



A GUIDE TO THE ENROLMENT PROCESS UNDER THE LABRADOR INUIT LAND CLAIMS AGREEMENT

**Nunatsiavut Government - Department of Nunatsiavut Affairs
Office of the *Registrar of Beneficiaries***

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If legal advice or expert assistance is required, consult a lawyer.*



Foreword

As First Minister, I am pleased to present to you a guide to the enrolment process under the Labrador Inuit Land Claims Agreement. 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.

A handwritten signature in black ink, appearing to read "Darryl Shiwak". The signature is written in a cursive style with a large initial 'D'.

Regards,
Darryl Shiwak
First Minister

A GUIDE TO THE ENROLMENT PROCESS UNDER THE LABRADOR INUIT LAND CLAIMS AGREEMENT

Purpose

This guide will help people, including those applying to be enrolled as *Beneficiaries* of the Labrador Inuit Land Claims Agreement, to understand:

- the process for enrolling people as Beneficiaries of the Agreement;
- the procedures that will be followed in making eligibility decisions and in enrolling applicants;
- the procedures that are followed for appeals; and
- why and how people can be removed from the *Register of Beneficiaries*.

Other Guides

There are two other guides that may help you with other aspects of enrolment:

- *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 Appeals to the Inuit Membership Appeal Board*. This is an overview of the appeal process and appeal procedures under the Labrador Inuit Land Claims Agreement.

You may get copies of the other guides from Nunatsiavut Government offices listed at the end of this guide, 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: registrar.beneficiaries@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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INTRODUCTION

This guide gives a summary of the Beneficiary enrolment procedures and processes under the Agreement.

The enrolment procedures and processes are governed by the Agreement and an Inuit Law called the *Beneficiaries Enrolment Act*.

The Agreement does not set out in detail all the things that are necessary to process an application, make an appeal or run the Registry. Instead, it sets out the main features of the enrolment process and procedures and gives responsibility for administration of the process to the Nunatsiavut Government. The Nunatsiavut Government has set out more detailed administrative rules in the *Beneficiaries Enrolment Act* and in regulations under the Act.

The Agreement is available from the Nunatsiavut Government offices listed at the end of this guide or online from the provincial House of Assembly website:

http://www.assembly.nl.ca/legislation/sr/statutes/large_pdf_files/l03-1sch.lia.pdf

The *Beneficiaries Enrolment Act* and regulations under the Act are available from the Nunatsiavut Government offices listed at the end of this guide, or from:

The Registrar of Nunatsiavut Laws
Nunatsiavut Assembly Building
P.O. Box 91
Hopedale, NL
A0P 1G0

The explanations in this guide do not replace the sections in the Agreement or the *Beneficiaries Enrolment Act* that deal with procedures for enrolment.

APPLICATIONS

Applications to be enrolled

The enrolment process starts with the applicant making an application to be enrolled.

Applicants must use the prescribed form

People who want to be enrolled as Beneficiaries of the Agreement must apply. The application must be made on the form prescribed by the Nunatsiavut Government.

Copies of the form

Copies of the Application Form can be obtained from:
The Registrar of Beneficiaries
25 Ikajuktauvik Road
P.O. Box 70, Nain, NL
A0P 1L0

The application form is also available from all Nunatsiavut Government offices. A complete list of the offices is provided at the end of this guide. The application form can also be downloaded from the Nunatsiavut Government website:

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

If you are applying to be enrolled as a Beneficiary you should get a copy of the *Guide To Completing An Application To Be Enrolled As A Beneficiary Of The Labrador Inuit Land Claims Agreement* as noted above.

Responsibilities of Applicants

Applicants must show that they meet the eligibility **Criteria**. To do this Applicants must supply all the information needed to decide whether they are eligible to be enrolled as a **Beneficiary**.

Applicants must submit completed applications to the Registrar of Beneficiaries at the address given above.

Decision-makers and administrators

Applications are decided by the Membership Committees and the Inuit Membership Appeal Board.

Members of the Nunatsiavut Assembly, the President, Ministers of the Nunatsiavut Government and members of the Nunatsiavut Civil Service play no role in decisions about whether applicants meet the criteria or whether their applications should be accepted or rejected. However, all the

administrative work associated with applications and the enrolment process is carried out by officials of the Nunatsiavut Government, mainly those working in the office of the Registrar of Beneficiaries.

Membership Committees

There are 4 Regional Membership Committees, one for each of the following land-use regions within the Labrador Inuit Land Claims Area:

Nain and the area north of Nain

Hopedale

Makkovik and Postville

Rigolet and Lake Melville

Each Committee deals with applications that are made by applicants who live in the region for which the Committee is responsible or who live outside the region but are connected to it.

The members of the four Regional Membership Committees are appointed by the Nunatsiavut Government. One member of each Committee is a **Beneficiary** who lives outside the **Labrador Inuit Settlement Area** but who is connected to the Committee's **Region**. From time to time the Nunatsiavut Government issues an Expression of Interest for Beneficiaries who are willing to serve on the Membership Committees and the Appeal Board. The selection of Committee and Appeal Board members is made in accordance with the Nunatsiavut Government Appointments Act by the Nunatsiavut Executive Council.

Membership Committees make their decisions by using the information provided in application forms to decide if the applicant meets the **Criteria** in Part 3.3 of the Agreement. They only consider completed application forms that are sent to them by the Registrar of Beneficiaries.

Screening of applications by the Registrar

The Registrar's office is the central administrative office for the enrolment process.

When an application is received by the Registrar it is logged and given a serial number. After that, the application is screened. The screening is done by the Registrar's office to ensure that the application is complete.

Following screening the Registrar will write to you to say your application has been received and to tell you the serial number. If your application form is incomplete it will be returned to you and you will be asked to provide the missing information. Incomplete forms will not be sent to the Membership Committees for decision.

If you hear from the Registrar that your application form is incomplete it is up to you to complete by supplying the missing information. If you fail to do so within a reasonable time your application will be treated as if it has been abandoned. Abandoned applications are destroyed. The Registrar will send you a notice before treating your application as being abandoned.

If your application form is complete the Registrar will tell you that it has been sent to the designated Membership Committee for a decision.

19-Year olds who are re-applying

Beneficiaries who were enrolled when they were children must re-apply when they turn 19.

The application of a person who has turned 19 will be treated like all other applications, as outlined below, but with two major differences. First, if a 19-year old re-applies their name stays on the *Register* and the 19-year old remains a *Beneficiary* unless and until their application is finally rejected. Second, if the 19-year old does not reapply as required their name will be removed from the list of *Beneficiaries*. If a person's name is removed from the *Register* they will no longer be a *Beneficiary*.

MEMBERSHIP COMMITTEE PROCEDURES

Membership Committees make their decisions by using the information provided by applicants to decide if they meet the eligibility *Criteria*.

Adequate information

When a Membership Committee receives an application form from the Registrar it will first see if there is enough information on which to make a decision. If not, the Committee will ask for more or better information as to why an applicant feels he/she should be approved for enrollment. Applicants will have a reasonable time to get the information to the Membership Committee. Applicants who need more time can and should ask the Committee.

Approvals

If the Membership Committee approves an application it will write and inform the applicant of its decision. It will also inform the Registrar, who will enroll the applicant as a *Beneficiary* and send he/she a *Beneficiary* card.

Membership Committee procedures when rejecting an application

Membership Committees make their rejection decisions in two steps. First, they make a preliminary decision. Then, after giving the applicant a chance to persuade them to change their minds, they make a final decision.

The Committee's preliminary decision

If the Membership Committee intends to reject an application it will:

- make a preliminary decision to reject the application;
- tell the applicant why they intend to reject the application; and
- give the applicant a chance to change the Committee's decision by giving more or better information.

Applicants are encouraged to take advantage of this by trying to give the Committee information that might help it change its decision. If an applicant has more or better information or evidence he/she can present it orally or send in writing it to the Committee.

An applicant who wants to make a case in person by speaking to the Membership Committee, must let the Committee know this is how they want to proceed within the time limit set by the Committee. The Committee will then set a time for the applicant to present in person. The applicant can attend the hearing in person or have a representative attend and speak on their behalf. The Applicant can also bring witnesses to provide information.

Applicants have to pay their costs of appearing in person. The Committee will also hear from applicants by telephone conference call.

An applicant who wishes to argue that the Committee should change its preliminary decision by writing to the Committee, or by sending additional materials, must do so within the time they have set. If an applicant needs more time he/she should ask for it before the time limit expires.

The Committee's final decision

After the applicant has had a chance to persuade the Committee to change its preliminary decision, the Committee will make a final decision.

If a Membership Committee approves the application it will write and inform him/her of the decision. The Committee will also tell the Registrar. The Registrar will enroll the Applicant as a **Beneficiary** and send them their **Beneficiary** card.

If the Membership Committee makes a final decision to reject the application it will tell applicant. It will give the applicant written reasons for its decision. It will also remind the applicant that he or she has the right to appeal the final decision to the Inuit Membership Appeal Board.

APPEALS

The Inuit Membership Appeal Board

Appeals are heard by the Inuit Membership Appeal Board.

The Inuit Membership Appeal Board has five (5) members appointed by the Nunatsiavut Executive Council. One member is appointed from those Beneficiaries who are from or connected to each of the four regions, and one is appointed at large. Members serve a term of four (4) years and elect their own chairperson. A quorum of the Appeal Board is a majority of its members.

Right of Appeal

Applicants who have their applications rejected by a Membership Committee have a right to appeal to the Inuit Membership Appeal Board.

People who wish to appeal a Committee's decision should get a copy of the *Guide for Appeals to the Inuit Membership Appeal Board*. That guide gives more detailed information about the appeal process. For information about how to get a copy see above.

The Appeal Board has its own rules of procedure and applicants who are appealing should ask for a copy of the rules from the Registrar and should be sure to understand the rules and to follow them.

When a Membership Committee makes a final decision to reject an application it usually reminds the applicant that he/she has a right to appeal the decision and sends the applicant a copy of the form of notice of appeal. Applicants must use the prescribed form to appeal a Membership Committee's final decision. The form of *Notice of Appeal* must be completed and sent to the Registrar.

If applicants wish to appeal, but has not received a copy of the form from the Committee, they should contact the Registrar's office and ask for a copy.

Time for Appeals

Applicants have 30 clear days from the day on which they receive the Membership Committee's decision to file *Notice of Appeal* with the Registrar.

Appeal procedures

An appeal proceeds as a "re-hearing" of the original 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 the application and all supporting information starting from the beginning.

On an appeal the Applicant has the right to supply new or additional information. The Applicant can do this in writing or by asking to be heard.

The Appeal Board will have copies of the original application and any additional information that has been presented. The Appeal Board will make its decision based on that information.

If the Applicant wishes to be heard at their appeal the Appeal Board will consult them or their representative to set a convenient time. The Board will make the arrangements. To save costs, applicants may be heard by telephone conference call, but must let the Appeal Board know well in advance that they want to be heard this way.

Costs of Appeal

Applicants are responsible for paying their own costs of appeal.

Appeal Board decision

The Appeal Board will send the Applicant its decision in writing. If they approve the application they will also tell the Registrar. The Registrar will enroll the Applicant as a **Beneficiary** and send them their **Beneficiary** card.

If the Appeal Board rejects the application they will give the Applicant their reasons in writing.

Review of Appeal Board decisions

The Appeal Board's decision is final and cannot be appealed. But, if an applicant believes they have been treated unfairly or that the Appeal Board's decision is unreasonable, they have the right to ask the Federal Court of Canada to review the Board's decision. Applicants have 30 clear days to make an application for judicial review to the court and should seek the help of a lawyer.

REMOVALS FROM THE REGISTER, RENUNCIATIONS AND REVOCATIONS

People's names may be removed from the *Register of Beneficiaries* in a number of circumstances. The main reason is death. Other reasons are explained below.

Administrative removals by the Registrar

Under the *Beneficiaries Enrolment Act*, *Beneficiaries* can be removed from the *Register of Beneficiaries* for failing to meet their responsibilities. Administrative removals are done by the Registrar.

The Registrar can remove the names of 19-year olds who fail to re-apply. The Registrar can also remove the names of people who do not give the Nunatsiavut Government change of address notices.

19-Year olds who fail to re-apply

When a Beneficiary turns 19 the Registrar will send them a letter reminding them to reapply.

A *Beneficiary* can be removed from the *Register* if he or she fails to reapply after turning 19 or fails to provide information needed to complete their application.

If a person fails to re-apply when they turned 19 and has their name removed from the *Register* they can still re-apply to be enrolled.

The procedure for dealing with re-applications is the same as the procedure for dealing with new applications. A person who re-applies has to fill out an Application Form. For information on filling out the Application for see the *Guide To Completing An Application To Be Enrolled As A Beneficiary Of The Labrador Inuit Land Claims Agreement*. Once the Application Form is complete it will be reviewed by the appropriate Regional Membership committee in accordance with the procedures summarized above.

If a person meets the *Criteria* when they re-apply their name will continue to remain on the *Register*, or, if their name has been removed it will be put back on the *Register*.

Failing to give notice of a change of address

Beneficiaries must make sure the Registrar has their current address. If you change your address, tell the Registrar.

Beneficiaries can be removed from the **Register** if they fail to give the Registrar notice of changes in their address. This will happen if the Registrar needs to communicate with a **Beneficiary** in connection with administration of the **Register** and cannot do so because the Nunatsiavut Government does not have a current address for that **Beneficiary**.

Notice that a **Beneficiary** is about to be removed from the **Register** will be published. The **Beneficiary** will have a reasonable chance to give notice of their new address before their name is removed from the **Register**.

If a person's name is removed from the **Register** for failing to give notice of change of address and they are a person who was approved by a Membership Committee or the Appeal Board after 2005, their name will be returned to the **Register** when they send in their current address.

If a person's name is removed from the **Register** for failing to give notice of change of address and they are a person whose eligibility has never been reviewed by a Membership Committee in accordance with the **Criteria** they will have to fill out an Application Form and meet the **Criteria** before their name will be put back on the **Register** of **Beneficiaries**.

Registration as a Beneficiary of more than one Agreement

People cannot be registered as a beneficiary of the Labrador Inuit Land Claims Agreement and some other land claims agreement at the same time. If a person is registered as a beneficiary of the Labrador Inuit Land Claims Agreement and some other land claims agreement they must choose which agreement they wish to be enrolled under. They will be contacted by the Registrar and asked to make a choice.

If a person chooses not to be registered under the Labrador Inuit Land Claims Agreement they will be asked to sign the prescribed form. This will be sent to them by the Registrar. When the form is returned to the Registrar he/she will send a letter saying it has been received. The name will be removed from the **Register** 30 days after that unless, before then, the choice is cancelled.

Renunciations

A person may renounce their status as a **Beneficiary** of the Agreement.

A person wishing to renounce their status must complete the prescribed form. A copy can be had from the Registrar at

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

Phone (709) 922.2942

The form can also be downloaded from the Nunatsiavut Government web site or obtained from one of the Nunatsiavut Government offices listed at the end of this Guide.

A person who renounces their status as a Beneficiary must return their beneficiary card.

Revocations

Under the Agreement the Membership Committees have the power to remove names from the **Register**. They may do so if they decide that a person enrolled on the **Register** does not meet the **Criteria**, or has been enrolled in error, or was enrolled as a result of misinformation.

Anyone may bring concerns about whether or not an individual is eligible to be enrolled to the attention of a Membership Committee, but the Committee as a whole decides whether or not to carry out a review.

A person who wants an eligibility review to be carried out must fill out the prescribed form and give reasons why. The form must be delivered to the Registrar. The Registrar will review the application and the membership file of the person whose eligibility is being questioned. If the Registrar is satisfied that the review application is genuine and that a review is advisable, he will send the application form and the membership file to the appropriate Membership Committee.

If a Membership Committee decides to review a Beneficiary's eligibility it will give the Beneficiary notice and explain what is going on. They may ask the Beneficiary to provide more or better information and to complete an Application Form. If, following a review, the Membership Committee decides the Beneficiary meets the **Criteria** they will let the Beneficiary know and their name will remain on the **Register**.

If the Membership Committee decides that the Beneficiary does not meet the eligibility **Criteria** they will make a preliminary decision to remove their name from the **Register** and then send them a written notice of their preliminary decision. The notice will

- give the reasons for the preliminary decision and say why they believe the Beneficiary does not meet the **Criteria**, and

- give the Beneficiary a chance to make written or oral representations to the Membership Committee and to provide information that might change the Committee's preliminary decision.

A Beneficiary who is being reviewed should take advantage of this by trying to give the Membership Committee information that might help the Committee change its decision. The procedure that must be followed by the Committee before it makes a final decision is the same as the procedure it must follow for rejecting new applications and re-applications, as outlined above.

When it makes its final decision, if the Committee is satisfied that the Beneficiary does meet the ***Criteria*** they will let them know and their name will remain on the ***Register***. If the Membership Committee makes a final decision that the Beneficiary does not meet the ***Criteria*** and is not eligible to be a Beneficiary it will tell the Beneficiary, giving written reasons for its decision. It will also tell the Beneficiary that they have the right to appeal its final decision to the Inuit Membership Appeal Board.

For information about Appeals see above under the Heading "Appeals" and the *Guide for Appeals to the Inuit Membership Appeal Board*. That Guide gives more detailed information about the Appeal process. For information about how to get a copy see above.

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 A1C 2H1

