

## Nunatsiavut Government

### Department of Nunatsiavut Affairs

#### Office of the Registrar of Beneficiaries

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#### **Foreword**

As First Minister, I am pleased to present to you a guide to appeals to the Inuit Membership Appeal. It is important that you read this guide carefully so that you can better understand the enrolment and appeals process for membership under the Labrador Inuit Land Claims Agreement.

We hope you find this guide useful.

Regards,  
Darryl Shiwak  
First Minister

### **A GUIDE TO APPEALS TO THE INUIT MEMBERSHIP APPEAL BOARD**

#### **Purpose**

This guide provides a summary of the process for appealing from enrolment decisions of the Membership Committees and will help people who wish to appeal to the Inuit Membership Appeal Board.

#### **Other Guides**

There are two other guides that may help you with your appeal:

- *Guide To Completing An Application To Be Enrolled as A Beneficiary of the Labrador Inuit Land Claims Agreement.* This is a detailed guide to completing the Application Form.
- *A Guide to the Enrolment Process under the Labrador Inuit Land Claims Agreement.* This is an overview of the processes and procedures followed in processing applications for enrolment, appeals and removals from the Register of Beneficiaries under the Labrador Inuit Land Claims Agreement.

You may get copies of the other guides from the Nunatsiavut Government offices listed at the end of this document, on the Nunatsiavut Government website or from:

The Registrar of Beneficiaries  
25 Ikajuktauvik Road  
P.O. Box 70, Nain, NL  
A0P 1L0

Phone: (709) 922-2942  
e-mail: ashley\_edmunds@nunatsiavut.com

### **Note**

In this guide the Labrador Inuit Land Claims Agreement is called the “Agreement”.

### **Caution**

Explanations of procedures in this guide do not replace the sections in the Agreement or the *Beneficiaries Enrolment Act* that deal with procedures for enrolment. This guide does not provide legal or definitive advice.

### **Defined Words**

Words used in this guide that are defined in the Agreement appear in bold italics.

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## **APPEALS**

This guide gives a summary of the appeal process.

### **Right of Appeal**

If you have had your application rejected by a Membership Committee you have a right to appeal to the Inuit Membership Appeal Board.

### **Appeals to the Inuit Membership Appeal Board**

If a Membership Committee makes a final decision to reject your application it will give you written reasons for its rejection decision, remind you of your right to appeal its decision, and send you a copy of the form of Notice of Appeal.

The reminder of your right of appeal and enclosure of the form are done as a courtesy by the Committee. If the Committee does not give you a reminder or send you a copy of the form, you must get a copy for yourself and file your appeal within the 30 clear day time limit.

You must use the prescribed form if you decide to appeal a Membership Committee's final decision.

### **Where to Get a Copy of the Notice of Appeal**

The Notice of Appeal Form is available from:

The Registrar of Beneficiaries  
25 Ikajuktauvik Road  
P.O. Box 70, Nain, NL  
A0P 1L0  
Phone: 709.922.2942.

The Notice of Appeal form is also available from all Nunatsiavut Government offices. A complete list of the offices is provided at the end of this guide.

The Notice of Appeal Form can also be downloaded from the Nunatsiavut Government website:

<http://www.nunatsiavut.com/index.php/en/nunatsiavut-affairs/registrar-of-beneficiaries>

### **Time Limit**

You have 30 clear days from the day on which you receive the Membership Committee's decision to file your Notice of Appeal with the Registrar. Clear days mean that you do not count the day that you receive the decision and that your appeal must be filed no later than 31 days after that.

You must do everything you reasonably can to meet the deadline. If you intend to appeal, but cannot get everything done within the time limit, write to the Registrar and indicate that you are intending to appeal, and then get the Notice of Appeal filed as soon as possible. If you are late getting your Notice of Appeal filed, you will have to apply to the Appeal Board for an extension of time to file your appeal. Giving timely notice of your intention to appeal might help you to get an extension from the Appeal Board as long as you do not delay too long, and have good reason for your delay.

### **Completing the Notice of Appeal**

- Insert your application serial number.
- Identify yourself giving your full name and birth date and your address, phone and e-mail address.
- Identify the decision that you are appealing from.
- If you want notice of the date when the Appeal Board will deal with your appeal, put a mark in the "Yes" box. Otherwise mark "No".
- Say whether you want to appear in person at your appeal.
- If you have new, different, additional or better information that you want to rely on for your appeal, set out that information. If there is not enough space, attach any additional sheets or documents you may need. Note that when the Registrar receives your Notice of Appeal he or she will send your application form and any other information on your file to the Appeal Board.
- If you are going to have someone represent you at the appeal you must give their full contact details so that the Appeal Board can contact them.
- Date and sign the form.

If you have difficulties or questions about completing the Notice of Appeal, contact the Registrar's office.

### **Cost**

You are responsible for paying your own costs of your appeal. In order to save costs you can ask to be heard by telephone conference call, but you must let the Appeal Board know that you want to be heard that way so that arrangements can be made.

## **Procedures**

If you wish to be heard at your appeal, the Appeal Board will consult you or your representative to settle on a convenient time. The Board will set up the arrangements and let you know about them.

**[The Appeal Board has its own rules of procedure and will send you a copy.]** You must follow these rules.

The appeal proceeds as a “re-hearing” of your application. In other words, it is not a hearing to review the Membership Committee’s decision or to decide if the Committee made any mistakes. Rather, it is a reconsideration of your application and all supporting information starting from the beginning.

On your appeal you have the right to supply new or additional information.

The Appeal Board will have copies of your application and any additional information that you may have given to the Membership Committee or the Registrar. The Board will make its decision on the basis of that information and any additional information you may present to it.

## **Decision**

The Appeal Board will send you its decision in writing. If the Board approves your application it will also inform the Registrar. The Registrar will enroll you as a **Beneficiary** and send you your **Beneficiary** card.

If the Appeal Board rejects your application they will give you its reasons.

## **Review of Appeal Board decisions**

The Appeal Board’s decision is final and cannot be appealed. But, if you believe it has treated you unfairly or that its decision is wrong, you have the right to ask the Federal Court of Canada to review the decision. If this is something that you plan on doing, you have 30 clear days to make your application to the court. You should seek the help of a lawyer.

## **Nunatsiavut Government offices**

Nain: Nunatsiavut Government  
25 Ikajuktauvik Road  
P.O. Box 70  
Nain, NL  
A0P 1L0

Hopedale: Nunatsiavut Government  
Community Liaison Office  
Assembly Building  
P.O. 91

Hopedale, NL  
A0P 1G0

Makkovik: Nunatsiavut Government  
Community Liaison Office  
P.O. Box 92  
Makkovik, NL  
A0P 1J0

Postville: Nunatsiavut Government  
Community Liaison Office  
General Delivery  
Postville, NL  
A0P 1N0

Rigolet: Nunatsiavut Government  
Community Liaison Office  
P.O. Box 47  
Rigolet, NL  
A0P 1P0

Happy Valley Nunatsiavut Government  
1A Hillcrest Drive  
P.O. Box 909, Stn, B  
Happy Valley -Goose Bay, NL  
A0P 1E0

St. John's Nunatsiavut Government  
95 LeMarchant Road  
Suite 302, St. John's, NL  
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