on behalf of handicapped and mentally incompetent persons, but may not relinquish their enrollment.
- C. Mailings, Notifications, Requests for Appearances:** All mailings, notifications and requests for appearances on behalf of enrollees and applicants shall be directed to the representatives of minor children, handicapped, and mentally incompetent persons.

Section 6. Appeals Process

Applicants who have been disapproved or disenrolled may appeal the decision to the Tribal Council by re-applying after at least a 2-year period has gone by.

Section 7. Maintaining the Tribal Citizenship Roll

- A. Information on the Current Citizenship Roll:** The following information about enrolled tribal citizens shall be recorded on the Keex' Kwaan tribal citizenship roll:
 - 1. name in alphabetical order by last name first, followed by first name and middle name;
 - 2. gender;
 - 3. date of birth;
 - 4. Native blood degree;
 - 5. social security number,
 - 6. mailing address;
 - 7. date of enrollment; and,
 - 8. enrollment status whether they are residing in Kake or an inactive member residing outside Kake. Other information may be recorded in a remarks column.
- B. Information Changes:** Tribal citizens or their representatives shall be responsible for informing the Tribal Council of name, address, or other changes affecting the citizenship roll.

- C. Updating the Current Citizenship Roll:** The Keex' Kwaan tribal citizenship roll shall be kept updated by the designated tribal enrollment staff.

Section 8. Disenrollment

After a hearing by the Tribal Council for which reasonable notice is given and an opportunity to be heard, and upon an affirmative vote of at least 5 Council Citizens, the Council shall have the right to remove persons from the tribal roll and revoke the privileges of citizenship under the following conditions:

1. If an applicant falsifies information on the enrollment application in order to be eligible for enrollment; or
2. If a person is on the tribal roll but does not meet eligibility requirements established in the Organized Village of Kake Tribal Constitution, or
3. If a member is permanently banished by the Keex' Kwaan Tribal Court from the community of Kake because of danger to the safety of village residents, or
4. If a person is adopted into the Tribe as a tribal citizen but permanently moves away from the Village.

Section 9. Honorary Tribal Citizens

The Organized Village of Kake Tribal Council may grant the title of "Honorary Tribal Citizen" to individual people who have a special relationship to the Tribe. Honorary citizens are restricted from voting, sharing tribal assets, passing the title on to their descendants, and holding tribal office. Honorary citizenships do not entitle people to participate in federal

programs designed to benefit the welfare of Native people unless they are otherwise eligible.

Section 10. Amendment of Citizenship and Enrollment Code

This Code may be amended by affirmative vote of at least 5 Tribal Council members. Any amendments to citizenship qualifications shall affect future tribal citizenship only.