

**TITLE 2 – GOVERNMENT ADMINISTRATION
PART VI – MISCELLANEOUS
CHAPTER 6-1 – MEMBERSHIP**

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CHAPTER 6-1 – MEMBERSHIP**

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SUBCHAPTER A GENERAL PROVISIONS

Section 10 Establishment (2 PYTC §6-1-10)

The Enrollment Office is hereby established as an Office in the Executive Branch of the Pascua Yaqui Tribe Government.

Section 20 Purpose of Office (2 PYTC §6-1-20)

The Enrollment Office is responsible for the administration of all tribal enrollment services; verifying the enrollment status of members and applicants to tribal departments and outside agencies to determine eligibility of services.

Section 30 Mission (2 PYTC §6-1-30)

The mission of the Enrollment Office is to carry out the responsibilities of enrollment as deemed necessary by the Pascua Yaqui Tribe Constitution and Membership Ordinance. The Enrollment Office is resolved to being responsive to the needs of the people it serves; tribal members and applicants seeking membership with the Tribe. To maintain and protect the tribal membership roll and the documentation provided for and by tribal members and applicants, and to assist with integrity, accuracy and with the utmost respect of confidentiality in the enrollment verification and eligibility process.

Section 40 Organization (2 PYTC §6-1-40)

- (A) The Office shall consist of a Director and such departments and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.
- (B) The Office shall employ staff professionals, support personnel, and/or contract with professional service firms as the Director determines, consistent with the laws of the Tribe and approved budgetary authority.

- (C) The Office shall maintain a current organizational chart. The organizational chart shall accompany its annual budget submission and any budget modifications during the fiscal year in accordance with the Tribe's Fiscal Management Ordinance.

Section 50 Definitions (2 PYTC § 6-1-50)

- (A) "Administrative Error" means a mathematical error in the computation of blood quantum and/or improper research in verifying family relationship and history.
- (B) "Appeal" means a proceeding undertaken to have an adverse enrollment decision reconsidered by the Pascua Yaqui Tribe Court as specified in this Ordinance.
- (C) "Applicant" means a person who seeks enrollment in the Pascua Yaqui Tribe, or a blood quantum modification, and whose name appears on the application.
- (D) "Blood Quantum" means a specific blood degree of Pascua Yaqui blood or amount of Indian ancestry (degree of Indian blood) required to meet membership requirements.
- (E) "Corrections to the base roll" means Yaqui blood quantum increases or decreases and deletions from the base or current roll. Corrections do not include additions to the base roll.
- (F) "DNA Identification" means a method which may be used to verify family relationships by comparing a person's deoxyribonucleic acid, a patterned chemical structure of genetic information, with the DNA in biological specimen (such as blood, tissue, or hair) to determine if the person is the source of the specimen.
- (G) "Direct Lineal Descendant" means one who is in a line of descent from ancestor and a direct line from the other, as from father or grandfather to son or grandson, or mother or grandmother, to daughter or granddaughter, or between the same person and his or her son or daughter, grandson, granddaughter, great grandson or great granddaughter, and so downward in the direct descending line.
- (H) "Disenrollment" means an affirmative action by the Tribe to deprive a member of the right of tribal membership.
- (I) "Dual Enrollment" means membership in more than one band, tribe, or community.
- (J) "Enrollment Office" means those persons employed by the Pascua Yaqui Tribe who are responsible for the administration of the enrollment office.
- (K) "Enrollment Document" means an application, state issued long form birth certificate or certified copy, court documents, hospital records, clinic records, doctor or midwives records, baptismal certificate, adoption records from other tribes, notarized affidavits signed by relatives, friends or doctors, or other written data submitted by a member or applicant for membership, or the Office, to establish or meet the requirements for membership or a blood quantum modification.
- (L) "Notarize" means to have a document attested to by a public officer (notary) who witnesses a signature and certifies its authenticity.
- (M) "Enrollment records" or "enrollment files" means any item or information about or collected from individuals, including, but not limited to, birth certificates, genealogy reports, or other documents that contain the individual's name, or identifying particulars assigned to the individual, such as photographs, which information is collected for the purpose of determining the eligibility for enrollment in the Tribe of an individual or members of an individual's family.
- (N) "Related" means a person connected by blood or affinity.

- (O) “Relinquishment of Membership” means the voluntary, total withdrawal from membership of an Indian tribe, including the Pascua Yaqui Tribe, by a tribal member.
- (P) “Sponsor” means a person who has filed an application for enrollment on behalf of another person.
- (Q) “Tribal Council” means the Tribal Council of the Pascua Yaqui Tribe.
- (R) “Tribal member” means an individual who is listed on the membership roll of the Pascua Yaqui Tribe.

Section 60 Notice (2 PYTC § 6-1-60)

- (A) Any notice to any person who is required to be, or may be given, under the provisions of this Ordinance shall be given in writing.
- (B) Initial notices regarding approval, dual enrollment, relinquishment, disenrollment, rejection, and appeal proceedings shall be made by certified mail, return receipt requested. Service of such notice shall be deemed effective five (5) days after deposit in the United States mail.
- (C) In the event a return receipt is not signed and returned within 30 days after mailing, or if returned in such a manner as to indicate that the person entitled to receive notice may no longer reside at the address stated, the Enrollment Office shall use its best efforts to determine the address or location of said person and give actual notice as may be appropriate.
- (D) All other notices may be made by certified mail, at the discretion of the Enrollment Office.
- (E) Nothing contained in this section shall in any way operate to change or be deemed to affect the time limitations hereafter set forth in this Ordinance.

Section 70 Right to Counsel (2 PYTC § 6-1-70)

Any applicant for enrollment or any person affected by an enrollment decision shall have, at all stages of the decision making process, the right to representation by legal or other counsel at his or her own expense.

Section 80 Records; Confidentiality (2 PYTC § 6-1-80)

- (A) The Tribal Council and Enrollment Office shall maintain the highest degree of confidentiality and integrity of all enrollment documents and records as is consistent with the full performance of all duties and responsibilities prescribed by this Ordinance.
- (B) The Enrollment Office shall maintain all documents and records reasonably necessary and appropriate to maintain accurate knowledge of their official activities.
- (C) The Enrollment Office shall be responsible for the preservation, maintenance and care of enrollment documents and records.
- (D) Assuring Integrity of enrollment documents and records.
 - (1) Maintained in Manual Form. When maintained in manual form, enrollment documents and records shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:
 - (a) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons.

- (b) During working hours,
 - (i) The area in which the records are maintained or regularly used shall be occupied by authorized personnel, or
 - (ii) Access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.
 - (c) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.
 - (2) **Maintained on Computer.** When maintained in computerized form, enrollment documents and records shall be maintained with minimum internal control standards adopted by the Enrollment Office to ensure the integrity of records in the system.
- (E) **Conduct of Employees.**
- (1) **Persons Authorized to Review Records.** Unless disclosure to a particular person or persons is authorized pursuant to subchapter D of this Ordinance, enrollment documents and records may only be handled and reviewed by the following persons:
 - (a) The Enrollment Director;
 - (b) Authorized personnel of the Enrollment Office;
 - (c) Members of the Enrollment Screening Committee.
 - (d) Members of the Tribal Council (When presenting to Tribal Council they will have an opportunity to review documents)
 - (2) The Enrollment Office and Enrollment Screening Committee members whose duties require handling of enrollment documents and records shall, at all times, take care to protect the integrity, security and confidentiality of these documents and records.

SUBCHAPTER B DIRECTOR

Section 90 Director, Appointment (2 PYTC §6-1-90)

- (A) The Director shall be appointed by a majority vote of the Tribal Council
- (B) The Director shall be a full-time, at-will employee and paid compensation commensurate with his or her skills, education, experience, and responsibilities within the standards of compensation established by Tribal Council.
- (C) The Director shall report to, and be directly supervised by, the Tribal Council. The Director serves at the pleasure of the Tribal Council.

Section 100 Duties of Director (2 PYTC §6-1-100)

- (A) The Office shall be administered under the supervision and direction of the Director.
- (B) The Director shall:
 - (1) Select, appoint, and hire employees necessary to carry out the laws, regulations, policies, and programs adopted by Tribal Council.
 - (2) Prescribe such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Director or the Office. The Director, in

promulgating rules and regulations, shall prescribe such rules and regulations in accordance with Pascua Yaqui law.

- (3) Subject to the Tribe's Fiscal Management Ordinance, negotiate such contracts, grants, leases, cooperative agreements, or other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Director may determine necessary or appropriate to carry out functions of the Office.
- (4) Develop and implement internal policies for the efficient and effective administration of the Office.
- (5) Assure that the personnel policies and procedures are accurately and fairly applied in all matters as it pertains to personnel management and administration.
- (6) Be responsible for managing all financial transactions, managing grants and contracts, purchasing, and personnel actions on behalf of the Office.
- (7) Advise and make recommendations to the Chairperson and Tribal Council on all matters concerning the Enrollment Office's objectives.
- (8) Provide assistance to the Chairperson and Tribal Council as requested.

SUBCHAPTER C ORGANIZATION

Section 110 Powers and Duties of Enrollment Screening Committee (2 PYTC § 6-1-110)

- (A) There is hereby established an Enrollment Screening Committee to assist the Enrollment Department by reviewing a backlog of pending applications for membership and supporting documentation and providing recommendations of approval or rejection for membership for those applicants who applied under Open Enrollment (Pub. L. 103-357, 94 Act) and who have been identified by the Enrollment Department to have possible affiliation to the tribe, and in any other identified screening matter.
- (B) The Enrollment Screening Committee shall consist of five (5) committee members and two (2) alternate members who are Pascua Yaqui Tribal Members fifty-five (55) years of age and older representing the Yaqui communities of New Pascua, Old Pascua, Guadalupe, and Penjamo.
- (C) The Enrollment Screening Committee shall adopt bylaws, subject to Tribal Council approval, regarding rules and procedures for the membership and the governance of the Enrollment Screening Committee as well as rules and procedures for the membership and operation of the Committee.
- (D) The Enrollment Screening Committee may:
 - (1) Review a backlog of pending applications for membership and supporting documentation, conduct interviews, and request additional information for those applicants who applied under Open Enrollment (Pub. L. 103-357, 94 Act) and who have been identified by the Office to have possible affiliation to the Pascua Yaqui Tribe, or any other screening matter identified by the Office.
 - (2) Make a recommendation for eligibility or non-eligibility for membership of each applicant based upon the criteria and guidelines for review set forth in Section 140 of this Ordinance.

- (3) Adopt and amend by-laws that set forth the rules and procedures for the membership and operation of the Committee.

Section 120 Reporting (2 PYTC § 6-1-120)

- (A) The Director shall provide reports and meet with Tribal Council on its operations and significant activities on a regular basis.
- (B) On a monthly basis, the Director shall report to the Tribal Council on:
 - (1) Current fiscal year budget, including month and year to date results and budget revisions;
 - (2) Employment, recruitment, and training;
 - (3) Grants obtained and contracts let, including number, dollar, and purpose;
 - (4) Major projects, activities, and significant issues for the Enrollment Office;
 - (5) Major internal and external audit findings, with action plans to address negative findings.

SUBCHAPTER D ENROLLMENT RECORDS

Section 130 Disclosure of Records (2 PYTC § 6-1-130)

- (A) Applicants and tribal members may request copies of their application and any written correspondence between the applicant/tribal member and the Enrollment Office.
- (B) Copies of an applicant/member's application and written correspondence between them and the Enrollment Office may also be disclosed to the following upon a written request:
 - (1) An individual asking to see the file of his or her parents or children. (Unless sealed due to adoptions or the member/applicant has requested that the Enrollment Office not disclose any documentation or information).
 - (2) An attorney or other person asking to see the file of an individual he or she represents when such representation is authorized in writing.
- (C) Enrollment documents may be disclosed to tribal departments or federal or state agencies or officials when:
 - (1) the information is needed for purposes of determining an individual's initial or continuing eligibility for enrollment, aid, services or other benefits accruing on the basis of tribal membership, or
 - (2) The information is needed for purposes of pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of the enrollment program, or
 - (3) The information is needed for the purpose of fulfilling the Tribe's responsibilities pursuant to ICWA.
- (D) Accounting for Disclosures.
 - (1) The Enrollment Office shall account for any disclosure made to a third party, pursuant to any of the specific exceptions provided by this section. The Enrollment Office shall record the date, nature, and purpose of each disclosure of a record to any third party and the name and address of party to whom the disclosure was made.

- (2) The Enrollment Office shall provide an accounting of all third party disclosures to tribal members/applicants upon request.
- (E) Requests for Access to Records.
- (1) The Enrollment Office may require any person requesting a copy of any enrollment document and/or record to pay a fee, in advance, for any copying charges.
 - (2) A request for access to enrollment documents and/or records shall be made in writing to the Enrollment Office.
 - (3) Form of decision.
 - (a) No particular form is required for a decision granting access to records. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due for collecting and/or copying records, the individual shall also be notified of the amount of fees due.
 - (b) A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the Tribal Court. This appeal must be filed with Tribal Court no later than twenty (20) days after the date of the denial

SUBCHAPTER E MEMBERSHIP

Section 140 Membership in the Pascua Yaqui Tribe (2 PYTC § 6-1-140)

The membership of the Pascua Yaqui Tribe shall consist of the following:

- (A) The base membership of the Pascua Yaqui Tribe shall be all eligible persons listed on the base membership roll of the Pascua Yaqui Tribe dated September 18, 1980, which was approved by the Phoenix Area Director on December 1, 1983, and published in the Federal Register on May 17, 1984.
 - (1) Corrections to the base roll may be made at any time by the Tribal Council subject to the approval of the Secretary of the Interior; provided that the names of additional persons may not be added to the base membership roll; and
- (B) All those persons of Yaqui blood who are citizens of the United States and who, within three years after October 14, 1994, apply for enrollment in the Pascua Yaqui Tribe pursuant to the membership criteria and procedures provided for in this Chapter: and
- (C) All Children born to members listed in paragraphs (A) and/or (B) who are at least one-quarter (1/4) degree Pascua Yaqui blood.

Section 150 Constitutional Interpretation, Children (2 PYTC § 6-1-150)

“Children” as used in Article III, Section 1(b) of the Tribal Constitution and in this Ordinance means direct lineal descendants of members as set forth in 25 USC Section 1300f-2, (Pub. L. 95-375, Section 3, Sept. 18, 1978, 92 Stat. 712 and Pub. L. 103-357, Section 1(b), October 14, 1994, 108 Stat. 3418).

Section 160 Tribal Membership Roll (2 PYTC § 6-1-160)

- (A) A Tribal membership roll shall be maintained by the Enrollment Office containing the names of all enrolled members of the Pascua Yaqui Tribe. The roll shall also indicate each member's enrollment number, sex, date of birth, degree of Indian and tribal blood, and date of enrollment, the name and number of the person's parents and any other pertinent information.
- (B) The Enrollment Office shall cause the Tribal membership roll to be kept current. The names of all persons who are deceased and all persons who have relinquished their membership in the Pascua Yaqui Tribe or any other tribe shall be noted on the roll, and the names of all persons whose applications for enrollment have been approved by the Tribal Council shall be added to the roll.
- (C) In accordance with Article III, Section 1(a) of the Constitution of the Pascua Yaqui Tribe, corrections may be made to the official base roll subject to the approval of the Secretary of the Interior. Errors apparent on the record of current membership roll shall not require Secretarial approval for correction, and all persons whose blood quantum modifications have been approved noted on the tribal roll.

SUBCHAPTER F APPLICATION FOR ENROLLMENT

Section 170 Application Form; Filing (2 PYTC § 6-1-170)

- (A) Applications for enrollment and for blood quantum modifications shall be submitted to the Enrollment Office. An application filed with another tribal department or satellite office is not valid if not received by the enrollment staff.
- (B) Applications for enrollment and for blood quantum modifications may be made by any person on his or her own behalf.
- (C) Applications for enrollment and for blood quantum modifications may also be made by a sponsor on behalf of the following:
 - (1) a minor;
 - (2) a deceased person;
 - (3) an incapacitated, incompetent or other person otherwise in need of assistance;
 - (4) a member of the Armed services or other services of the United States Government who is stationed outside the continental United States.
- (D) Blood quantum modifications may be initiated by the Enrollment Office upon discovery of an administrative error or newly discovered evidence.

Section 180 Requirements for Applications submitted by Sponsors (2 PYTC §6-1-180)

- (A) Applications submitted by Sponsors must be accompanied by the following:
 - (1) Minors: Sponsors that submit applications on behalf of minors must provide proof that they are the parent or guardian of the minor.
 - (2) Deceased person: Sponsors that submit applications on behalf of a deceased individual must provide proof that the individual is deceased and that they are related to the deceased individual.
 - (3) Incapacitated, Incompetent, Person in need of Assistance: Sponsors that submit applications on behalf of a deceased individuals who are incapacitated, incompetent, or a person in need of assistance must provide documents verifying the need for assistance and that the Sponsor is related to the individual in need of assistance.

- (4) Membership in Armed Services: Sponsors that submit applications on behalf of individuals who are serving in the United States armed forces must provide proof that the individual is serving and that the Sponsor is related to the individual in need of assistance.
- (B) If the Sponsor is not able to produce the required documentation, the Enrollment Office may research, interview, and evaluate the Sponsor's request to determine whether they will accept the application.

Section 190 Application Identification Number and Date (2 PYTC § 6-1-190)

Upon receipt of an enrollment application, the Enrollment Office shall record the date of receipt and assign such application an identification number.

SUBCHAPTER G PROCESSING OF APPLICATION

Section 200 Processing of Applications (2 PYTC §6-1-200)

- (A) The Enrollment Office and/or the Enrollment Screening Committee shall review and process the enrollment applications, determining review by application dates, family groups, and eligibility category.
- (B) The review and recommendation process shall consider all supporting documents on file and the Enrollment Screening Committee recommendation, if applicable.
- (C) In the event that the Enrollment Office or the Enrollment Screening Committee needs further information necessary to make its recommendation, the Enrollment Office shall inform the applicant in writing, with a request for the information needed. The applicant shall have 30 days following receipt of the letter to provide the information. For good cause, the Enrollment Office and Enrollment Screening Committee may extend the time period.
- (D) The Enrollment Office shall, based upon its review, make a written recommendation concerning the eligibility of the application for enrollment or blood quantum modification request to the Tribal Council, citing the reasons therefore.

Section 210 Review by Enrollment Screening Committee (2 PYTC §6-1-210)

- (A) The Enrollment Screening Committee may review applications received by anyone who applied under Open Enrollment (Pub.L. 103-357, 1994 Act) and who has been identified by the Enrollment Office as having a possible affiliation to the Tribe.
- (B) Enrollment Committee Criteria and Guidelines for Review.
 - (1) For each application, the Enrollment Screening Committee shall
 - (a) Complete a thorough review of the enrollment application and family history, cross-referencing and verifying with other pertinent records and documents made available by the Enrollment Office.
 - (b) Each committee member shall discuss and share any knowledge that he or she may have regarding the applicant's claim of Yaqui ancestry. Any information shared must be compared to the application and supporting documentation and any other information received from third party interviews or other records.

- (c) Complete a thorough review of the documents and records. Compare the information identified on the documents and records against the applicant's enrollment application.
 - (d) Review the documents for authenticity and the required notarizations of affidavits and/ or statements.
 - (e) Consider Enrollment Documents, and or any other written data submitted by the applicant to establish or meet the requirements.
 - (f) To assist in computing a Yaqui blood quantum, utilize the "Chart to Establish Degree of Indian Blood".
- (2) If the Committee is unable to render a recommendation, determine what additional information, interviews, clarification and documentation is required from the applicant to determine eligibility and make requests for documentation and interviews. If the Committee requests additional documentation or interviews, the applicant must be provided with notice of the request being made and must be given a copy of the additional documentation received and have an opportunity to provide further documentation or witness affidavits related to the request being made or interview being conducted.
 - (3) At any time during the review process, the Committee may request the assistance of the Enrollment Office.
 - (4) Under no circumstances may the Committee waive or fail to apply any requirement of eligibility for membership. All rules and decisions of the Committee shall be applied uniformly, impartially, and consistently to all applicants in similar circumstances.

Section 220 Review by Enrollment Office (2 PYTC § 6-1-220)

- (A) The Enrollment Office shall, as appropriate, research, interview and request in writing from the applicant, or sponsor, any additional information deemed pertinent in establishing the enrollee's eligibility for membership or blood quantum modification.
- (B) Applicants shall have the burden of coming forward with evidence supporting eligibility or blood quantum modification.

Section 230 Supporting Documents (2 PYTC § 6-1-230)

- (A) The Enrollment Office may consider the following types of documentation in making its recommendation:
 - (1) The current official Tribal Membership roll.
 - (2) A copy of certified Birth and Death Certificates.
 - (3) A copy of certified results of scientific methods to establish maternity and paternity.
 - (4) Certified copies of court documents (any court of competent jurisdiction).
 - (5) Sworn statements/Affidavits of relatives, friends or doctors to be used in conjunction with other evidence.

- (6) Other written data submitted by the applicant, or the Enrollment Office, to establish or meet the requirements for membership or blood quantum modification.
- (B) The Enrollment Office may grant whatever weight it deems appropriate to each item of evidence before making its recommendation.

Section 240 Computing Degree of Pascua Yaqui Tribe Indian Blood (2 PYTC §6-1-240)

The following principles shall apply to the computation of blood degree:

- (A) Indian blood shown on the Base Roll shall be considered to be Pascua Yaqui Tribe Indian blood.
- (B) The blood degrees shown on the Base Roll shall be used in computing the degree of Pascua Yaqui Tribe Indian blood for applicants.
- (C) The blood degrees shown on the Current Roll shall be used in computing the degree of Pascua Yaqui Tribe Indian blood for applicants.
- (D) Applicants will assume one-half of the Pascua Yaqui Tribe Indian blood of both the applicant's father and mother. If one of the parents is not enrolled in the Pascua Yaqui Indian Tribe, the Office shall consider the blood degree of any family members of the non-enrolled parent in computing the degree of Pascua Yaqui Indian blood for applicants and blood quantum modifications.
- (E) When determining the blood degree of persons with the same birth parents, all full siblings will be considered as having the same degree of Pascua Yaqui Tribe Indian blood and that degree shall be the highest degree of any of the siblings on the Base Roll, provided, however, that this method of computation shall not apply in cases where the Enrollment Office determines that the degree of Pascua Yaqui Tribe Indian blood of the siblings on the Base Roll was the result of fraud or administrative error.

Section 250 Establishing Paternity; DNA (2 PYTC §6-1-250)

- (A) The Enrollment Office may inquire into the paternity or maternity of an applicant where a reasonable basis exists to question the parentage of the applicant. As such, the Enrollment Office may consider DNA Identification when determining maternity or paternity.
- (B) If the Enrollment Office decides to utilize DNA Identification, it shall accept results from a facility accredited by the American Association of Blood Banks ("AABB").
- (C) If the results of the blood tests indicate that the likelihood of the alleged father's paternity is 95% or greater, the alleged father is presumed to be the parent of the child and the party opposing the establishment of the alleged father's paternity shall establish by clear and convincing evidence that the alleged father is not the father of the child.
- (D) Applicants shall be responsible for the costs of DNA Identification.

Section 260 Enrollment Screening Committee Recommendation (2 PYTC §6-1-260)

- (A) Recommendation of Eligibility.
 - (1) Based upon review of the enrollment application and accompanying documentation and any additional information, each committee member shall render a recommendation of eligibility or non-eligibility based upon the membership requirements set forth in this

Ordinance. An alternate member shall be allowed to vote on a recommendation for eligibility when substituting for a committee member in his/her absence, conflict of interest, or vacancy. A majority of the five attending voting members (three out of five) must vote in favor of eligibility before the Committee can make a recommendation of eligibility for membership. The Enrollment Director shall document the voting results on an Enrollment Committee Review Form.

- (2) A committee member must inform the Committee and abstain from the recommendation process if the applicant is an immediate family member of the committee member or if a conflict of interest, real or apparent, exists or may arise. However, the committee member shall be allowed to share any information or knowledge that he or she may have about the applicant. In the event of no quorum, the Committee shall then re-submit the application for review at the next scheduled meeting with the attendance of an alternate member.

Section 270 Enrollment Office Recommendation (2 PYTC §6-1-270)

- (A) Once the Enrollment Office has completed its review of an application, it shall provide a written recommendation, along with a proposed resolution, to the Tribal Council concerning each application.
- (B) Notice of the Enrollment Office's recommendation shall be given to the applicant within 30 days of the date of the recommendation.
- (C) The notice shall state, at a minimum, the recommendation of the Enrollment Office, the basis for the decision, and the fact that the Tribal Council makes all final enrollment decisions.

Section 280 Tribal Council Enrollment Decisions (2 PYTC §6-1-280)

- (A) The Tribal Council shall have final decision making authority regarding enrollment decisions, subject to Subchapter I.
- (B) The Tribal Council shall review and approve or disapprove of the proposed resolutions presented by the Director.

Section 290 Notice of enrollment decisions regarding eligibility and blood quantum modification requests (2 PYTC § 6-1-290)

- (A) The Enrollment Office shall provide notice of the Tribal Council's decision on eligibility to the applicant within 15 working days of the date of the decision.
- (B) The notice shall be on a form approved by the Director and shall state, at minimum, the decision of the Tribal Council, the basis for the decision, and a notice regarding the applicant's right to an appeal of the decision in accordance with Subchapter I of this Ordinance.

Section 300 Issuance of Tribal Identification (6 PYTC §6-1-300)

- (A) To the extent the tribal budget allows, the Enrollment Office may issue tribal membership cards to Pascua Yaqui Tribal Members. The Enrollment Office may establish reasonable replacement fees for membership cards.
- (B) The Enrollment Office shall establish policies and procedures for the issuance of tribal identification cards that shall include, at a minimum:
 - (1) age requirements;
 - (2) parental consent; and

- (3) waiver of fees.

SUBCHAPTER H DISENROLLMENT

Section 310 Relinquishment (2 PYTC § 6-1-310)

- (A) Any adult member of the Pascua Yaqui Tribe may relinquish membership by submitting a notarized written request to the Chair of the Pascua Yaqui Tribe that his or her name be stricken from the tribal membership roll.
- (B) Once submitted to the Chair of the Pascua Yaqui Tribe, the Chair shall propose a resolution approving the request at the next available Tribal Council meeting.
- (C) Once the resolution is approved, the relinquishment is final and the individual shall not be reinstated to the Pascua Yaqui Tribe except by a majority vote of the Pascua Yaqui Tribal Council.
- (D) Decisions regarding relinquishment are not subject to further review.
- (E) Tribal Council may only reinstate an applicant if 10 years have passed since the applicant was granted relinquishment.

Section 320 Relinquishment of Minors (2 PYTC §6-1-320)

- (A) Both parents of a minor member of the Pascua Yaqui Tribe must sign a written request and submit the request for relinquishment to the Chair of the Pascua Yaqui Tribe that the minor's name be stricken from the membership roll.
- (B) If both parents do not sign, then the parent with legal custody of the minor may submit the request to the Chair of the Pascua Yaqui Tribe.
- (C) Requests for relinquishment of minors shall only be granted if the parent is seeking membership with another tribe or trying to retain membership with another tribe.
- (D) The Enrollment Office shall develop rules/regulations regarding minors who are not under the custody of their natural parents.

Section 330 Removal (2 PYTC § 6-1-330)

- (A) Any person may involuntarily have his or her name removed from the membership roll of the Pascua Yaqui Tribe in accordance with the provisions of this Ordinance.
- (B) All Removal actions shall be brought by the Enrollment Office and may be commenced by request of any Tribal member or on the initiative of the Enrollment Office.
- (C) Tribal members must provide substantial evidence as the basis for requesting removal. Verbal requests, with no supporting documentation, will not be considered by the Office.

Section 340 Grounds for Removal (2 PYTC § 6-1-340)

The grounds for removal shall be:

- (A) Dual enrollment as proscribed by Article III, Section 4 of the Constitution of the Pascua Yaqui Tribe and in this Ordinance.

- (1) No person otherwise eligible for membership in the Pascua Yaqui Tribe may be enrolled as a member of the tribe, who, at the same time, is on the roll of any other tribe of Indians.
 - (2) Based upon newly discovered evidence, the Enrollment Office shall provide notice to the individual determined to be dually enrolled of the intent to remove the individual from the membership roll of the Pascua Yaqui Tribe.
 - (3) The Enrollment Office shall require the dually enrolled member to furnish satisfactory proof of relinquishment or initiation of relinquishment of membership with any other tribe within 15 days of receipt of the notice of dual enrollment.
 - (4) Failure to furnish such proof within the allowed 15 days will result in initiation of disenrollment proceedings pursuant to Section 350 of this Ordinance.
 - (5) Dually enrolled members shall be immediately suspended from the membership roll of the Pascua Yaqui Tribe pending final resolution of the dual enrollment issue. While suspended from the membership roll under this Section, no person shall be entitled to any privilege, right, interest, or claim based on membership in the Pascua Yaqui Tribe. The Enrollment Office shall notify other Pascua Yaqui Tribe departments of individuals who are suspended pursuant to this section.
- (B) Enrollment based on false information, a forged document, or administrative error.
- (1) Individuals who were admitted to the membership of the Pascua Yaqui Tribe based on false information, a forged document, or an administrative error shall be removed from the membership roll.
 - (2) Upon discovery of the false information, forged document, or administrative error, the Enrollment Office shall notify the individual of its intent to remove them from the membership roll.
 - (3) The Enrollment Office shall allow the individual to furnish satisfactory proof of membership within 60 days of receipt of said notice.
 - (4) Failure to furnish such proof within the 60 days will result in initiation of disenrollment proceedings pursuant to Section 350 of this Ordinance.

Section 350 Disenrollment Proceedings (2 PYTC §6-1-350)

- (A) If an individual fails to provide proof of relinquishment or of initiation of relinquishment of membership with any other tribe pursuant to Section 340 or who fails to furnish satisfactory proof of membership pursuant to Section 340 shall be removed from the membership roll.
- (B) The Enrollment Office shall prepare a written recommendation and a resolution to be presented to the Tribal Council regarding the proposed disenrollment.
- (C) Notice of the Enrollment Office's recommendation shall be given to the member within 30 days of the date of the recommendation.
- (D) The notice shall state, at a minimum, the recommendation of the Enrollment Office, the basis for the decision, and the fact that the Tribal Council makes all final disenrollment decisions, subject to subchapter I.

Section 360 Tribal Council Decisions Regarding Disenrollment (2 PYTC §6-1-360)

- (A) The Tribal Council shall have final decision making authority regarding disenrollment decisions, subject to subchapter I.
- (B) The Tribal Council shall review and approve or disapprove of the proposed resolutions regarding disenrollment presented by the Director.

Section 370 Notice of Enrollment Decisions Regarding Disenrollment (2 PYTC § 6-1-370)

- (A) The Enrollment Office shall provide notice of the Tribal Council's decision on disenrollment to the applicant within 15 working days of the date of the decision.
- (B) The notice shall be on a form approved by the Director and shall state, at minimum, the decision of the Tribal Council, the basis for the decision, and a notice regarding the applicant's individual's right to an appeal of the decision in accordance with Subchapter I of this Ordinance.

SUBCHAPTER I PROCEDURES FOR REVIEW OF ENROLLMENT DECISIONS BY THE TRIBAL COURT

Section 380 Right of Review (2 PYTC § 6-1-380)

Any applicant or tribal member shall be entitled to a review hearing before the Pascua Yaqui Tribal Court with respect to any adverse enrollment decision made by the Tribal Council, excluding acceptance of relinquishment.

Section 390 Right of Petition to the Tribal Court (2 PYTC § 6-1-390)

- (A) The Member/Applicant may file a petition of review of the Notice of Rejection, Notice of Denial of Blood Quantum Modification, and Notice of Disenrollment with the Pascua Yaqui Tribal Court, within 20 days after service of the Notice. The response must state in short and plain terms the reasons to dispute the decision.
- (B) Scope of Review. The Court shall review membership decisions based on the record of decision from the Enrollment Office to determine whether the Enrollment Office's action was arbitrary, capricious, contrary to law or not supported by the evidence.
- (C) The Tribal Court shall not consider evidence outside of the record of decision.

Section 400 Waiver of Right to Review (2 PYTC § 6-1-400)

Failure to appeal a decision in accordance with Section 390 constitutes a waiver of that right."

DISPOSITION TABLE

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