

## Yukon Land Claims Enrollment Appeal Process Guide

If you do not agree with a Yukon First Nation's decision of your Yukon Land Claims Enrollment Application and you want to appeal that decision, this guide can assist you with the process.

There are three ways a person can be affiliated with a Yukon First Nation:

1. **Enrollment** for land claims with a Yukon First Nation: criteria is outlined in the Umbrella Final Agreement and the Yukon First Nations Final Agreements under Chapter 3
2. **Citizenship** with a Yukon First Nation: criteria are outlined in the Constitution of each First Nation
3. **Status** Membership with a Yukon First Nation: criteria are outlined in Canada's Indian Act (Contact Canada for information of status membership registration)

### ENROLLMENT APPEAL WITH A YUKON FIRST NATION

An Enrollment Review or Appeal Process with the First Nation will ensure a second review of your land claims enrollment application prior to the First Nation declaring their decision as final.

The following steps are a general guide to follow for an Enrollment Appeal with a First Nation:

- respond to requests from the First Nation for further information or documents that will support your Yukon land claims enrollment application;
- ensure you have the decision in writing from the First Nation that refused your enrollment application;
- ask the First Nation for their Enrollment Review or Appeal process and follow through with the appeal at the First Nation level, the Enrollment Appeal process may be found under the First Nation's Constitution and/or Enrollment Laws;
- keep a copy of your land claims enrollment application, the supporting documents and all relevant correspondence by letter and email;
- you and the First Nation can request the direct ancestor information that is relevant to the appeal from the Dispute Resolution Board;
- if you don't have a copy of your land claims enrollment application the Dispute Resolution Board can provide a copy of your file, if it is within their records;
- if the Dispute Resolution Board does not have a copy of your file, then you would ask the First Nation for a copy of your file.

If the First Nation does not have an Enrollment Review or Appeal process or you do not agree with the First Nation's decision of your Enrollment Review or Appeal, you can file an Enrollment Appeal with the Dispute Resolution Board.



## ENROLLMENT APPEAL WITH THE DISPUTE RESOLUTION BOARD

Under Chapter 3 of the Umbrella Final Agreement and the Yukon First Nations Final Agreements, a Yukon land claims Enrollment Appeal can be initiated by one the following parties:

- You, the applicant;
- A Yukon First Nation;
- The Council of Yukon First Nations;
- Government of Canada; or
- Government of Yukon.

**To initiate an Enrollment Appeal to the Dispute Resolution Board (DRB) you provide written notice within 60 days of the date of the written decision from the Yukon First Nation.**

The DRB can provide you with an **Enrollment Appeal Form** to assist you with your written notice.

You, or your designated person, should include the following in the written notice of appeal:

- your complete name, address, email and telephone numbers;
- a copy of the enrollment refusal letter from the Yukon First Nation;
- a copy of your land claims enrollment application and supporting documents;
- all documentation relevant to your enrollment appeal;
- a statement of the nature of the disputed matter;
- the nature of relief sought;
- any other information that may be relevant to the appeal.

After the signed written notice of appeal has been filed with the DRB, the chairperson will appoint an arbitrator to hear and determine your enrollment appeal.

The arbitrator will provide decisions and orders as deemed appropriate. Any decision or order of the arbitrator shall be enforceable in a like manner as an order of the Supreme Court of the Yukon. The arbitrator's decision is only subject to judicial review if the arbitrator failed to observe natural justice, erred in law or based the decision on an erroneous finding of fact.

The DRB will provide notice to you, the affected Yukon First Nation, the Council of Yukon First Nations, Canada and Yukon, of additions or deletions from official enrollment lists resulting from decisions made by an arbitrator.

The Dispute Resolution Board can be contacted by:

Phone: (867) 668-3562

Email: [drb.ufa@northwestel.net](mailto:drb.ufa@northwestel.net)

Location: 101-166 Titanium Way

Toll Free: 1-866-367-6551

Fax: (867) 668-4474

Mailing Address: Box 31675, Whitehorse, YT, Y1A 6L3