

## **CITIZENSHIP, CLANS, AND SOCIETIES**

### **Section 1. Citizens of the Chiricahua Apache Nation**

Citizens of the Chiricahua Apache Nation shall consist of the following persons:

(a) all individuals whose names appear on the Register of the Chiricahua Apache Nation as of the date of certification of this Constitution;

(b) all lineal descendants of persons described in (a) of this Article;

(c) all children legally adopted by persons described in (a) of this Article;

(d) all individuals subsequently granted citizenship by the Chiricahua Apache Nation Citizenship Committee pursuant to the Citizenship Statute of 6 March 2011 or subsequently enacted legislation;

(e) all persons not otherwise eligible for citizenship who are intermarried with citizens of the Chiricahua Apache Nation for so long as they remain married to and residing with citizens of the Chiricahua Apache Nation, except that such persons who acquire citizenship by intermarriage are ineligible to hold office in or vote in elections held by the Chiricahua Apache Nation unless specifically granted these rights in writing by the Chiricahua Apache Nation Citizenship Committee.

Lineal descent, for purposes of this Article, is through the female line. Women are the progenitors of the Nation, and men and women of the Chiricahua Apache Nation follow the status of the mother and her clan and take her name.

### **Section 2. Citizenship Committee**

The Chiricahua Apache Nation Citizenship Committee, which shall consist of three Chiricahua Apache citizens appointed by the President for four (4) year terms, shall apply the Citizenship Statute of 6 March 2011 without prejudice to the rights of those individuals who were members of the Chiricahua Apache Nation at the time this Constitution was lawfully certified. The Citizenship Committee shall act in a timely fashion on all citizenship applications and grant or deny citizenship based upon evidence of eligibility provided by applicants. The Citizenship Committee shall have the power, pursuant to this Constitution and the Citizenship Statute of 6 March 2011, to promulgate regulations and procedures governing future citizenship, adoption, and loss of citizenship, including but not limited to:

(a) eligibility requirements for citizenship;

(b) procedures governing citizenship applications, evidence of citizenship, and investigation and adjudication of applications;

(c) establishment and maintenance of an annual Register of citizens, and addition and removal of names thereto to ensure its accuracy;

(d) assignment of a citizenship number to every applicant approved for citizenship and entered into the Register;

(e) establishment of requirements for the annual reporting of information by Chiricahua Apache citizens in order to maintain and update the Register;

(f) recording of the degree of Chiricahua Apache blood possessed by citizens; and

- (g) providing a process for appeals by any person whose application for Chiricahua Apache citizenship is denied.

No subsequent amendment to the Citizenship Statute of 6 March 2011 shall be effective unless it is approved by at least six Members of the National Council and enacted into law.

### **Section 3. Citizenship Criteria**

After certification of the Chiricahua Apache Constitution, the Chiricahua Apache Nation Citizenship Committee shall act upon citizenship applications pursuant to the Citizenship Statute of 6 March 2011 and any subsequent amendments and shall update the Chiricahua Apache Nation Citizenship Register accordingly. The Register shall include all those persons who were citizens on the date the Constitution was certified as well as persons subsequently granted citizenship. Citizenship determinations shall be based on a holistic assessment of the following nonexclusive list of criteria:

- (a) descendency by blood from Chiricahua Apache ancestors, with all original citizens to be classified as of 100% Chiricahua Apache ancestry unless otherwise classified by the Citizenship Committee based on evidence;
- (b) the extent, duration, and value of an applicant's political, social, and religious connection and service to the Chiricahua Apache Nation;
- (c) a commitment to live under the laws of the Chiricahua Apache Nation and to discharge faithfully the duties and burdens of citizenship; and
- (d) any and all other criteria as the Citizenship Committee shall designate.

### **Section 4. Honorary Citizens**

No person may become a citizen of Chiricahua Apache Nation through an honorary grant or by any other means than those provided for herein. Non-citizens of the Chiricahua Apache nation are not eligible to vote, hold office, or otherwise exercise the rights or receive the benefits of citizens of the Chiricahua Apache Nation.

### **Section 5. Census**

All citizens shall report to the Chiricahua Apache Nation Secretary of State in person, by certified letter, or by electronic mail once each year to be entitled to benefits apportioned to the members of the Chiricahua Apache Nation. Such report shall contain the citizen's legal name and current address. The Secretary of Administration shall be responsible for maintaining an up to date and accurate record of such reports, the date filed, and the information contained therein, and shall communicate the results to the Citizenship Committee for amendment to the Register.

### **Section 6. Appeals**

Any person whose application for citizenship in the Chiricahua Apache Nation is denied or who is removed from the Register shall have the right of appeal to the Supreme Court of the Chiricahua Apache Nation for a remedy in equity consistent with this Constitution. No further appeal to any tribal, state, or federal court or agency is available.

### **Section 7. Resignation and Forfeiture**

Adult citizens may relinquish their citizenship or the citizenship of their minor children in writing. Any minor whose citizenship has been relinquished by a parent shall be eligible for citizenship upon reaching the age of fourteen (14). Any individual who acquires citizenship by marriage to a citizen of the Chiricahua Apache Nation shall forfeit such citizenship upon annulment, divorce, or desertion of, or infidelity to, their Chiricahua Apache spouse, unless said Chiricahua Apache spouse forgives and holds harmless the unfaithful spouse.

### **Section 8. Non-Exclusivity**

Registry by any person as a citizen of the Chiricahua Apache Nation shall not deprive that person of any rights, duties, privileges, immunities, and responsibilities that they shall hold as citizens of other Native nations, of their States of domicile, or of the United States of America or Mexico.

### **Section 9. Bands and Societies**

Nothing in this Constitution shall be construed to prohibit the right of any Chiricahua Apache citizen to belong to a recognized band or subdivision, or to any social, cultural, fraternal, military, or other society or organization within or without the Chiricahua Apache Nation.