

**PUEBLO OF SAN ILDEFONSO
ENROLLMENT POLICIES AND PROCEDURES**

In determining membership, the tribe is exercising the most important of its sovereign powers. This manual is designed to assist the Pueblo in establishing and following standard membership requirements and establishing procedures for enrollment. Within these procedures, the Pueblo of San Ildefonso has decided on all the qualifications of membership for tribal purposes. Tribal purposes include such issues as voting in tribal elections, holding tribal offices or living on tribal lands.

The Tribal Enrollment Office has been established to ensure adherence to the enrollment policies and to carry out the procedures. The Enrollment Office is also tasked with carrying out these duties in a responsible manner where confidentiality of information is key. Every effort will be made to protect the confidentiality of information in regard to private details.

Fairness to all applicants is also a primary enrollment duty for which the enrollment policies and procedures are vitally important.

1. APPLYING FOR ENROLLMENT:

Requirements:

- A. The individual must have an immediate family member enrolled with San Ildefonso Pueblo.
- B. Either Parent must be enrolled with San Ildefonso Pueblo and have been issued a Tribal Census number.
- C. The individual to be enrolled must have 1/4 degree minimum of Indian Blood.

• **Required Paperwork:**

- A. Application for Enrollment Form.
- B. Birth Report Form.
- C. Copy of Birth Certification or Baptismal Certificate, .
- D. Copy of the mother/father's Certificate of Indian Blood, if enrolled with another Tribe.
- E. Copy of the Statement of Paternity, if parents are not married.

F. If the couple is married, the statement of paternity is not required, however, a copy of the Marriage Certificate is required.

Governor and Tribal Council approval:

Enrollment Clerk submits the paperwork to the Governor and Tribal Council with the following information on the bottom of the Birth Report Form:

- (1) Tentative Enrollment Number. The number used is the next available number in sequence.
- (2) Total Degree of Indian Blood (mother and father's blood combined). See attached chart.

The application for enrollment must be presented to the Governor and Tribal Council with the individual present. Parent(s) must be present if the individual is a minor. Applicants are informed of a date and time of the Tribal Council meeting.

Governor and Tribal Council review the Enrollment Application and may present questions to the individual. If approved, the Governor will sign off on application as will the Enrollment Clerk. A Tribal Council Resolution shall be passed approving the applicant to membership in the Pueblo of San Ildefonso.

The tentative enrollment number will become the individual's permanent number. The Enrollment Clerk prepares a new Certificate of Indian Blood (CIB) form for the newly enrolled tribal member. A copy of the CIB is given to the individual and the original is filed with the Enrollment Office. The newly enrolled individual's name and information is added to the Current enrollment list.

2. CALCULATION OF DEGREE OF INDIAN BLOOD:

Basic rule: The child's Indian blood degree is 1/2 of the combined Indian blood of his parents, as shown mathematically.

Mother's blood degree + Father's blood degree ÷ 2 = Child's blood degree

For example: {Father) 4/4 + (Mother) 1/4 ÷ 2 = (Child) 5/8

Blood degree should be reduced to the lowest fraction. The attached chart (Chart for Calculating Quantum of Indian Blood) has most simple calculations done.

If paternity has not been established, only 1/2 the Indian blood of the mother may be counted.

3. PROBATIONARY PERIOD:

After enrollment, an enrolled individual will be on a five (5) year probationary status. Admission to tribal membership is subject to reservation of the Pueblo's right to revoke the admission, with or without cause, any time during five years from the date of enrollment. Successful completion of the five-year probation period entitles the individual to recognition as a regular member of the Pueblo of San Ildefonso with all the rights and responsibilities of membership under the Pueblo's custom, tradition, and written laws.

4. RELINQUISHMENT

Relinquishment is the case where a tribal member voluntarily and officially gives up his or her right to membership. It is entirely the choice of the individual and is not an action that can be initiated by the Tribe or another person.

If a person is competent, the tribe may not refuse a member the right to relinquish.

Required Paperwork:

A. Relinquishment Form

It is required that any individual who wants to relinquish their enrollment and rights from San Ildefonso Pueblo must fill out the Relinquishment Form and submit it to the Enrollment Clerk, who then forwards it to the Governor and Tribal Council.

Governor and Tribal Council Response/Signature:

The Governor presents the relinquishment request to the Tribal Council. The Governor and Tribal Council meet with the individual requesting to relinquish their rights with the Pueblo (and also the parent(s) if the individual is a minor). Once the individual signs the relinquishment form and it is accepted by the Tribal Council, they are no longer an enrolled member of San Ildefonso Pueblo. Written documentation of the relinquishment must be signed by individual requesting relinquishment and the Governor or designated Tribal Official and must be notarized. This information is added to the current enrollment list and kept on file.

5. CONDITIONAL RELINQUISHMENT

In certain cases, an individual may wish to relinquish their enrollment rights with San Ildefonso so that they may enroll in another tribe. In these cases, conditional relinquishment would

take place whereby relinquishment becomes effective on the date that the individual is accepted into the other tribe. The membership of minors may be relinquished by the parents or legal guardian. Minors, whose parents relinquished their membership, may be allowed to enroll or reapply for San Ildefonso membership when they become the age of eighteen or older and will follow the standard enrollment procedures.

Required Paperwork:

- A. Relinquishment Form - Includes the statement:
"I, __, hereby relinquish my membership in the Pueblo of San Ildefonso, provided that I am accepted as a member by the __
_____ tribe."
- B. Documentation of Enrollment/Membership Acceptance from Other Tribe

It is required that any individual who wants to relinquish their enrollment and rights from San Ildefonso Pueblo must fill out the Relinquishment Form, which includes the relinquishment statement, and submit it to the Enrollment Clerk, who then forwards it to the Governor and Tribal Council. If acceptance into the other tribe is not met, the person's membership is not relinquished.

Governor and Tribal Council Response/Signature:

The Governor presents the relinquishment request to the Tribal Council, The Governor and Tribal Council meet with the individual requesting to relinquish their rights with the Pueblo (and also the parent(s) if the individual is a minor). Once the individual signs the relinquishment form and it is accepted by the Tribal Council, they are no longer an enrolled member of San Ildefonso Pueblo. Written documentation of the relinquishment must be signed by individual requesting relinquishment and the Governor or designated Tribal Official and must be notarized. This information is added to the current enrollment list and kept on file.

6. DUAL ENROLLMENT:

Dual enrollment exists when a person is actually enrolled in two tribes at the same time. The Pueblo of San Ildefonso specifically prohibits dual enrollment. An individual who is currently enrolled in another tribe is not eligible for membership in San Ildefonso Pueblo.

The Pueblo of San Ildefonso may deny membership to an individual whose name appears as an enrollee on the current enrollment list of another tribe. In cases where a person's enrollment status is uncertain, the Enrollment Clerk may request written verification from another tribe to determine if the person is or is not enrolled with that tribe. If it is determined that the person is enrolled in two tribes, the individual will be requested to relinquish membership in one of the tribes. It is entirely the individual's choice as to which tribal membership to relinquish.

If the dual enrollee refuses to relinquish membership in either tribe, the Pueblo of San Ildefonso may pursue a disenrollment action. In such a case, the Pueblo of San Ildefonso must prove that the person is a dual enrollee by obtaining written verification of enrollment directly from the other tribe in which the person is enrolled. Disenrollment procedures may then be followed.

7. Disenrollment

Disenrollment is an official action taken by a tribe to remove an individual's name from the membership roll. Accurate records must be kept on file of the disenrollment procedure from beginning to end.

The following are the only grounds for disenrollment:

- A. Dual Enrollment - If a member is found to be enrolled in another tribe and has refused to relinquish membership in either tribe within two (2) weeks after being notified, disenrollment action may be taken.
- B. Enrollment Based on False Information - Disenrollment may be pursued if a person is found to have been enrolled on the basis of false information or error.
- C. Abandonment - See Section 8, page 6.

To provide due process of law, the following procedures shall take place for disenrollment:

NOTICE: Written notice specifying why an individual is going to be disenrolled shall be hand-delivered or sent by certified mail, return receipt requested. The person will be informed that they have a right to explain why they should not be disenrolled and that they have two (2) weeks to schedule a hearing before the Governor and Tribal Council for this purpose. Failure to schedule a hearing within this time period will forfeit their right to a hearing and disenrollment will proceed.

HEARING: With the Governor and Tribal Council quorum present, the

person may explain why he or she should not lose the right to membership or discuss any other relevant issues.

APPEAL: After the hearing, the Governor and Tribal Council will determine if the person should be disenrolled. If such a determination is made, the individual must be notified of their right to appeal the decision in Tribal Court.

OFFICIAL DISENROLLMENT:

If disenrollment is the final determination upon review by the Secretary of the Department of the Interior, the Tribal Council must pass a resolution on the person's official disenrollment which specifies the effective date. The individual who is disenrolled must be sent a hand-delivered or certified letter stating that he or she is no longer a member of the tribe as of the resolution date.

All disenrollment actions must be approved by the Secretary of the Department of the Interior. Disenrollment always requires such approval because it will affect a person's right to share in tribal assets, for which the Secretary of the Department of the Interior is responsible. An individual who is subject to disenrollment may appeal the tribe's action to the Secretary of the Department of the Interior.

8. ABANDONMENT:

Abandonment in San Ildefonso Pueblo membership, is defined as the forsaking of membership by moving away from the Pueblo, not continuing a relationship with the tribe, and not participating in tribal activities for (to be determined by Tribal Council) years. A person who leaves the reservation and stays away for a specified period of years is regarded as having abandoned his or her tribal membership and is subject to disenrollment action. The Pueblo of San Ildefonso must consider whether the abandonment was voluntary or not. In the case of hospitalization or placement in a nursing home, for example, the absence from the reservation can not be avoided.

The burden of proof is on the Pueblo of San Ildefonso to prove abandonment since it involves taking away the right to membership.

All abandonment actions must be approved by the Secretary of the Department of the Interior. Abandonment and subsequent disenrollment always requires such approval because it will affect a person's right to share in tribal assets, for which the Secretary of the Department of the Interior is responsible. An individual may also appeal on abandonment decision to the Secretary of the

Department of the Interior.

Abandonment may have occurred under the following conditions and all conditions must have occurred for abandonment to be considered:

- A. Residency Away from the Pueblo of San Ildefonso for a period of _____ years or more (to be determined by the Tribal Council). The period of residency away from the Pueblo must have been voluntary. Housing issues must also be considered, for example, has the member been disapproved or denied housing on the reservation? If housing is not available to the member on the reservation, they must, out of necessity, seek housing elsewhere. In this case, the residency requirement should not be held against them. Is the member attending college, the armed services or other trailing away from the reservation? If the member is away from the reservation in pursuit of an education, career advancement, or job opportunities not available in the Pueblo area, this should be considered.

The following records may help to establish residency over a period of years:

- Voter Registration
 - Driver's License
 - Vehicle Registration
 - Property Ownership or Rental Records
 - Utility Bills
- B. Maintenance of Continuing Relationship with the Tribe - Issues to be considered include how often and for what purposes does the member have contact with the tribal government, do we have a current address for the member; has the member kept the tribe informed of updated tribal enrollment information; and are relatives who reside on the reservation in regular contact with the member.
- C. Participation in Tribal Activities - Issues to be considered include how often and for what purposes does the member have contact with tribal community members; does the member participate in feast or other annual activities on a regular basis; information may be obtained from family members or relatives who reside in the Pueblo; add what contributions has the member made to the Pueblo or community during the past ___ years (to be determined by Tribal Council).

Procedures in Abandonment Determination. To provide due process of law, the following procedures shall take place for disenrollment:

NOTICE: Notify the individual subject to removal from the enrollment list by certified mail, return receipt requested. The notice from the Governor and Tribal Council should state that:

- The person is subject to removal action;
- The member may request and appear at a hearing or show cause in writing that he or she should not be removed from the roll; and
- The member has thirty {30} days from the time the letter is received to request and appear at the hearing or show cause in writing.

Send the notice to the last known address. Also contact the family members who may know where the person is if the tribe is unsure. In addition, publish the notice in local newspapers and in newspapers in the area where the person was last known to live.

HEARING: Accurate records should be provided as a basis for the disenrollment action. Accurate records must be kept of what is said at the hearing, as well as all correspondence. If the hearing results in a decision to remove a person from the membership roll, approval must be obtained from the Secretary of the Department - of the Interior.

APPEAL: After the hearing, if the tribe makes a determination of abandonment and disenrollment, an individual who is subject to disenrollment may appeal the tribe's action to the Tribal Court and to the Secretary of the Department of the Interior.

If abandonment is the final determination upon review by the Secretary of the Department of the Interior, the Tribal Council must adopt a resolution stating:

- Documentation of all the facts on which the decision was based;
- The date when the membership removal becomes effective; and
- That the individual has been notified of the decision and its effective date.

Enrollment records will be amended to reflect change in the enrollment status of the individual.

9. **ADOPTIONS:**

There are several adoptions with San Ildefonso Pueblo. These individuals have an Enrollment Number from San Ildefonso Pueblo, but they are not listed on the Official Enrollment Roll. The only person who has access to those records, located at the BIA, Northern Pueblos Agency, is the Governor of the Pueblo

The need for confidentiality on adoptions is acknowledged, however, some problems may arise from not having this information documented.

10. **MARRIAGES:**

Required Paperwork:

- A. Marriage Report Form
- B. Copy of the Marriage Certificate

The Enrollment Clerk records and enters the Marriage and combines the couple as a family on the Enrollment Roll. If the Enrollment Clerk does not get a copy of the marriage certificate, any forms submitted to the Governor's office for signature verifying that this individual is married will not be signed by the Governor. A copy of the marriage certificate will be kept on file.

11. **DIVORCES:**

Required Paperwork:

- A. Divorce Report Form
- B. Copy of the Divorce Decree

The Enrollment Clerk records and enters the Divorce on record. A copy of the Divorce Decree will be kept on file.

Divorce records provide information necessary in the enrollment applications of children born to the couple as well as for consideration in housing and other related tribal programs.

12. **HEAD OF HOUSEHOLD**

An individual must be eighteen (18) years of age to be categorized as a Head of household. At the required age, the individual will become its own head of household even though the individual may still live with parents, uncles, grandparents, etc- There may be more than one head of household actually living in one residence.

13. DEATHS

Required Paperwork:

- A. Death Report Form
- B. Copy of the Death Certificate
- C.

The Enrollment Clerk has on file blank State of New Mexico-issued Death Certificates for San Ildefonso Pueblo. These are used in the event of home deaths, such as an elderly. The Certificate can be filled out by the family or the Enrollment Clerk. The Governor signs the acknowledgment of death.

Deceased individuals are removed from the current enrollment records and the enrollment number is not re-issued. A copy of the Death Certificate must be provided by the family to the Enrollment Office for completion of the Death Report. However, if it is not, the Death Report is filled to the best of the Enrollment Clerk's knowledge.

14. CHANGING/CORRECTION BLOOD DEGREE:

Changes in Indian blood degree may be required in two situations.

- A. Mathematical Error: A mathematical error may have resulted in listing of an incorrect blood degree. In this case, the Enrollment Clerk of individual who notices the error must bring it to the attention of the Governor. Once the error has been verified, all persons whose blood degree will be affected by the change shall be notified. A written record must be kept of the blood degree before and after the change as well as an explanation of why the change was made.

The current enrollment list will be amended to reflect the change.

- B. New Information/information Not Previously Provided: There are cases where paternity information was not provided at the time of initial enrollment, however, such information has later been provided and verified, such as through an official Statement of Paternity. Provision of the father's Indian blood degree information will change the blood degree of the child. In these cases, the mother must provide to the Enrollment Office a written request for such a change along with the supporting documentation. The request will be presented to the Governor and Tribal Council for their review and authorization to make the change. The current enrollment

list will be amended to reflect any resulting changes in blood degree and a CIB issued.

15. **AMENDMENTS TO THE PUEBLO OF SAN ILDEFONSO POLICIES AND PROCEDURES:**

To amend any part of the enrollment policy, the same body who established the policy, Tribal Council with community input, must vote to alter or amend and adopt such change through Tribal Council Resolution.

16. SPECIAL CASES:

The Tribal Council retains the power to waive or make exceptions to these policies and procedures when they find that the waiver or exception is in the best interest of the Pueblo of San Ildefonso, and that extraordinary circumstances (which must be specified in writing) are found to exist.

Attachments are not attached to this document.