



History of the Yukon First Nations Enrollment Files

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The mandate of the Yukon Enrollment Commission (YEC) is set out under Chapter 3 of the Umbrella Final Agreement (UFA) and the Yukon First Nations (YFN) Final Agreements. The YEC was established on July 1, 1989 and closed ten years after the Yukon land claims legislation effective date on February 14, 2005. It was the first UFA board to be activated and the only one with a set term of existence. Once the YEC was dissolved, the Yukon land claim enrollment files were delivered to the Yukon Dispute Resolution Board (DRB) as per UFA section 3.10.4.

The YEC had three Commissioners appointed by the Minister of the Department of Indian Affairs and Northern Development Canada (DIAND). The Council for Yukon Indians (CYI), Canada and Yukon each nominated one Commissioner. The YEC office staff consisted of secondments from DIAND and CYI.

In 1989, CYI released the fourteen YFN land claim enrollment files to the YEC. The CYI enrollment files were created in 1973 and 1974 when enrollment teams traveled to the Yukon communities to provide the opportunity for people to enroll with the Yukon land claim. The CYI enrollment applications were reviewed by the Credentials Committees represented by YFN Elders. At the 1995 General Assembly the CYI adopted a new constitution and name, the Council of Yukon First Nations (CYFN).

The YEC enrollment records contain the files of individuals enrolled with the YFNs including files of deceased persons who were enrolled, some funeral pamphlets that were provided by individuals and genealogy charts.

In 1989 and 1990 an advertising campaign took place in Canadian & U.S. newspapers to inform YFN people living outside the Yukon about the land claim enrollment process and how to contact the YEC.

In January 1990, the YEC hosted a training workshop for the YFN's Enrollment Coordinators along with the opportunity to photocopy a complete set of their YFN's enrollment files. The YFNs established their Enrollment Committees by appointing up to five individuals and their initial task was to review their 1990 enrollment lists. The YEC Policy and Procedure Manual was distributed to the YFN Enrollment Coordinators.

The **1990** initial "Comprehensive Land Claims Beneficiary Enrollment List" was published by the CYI and YEC and was provided to the YFN Enrollment Committees for their review.

In **1991** the YEC published and distributed the YFNs approved enrollment list which was published after each YFN Enrollment Committee had the opportunity to review, amend and approve their YFN list.

The YEC administered the funding from Canada to the fourteen YFN Enrollment Committees. As per UFA section 3.5.6, the funding ceased three years from the date of each Enrollment Committee's inception. Despite the lack of funding the Enrollment Committees continued their important work until the YFNs took over of the powers and responsibilities of enrollment as outlined in section 3.9.1 of the UFA.

Upon written request, Canada's Indian Act status membership lists were provided to the YEC. The last YFN status lists released to the YEC was in 1994, as that is when Canada's Privacy Act was amended. After 1994 the status lists were no longer available upon request and this restricted the flow of status membership data to the YFNs preparing their voter ratification lists.

Individuals applying for enrollment with a YFN submitted their applications to the YEC or to a YFN Enrollment Committee. Enrollment applications were reviewed by the YFN Enrollment Committees and their decisions were forwarded to the YEC. The YEC Commissioners then had final review.

Birth Certificates or affidavits showing parent/s names were the supporting documents required for all enrollment applications received by the YEC. When applications were received without the supporting documents the YEC provided written notice giving the applicant six months to provide. The collection of documents is important as that supports the validity of individuals enrolled and must be regarded as very confidential records not accessible to anyone without proper authority.

Once enrollment applications were approved, the individuals were assigned an enrollment ID with one of the YFNs. If the YFN Enrollment Committees or the YEC Commissioners determined that an individual did not meet the criteria for enrollment, the YEC notified the individuals with the reasons and the process to appeal. The affiliated YFN Enrollment Committees received copies of the correspondence.

Some people have withdrawn their name from the Yukon land claim because they are eligible for another land claim in Canada or they don't agree with the land claim process.

The YEC worked with the Yukon Post Adoption office to ensure adoptive families and legal guardians of children in care were aware of the Yukon land claim enrollment process and, if required assisted with applying. The YEC and the Yukon Family & Children's Services mailed information packages and applications to adoption agencies across Canada and the United States. The Yukon Post Adoption office liaised with adoption agencies outside the Yukon because First Nation children were adopted throughout the world. Currently most adoptees have contact with their birth families, or their adoptions are open with the families maintaining contact. A few files remain closed because some individuals have vetoed contact.

The YEC provided enrollment applications to the Whitehorse General Hospital on an ongoing basis. The YFNs now have their own enrollment forms and may have continued providing forms to the WGH.

A challenge over the years, has been the high turnover of enrollment staff at the YFN level. Between the years 1990 and 2008 there were 108 different enrollment coordinators with the YFNs. Two YFNs retained the same enrollment coordinators during that time span. Usually, training was not passed on from one enrollment coordinator to the next and the YEC provided training as requested by the YFNs. Some of the enrollment coordinators returned to the job during breaks from college or university and a couple people stated they took the job until they found other employment because it wasn't an area of interest to them.

Another area of concern is that some people are affiliated with two First Nations by having land claims enrollment with one YFN and status registration membership with another. This was largely created because of the two different cultures. The original 1973 Yukon land claims enrollment process followed the YFN tradition that children are enrolled with the maternal lineage. Prior to 1985, Canada's Indian Act status membership were registered with the paternal lineage. Some individuals intentionally chose to enroll for land claims with one YFN and have their status registration membership with another First Nation.

YFNs have notified individuals to encourage and request that they complete the forms to be affiliated with only one First Nation. This is still an outstanding issue because some individuals have declined the request, the YFN placed a freeze on transfers or their transfer applications were rejected by the YFN.

The YEC recommended that a YFN central statistics registry office continue after the YEC was discontinued. In October 2000, the Implementation Working Group indicated that they did not support the idea at that time. The recommendation was again provided in the 2003-2004 implementation review report. Without the support of the UFA parties there was no further discussion.

The YEC's rationalization for a central statistics registry office is:

- it would provide a method of uniform data entry to ensure consistency of data between the YFNs;
- it would stream-line the process when data is required from more than one YFN;
- to assist when enrollment staff at the First Nation level is not available;
- to have one office to ensure that individuals are enrolled with only one YFN when an individual has birth ties to more than one YFN; and
- that the YFNs would retain authority and governance of a YFN central statistics office.

As a comparison, territories and provinces each have one statistical office instead of having a stats office in every community. The concept of a central statistics office was further discussed in 2013 at the CYFN Enrollment Summit and that support from the UFA signatories would be required to direct funding towards such an endeavor. The 2015 CYFN Enrollment Forum resulted in an updated Enrollment Reference Manual for YFNs.

The Yukon land claim settlement agreements have built in clauses under UFA section 3.10.3 that YFN enrollment notices are to be provided to government. Over the years, it was discovered that the enrollment lists were being made available to various government departments. The YEC recommended that the YFNs provide lists of names only and to include policy outlining privacy and access.

The settlement agreements do not have built in clauses that Canada's Indian Act status membership lists must be provided to the YFN governments. YFN Privacy and Access to Information legislation is required for YFNs and Canada to negotiate access to Canada's Indian Act status lists and to protect the confidentiality of the sensitive information.

"Privacy is like a non-renewable resource...Once it's gone, it never comes back."
Gerald Neary, Privacy Commission Director, Canada 1997

The Yukon Dispute Resolution Board inherits the Yukon Enrollment Commission's Records

On February 14, 2005, the YEC was dissolved and delivered the enrollment files and office contents to the DRB. This was the end of a centralized enrollment office working and liaising with the YFNs.

Due to the large volume of enrollment files and office contents the DRB moved into the space occupied by the YEC. Prior to 2005, the DRB did not have commercial office space and was housed within the homes of the various chairpersons in Whitehorse and the executive director living on Vancouver Island.

During the transition time, the DRB retained two YEC Commissioners as consultants. The YEC office coordinator continued employment under the direction of the DRB to manage the Whitehorse office and complete the "one-time only enrollment file reviews". The enrollment file reviews ensured the YEC and YFNs files contained the same documents, this task was initiated in 2004 by the YEC and was completed in 2007 by the DRB.

The DRB is responsible for the confidentiality and long-term safe storage of the enrollment files. The DRB Enrollment Archives Access Policy provides access to the enrollment files in the event of an appeal.

The DRB continues to refer individuals seeking enrollment or information to the relevant YFN Citizenship Registrar.

Appeals of a YFN's enrollment application decision can be initiated by an individual, a YFN, CYFN, the governments of Canada or Yukon. Once the YFN internal review and appeal process has been exhausted and it is still not resolved the enrollment appeal can proceed to the DRB. The chair of the DRB will appoint an arbitrator to hear, determine and provide appropriate remedies to the enrollment appeal.

ENROLLMENT FILE REVIEW
Yukon Enrollment Commission - Yukon Dispute Resolution Board
 #249 - 11 Nisutlin Dr. Whitehorse, Y.T. Y1A 3S4
and the
Yukon First Nation Enrollment Offices

YFN	Enrollment File Review
Carcross Tagish First Nation	COMPLETED 2006
Champagne & Aishihik First Nations	COMPLETED 2004 & 2005
First Nation of Nacho Nyak Dun	COMPLETED 2007
Kluane First Nation	COMPLETED 2005
Kwanlin Dun First Nation	COMPLETED 2006 & 2007
Liard First Nation	did not participate
Little Salmon Carmacks First Nation	COMPLETED 2006
Ross River Dena Council	did not participate
Selkirk First Nation	COMPLETED 2005 & 2006
Ta'an Kwach'an Council	COMPLETED 2004 & 2006
Teslin Tlingit Council	COMPLETED 2006
Tr'ondek Hwech'in	COMPLETED 2006
Vuntut Gwitch'in First Nation	COMPLETED 2006
White River First Nation	COMPLETED 2004

The final enrollment file review was completed with the YFN Enrollment Coordinators transporting their enrollment files to the YEC office. The files were reviewed page by page to ensure the YEC and the YFN enrollment files reflected the same documents.

The YEC began the “one-time only enrollment file reviews” with the YFNs in 2004 and the DRB completed the task in 2007.

The file reviews were the last complete set of enrollment files provided by 12 YFNs. The Liard First Nation and the Ross River Dena Council did not participate as they were no longer negotiating their settlement agreements. Since then a few of the YFNs have sporadically provided enrollment files to the DRB except for one YFN who continued providing copies of their enrollment files until 2019.

In February 2005, the YEC closed and delivered the enrollment files to the DRB as per UFA section 3.10.4. The closing of the YEC was the end of a central enrollment office working with the YFNs.

The YFNs have assumed responsibility of enrollment under section 3.9.0 of the UFA. The DRB is responsible for the safe confidential storage of the enrollment files and doesn't function as a central enrollment office.