

# Policy #2021-001: Eligibility for Direct Benefit Programs and Services

(Effective April 1, 2022; AGA Approved August 20, 2022)

## 1. Effective Date

This Métis Nation of Ontario (“**MNO**”) Policy #2021-001: *Eligibility for Direct Benefits Programs and Services Policy* (“**Policy**”) is effective as of April 1, 2022 (“**Effective Date**”).

## 2. Purpose

This Policy sets out who is eligible to receive a direct financial transfer payment<sup>1</sup> for programs and services delivered by the MNO from funding that:

- i. has been negotiated or provided to the MNO on the basis that the MNO represents rights-bearing Métis communities and Métis rights holders; and
- ii. provides the MNO discretion with respect to how it designs, develops and administers the funding, including, who is eligible to receive the funding.

In this Policy, programs and services delivered by the MNO that meet the above-noted criteria shall be referred to as Direct Benefit Programs & Services.

## 3. Background, Context and Need for this Policy

The MNO’s *Statement of Prime Purpose*—which is part of the MNO Secretariat Bylaws (“**MNO Bylaws**”)—provides the MNO’s foundational aims and objectives include:

- “to provide care and support necessary to meet the fundamental needs of the citizens of the Métis Nation;”
- “to promote the improved health and wellness of the individual, the family and the whole Métis community;”
- “to encourage academic and skills development and to enable citizens of the Métis Nation to attain their educational aspirations;” and
- “to ensure that Métis can exercise their Aboriginal and Treaty rights.”

Based on the MNO’s successful pursuit and advancement of the recognition of Métis rights and self-government within Ontario, it has been able to negotiate funding agreements with other governments and third parties on the basis that it represents Métis rights-holders, including the descendants of the seven recognized historic Métis communities in Ontario, as well as other citizens of the Métis Nation who now live in Ontario.<sup>2</sup>

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<sup>1</sup> For the purposes of this policy, a “direct financial transfer payment” includes a financial payment made directly to an MNO citizen and/or to an institution or third party in the name of or for the direct benefit of an MNO citizen (i.e., payment to an institution for a MNO citizen to participate in a specific training or education program, payment to a bank to support a MNO citizen in securing a mortgage, etc.). For greater certainty, this definition does not include the provision of gift cards, physical goods (e.g., backpacks, beading kits, baby bundles) or soft services (e.g., case management).

<sup>2</sup> For greater certainty, this includes all MNO citizens who meet the MNO’s current requirements for citizenship as set out in the MNO Bylaws, Registry Policy and Guidelines.

Because these funding agreements are connected to and/or flow from the MNO's ongoing self-government negotiations with Canada and Ontario, as well as the fact that the MNO represents Métis rights-holders, the funding transferred under these agreements provide the MNO with discretion as well as increased flexibility in relation to the design, delivery and eligibility requirements for the programs and services provided under these agreements.

In order to ensure fairness, transparency, consistency and respect for the basis that these funding agreements have been negotiated on, the MNO has adopted this Policy to provide clear direction to its administration and branches (i.e., the MNO civil service) in relation to eligibility and access to Direct Benefit Programs & Services.

In addition to the background and context set out above, some of the factors, considerations and need for this Policy includes:

- The MNO is a Métis government, and this Policy is an exercise of its inherent right of self-government to make determinations with respect to government spending.
- The amount of funding received by the MNO under the above-mentioned agreements is not limitless and is not sufficient to cover the needs of all MNO citizens.
- Some of the programs and services delivered or contemplated under the above-mentioned agreements have the potential to provide for significant direct financial transfer payments to individuals totaling thousands to tens of thousands of dollars (i.e., school tuition, assistance with down payments on the purchase of new homes, etc.).
- The Registry and Self-Government Readiness Review ("**Registry Review**") is now complete and the MNO has increasingly heard from Métis rights-holders with "complete" citizenship files based on the MNO's current requirements that these limited funds should be directed to verified Métis rights-holders.

#### **4. Authority for the Policy**

Currently, the MNO Bylaws do not grant or provide any MNO citizen an absolute right or interest to any funding from the MNO.

The Provisional Council of the MNO ("**PCMNO**") is the democratically elected and province-wide governing body of the MNO. The MNO Bylaws authorize the PCMNO to manage the "property and business of the MNO" and direct it to "make decisions and act in a manner consistent with upholding and advancing the *Statement of Prime Purpose ...*" (Article 14).

The MNO Bylaws further provide the MNO Secretary-Treasurer "is empowered to authorize the disbursement of the funds of the MNO following established MNO financial policies as amended from time to time" (Article 44).

Pursuant to the MNO Bylaws, the MNO Registrar has the "primary responsibility to manage and administer the MNO Registry" and determines whether an individual meets the current requirements for citizenship within the MNO based on the MNO Bylaws, Registry Policy and Guidelines, as adopted by the MNO Annual General Assembly (Article 67(i)).

In the Fall of 2017, the PCMNO passed a resolution directing the Registry Review, a review of all MNO citizenship files to assess whether they meet the current requirements for citizenship with the MNO. As of the Fall of 2021, the Registry Review is complete and all MNO citizens with up-to-date information have been informed whether their file is “complete” or “incomplete” and those with “complete” files have been issued a new MNO citizenship card as rights holders.<sup>3</sup> All new MNO citizens receive a new citizenship card.

## 5. Eligibility for Direct Benefit Programs & Services

Only MNO citizens whose MNO citizenship files have been designated as “complete” by the MNO Registrar and have a new citizenship card are eligible to apply for and receive Direct Benefit Programs & Services.

When applying for Direct Benefit Programs & Services, an MNO citizen must provide proof of their “complete” citizenship file status to the MNO administration by including a copy of one of the following documents with their application:

- A letter from the MNO Registrar confirming the MNO citizen’s file has been designated as “complete” pursuant to the Registry Review; or
- A new and valid MNO citizenship card issued by the MNO to the MNO citizen.<sup>4</sup>



Figure 1: Sample new MNO citizenship card

It is the sole responsibility of an MNO citizen applying for Direct Benefit Programs & Services to provide one of the above-noted documents to the MNO administration. MNO staff may contact the MNO Registry to verify that one or both of the above-noted documents are valid prior to providing funding to an MNO citizen under Direct Benefit Programs & Services.

For greater certainty, an MNO citizen remains ineligible for Direct Benefit Programs & Services even if they have submitted additional information to the MNO Registry and have not received a response to that new information. All decisions of the MNO Registrar are final. There is no right of appeal under this Policy. However, an MNO citizen is always able to update or attempt to “complete” their citizenship file and then re-apply for Direct Benefit Programs & Services with one of the above-noted documents.

<sup>3</sup> It has been the MNO’s longstanding position that citizens who meet the current requirements for citizenship within the MNO are Métis rights-holders, as protected by section 35 of the *Constitution Act, 1982* and as recognized by the Supreme Court of Canada decision in *R. v. Powley*, [2003] 2 SCR 207. Additional information about the Registry Review is available at [www.metisnation.org](http://www.metisnation.org).

<sup>4</sup> A letter from the MNO Registry and/or an MNO citizenship card is not considered valid if the MNO Registrar has subsequently concluded that the letter or card was issued by way of an administrative error (i.e., that the MNO citizen does not meet the MNO’s current requirements for citizenship).

## 6. Application of the Policy

This Policy applies to all Direct Benefit Programs & Services that meet the criteria set out above. The MNO administration shall maintain a page on the MNO website that sets out the Direct Benefit Programs & Services at any given time: [www.metisnation.org/dbps](http://www.metisnation.org/dbps).

This Policy does not apply to funding the MNO receives from other governments, governmental agencies or third parties to deliver programs and services to:

- all Aboriginal peoples (i.e., pan-Aboriginal programs and services the MNO has agreed to deliver by way of an agreement or contract);
- all self-identifying 'Métis' regardless of having or being eligible for MNO citizenship (i.e., pan-'Métis' programs the MNO delivers by way of an agreement or contract);
- support the MNO's overall self-government, including its governance structures at the local, regional and provincial levels, or participation in other community development programs, services or initiatives where funding is not paid directly to MNO citizens;
- reimbursement of authorized travel or other expenses (e.g., honourarium) for any MNO citizen, regardless of whether they have a "completed" citizenship file; and
- provide initial crisis supports<sup>5</sup> for marginalized or particularly vulnerable sectors, including, but not limited to individuals experiencing homelessness, suffering from mental health and addictions, and involved in the child welfare system.

This Policy does not apply to programs and services delivered by the MNO's institutions. However, an MNO institution may adopt this Policy, in whole or in part, if they so choose.

## 7. Interpretation

The terms of this Policy shall be given such fair, large, and liberal construction and interpretation as best ensures the attainment of its objects. Nothing in this Policy shall be interpreted in a way that would result in a conflict with the MNO Bylaws.

## 8. Adoption and Implementation

This Policy was adopted (November 24, 2021) and amended (March 27, 2022) by resolutions of the PCMNO, based on the MNO's inherent right of self-government as well as the authorities set out in the MNO Bylaws.

This Policy was adopted and amended by the 2022 MNO AGA.<sup>6</sup> Any decision made under this Policy following its Effective Date and any subsequent changes made by the PCMNO or the MNO AGA shall not invalidate any previous decision made under this Policy or give rise to a claim against the MNO.

The MNO administration may adopt policies and procedures for various MNO branches to implement this Policy.

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<sup>5</sup> Up to a maximum direct financial transfer payment in the amount of \$2,000.

<sup>6</sup> The 2022 MNO AGA replaced "This Policy shall be brought to the MNO AGA for its consideration and potential adoption" with "This Policy was adopted and amended by the 2022 MNO AGA."