

Appendix J

Examples of Standard Statements in NAC Appeals

- St. Augustine Mission School. St. Augustine Mission was considered to be a unique situation. Although, Schedule “F” of the Settlement Agreement listed “St. Augustine (“Smoky River)” as a recognized institution, the IRS closed in 1907 and was succeeded by the St. Augustine Mission School, which was operated by the Roman Catholic Church as a private school. Canada did not consider the St. Augustine Mission School to be an IRS, and the supervising Court eventually sided with Canada. All the applicants who claimed the CEP for residing at “St. Augustine” after 1907 received the following decision:

The information provided by the applicant indicates he/she resided at St. Augustine Mission School. However, St. Augustine Mission School is not recognized as an Indian residential school in the period requested on appeal. There is an institution on the list of recognized Indian residential schools named St. Augustine (Smoky River). This institution was an Indian residential school until 1907. From 1907 to 1951, St. Augustine Mission School was operated by the Roman Catholic Church as a private boarding and day school. Former students who resided at the institution during those years are not eligible to receive the CEP.

- Coqualeetza IRS. Canada’s research indicated that Coqualeetza IRS had ceased to be an IRS in 1940 and became the Coqualeetza Indian Hospital in 1941. There was considerable debate among NAC members about whether or not Coqualeetza was a recognized IRS after 1940, or should be recognized as one, because young Indigenous patients with tuberculosis resided there for months or even years, and attended classes during the day. The supervising Court eventually decided that Coqualeetza Indian Hospital did not qualify as an IRS under the Settlement Agreement. Applicants who claimed school years at Coqualeetza IRS after 1940 received the following decision:

Coqualeetza IRS ceased operation in 1940, at the end of the 1939/40 school year. The following September, in 1941, Coqualeetza Indian Hospital was opened. Coqualeetza Indian Hospital is not an eligible

institution under the Indian Residential Schools Settlement Agreement. Coqualeetza IRS ceased operation in 1940 at the end of the 1939/40 school year. All pupils who had been attending Coqualeetza IRS were transferred to other residential schools including St. Michael's IRS and Alberni IRS. Much of the furniture and equipment and some staff were also transferred to Alberni IRS for the 1940/41 school year. In September 1941, Coqualeetza Indian Hospital was opened. Coqualeetza hospital is not an eligible IRS.

- Application from Personal Representative or Estate. When applications from personal representatives for applicants declared mentally incompetent and applications from estate for applicants who died on or after May 30, 2005, INAC would always contact the personal representatives or applicant to seek additional information. When the name of the applicants appeared in Primary Documents, the application could be validated. However, when it was not the case, and no additional information was provided in the appeal file, the NAC denied the appeal and used the following language as applicable:

The applicant did not appear in any primary or ancillary documents in the possession of INAC-Research that could confirm eligibility for [school year] to [school year], or for any additional years, at any known Indian Residential School (IRS). During the initial stages of the Common Experience Payment (CEP), the applicant's representative did not indicate specific school years or a specific IRS in their request for CEP. As a result, INAC-Research performed pre-appeal CEP assessment for the years in which the applicant would have been 4 years of age to 18 years (i.e. [school year] to [school year]) for possible residence at all Indian Residential Schools across Canada. In addition, research was performed on possible name variations based on the name of the applicant's father and father [names researched]. On Appeal, the applicant's representative did not specify the IRS but did specify the years for which CEP is requested ([school year] to [school year]). As a result, INAC-Research conducted a broad search of all IRS records for these school years. While the representative did not indicate whether the applicant was non-Aboriginal, and therefore may not be listed on available primary documents, there was no information submitted that could be used to confirm that the applicant either attended or resided at an IRS.

- Application of CEP Validation Principle 6 to deny appeal. The NAC usually used the following language when CEP Principle 6 applied:

The applicant does not appear in complete Quarterly Returns available for the school years under appeal. Quarterly Returns are lists of all Status Indian students residing at the residential school during a year. They were submitted to the Government of Canada by the administrator of the residential school in order to receive funding. They are considered to be a reliable listing of former residential school students unless there is other information indicating they may not have been accurate. There was no reason provided or ascertained that could explain the absence of the applicant's name from the Quarterly Returns and other school documents in the school years requested on appeal