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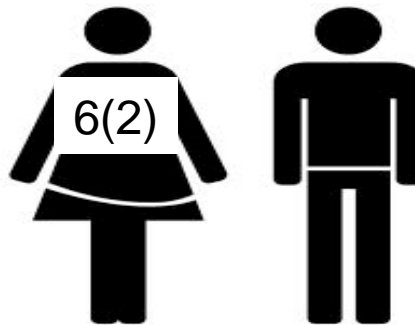
Presentation on the Québec Superior Court  
judgment  
in the case of *Descheneaux and Yantha v.*  
*Canada*  
(under appeal)

Ottawa  
7 December 2015

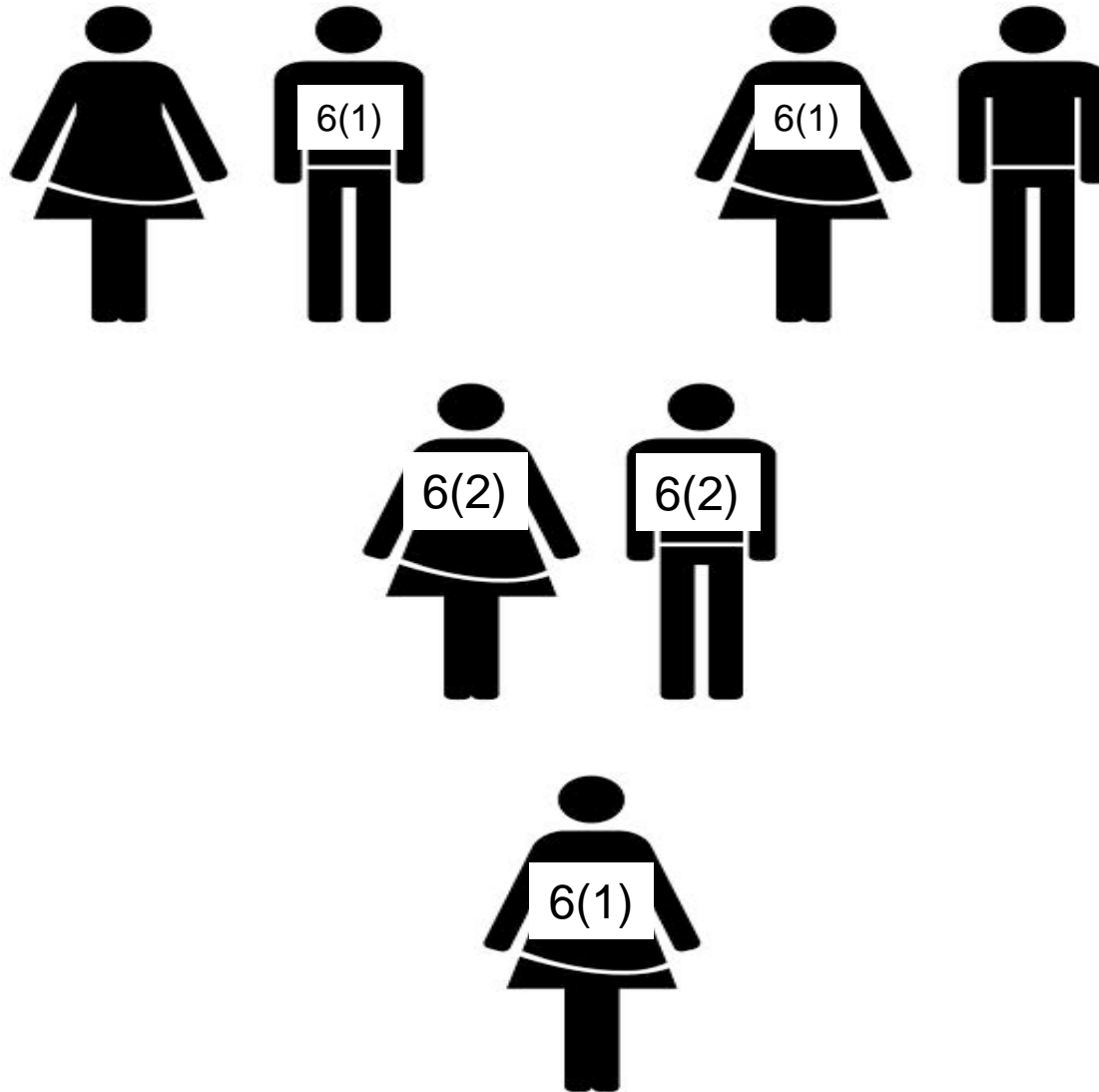
# PASSING ON STATUS UNDER THE *INDIAN ACT* SINCE 1985

<p>6(1) + 6(1) parents ↓ 6(1) child</p>		<p>6(1) + 6(2) parents ↓ 6(1) child</p>
	<p>6(1) + non-status parent ↓ 6(2) child</p>	
<p>6(2) + 6(2) parents ↓ 6(1) child</p>		<p>6(2) + non-status parent ↓ non-status child</p>

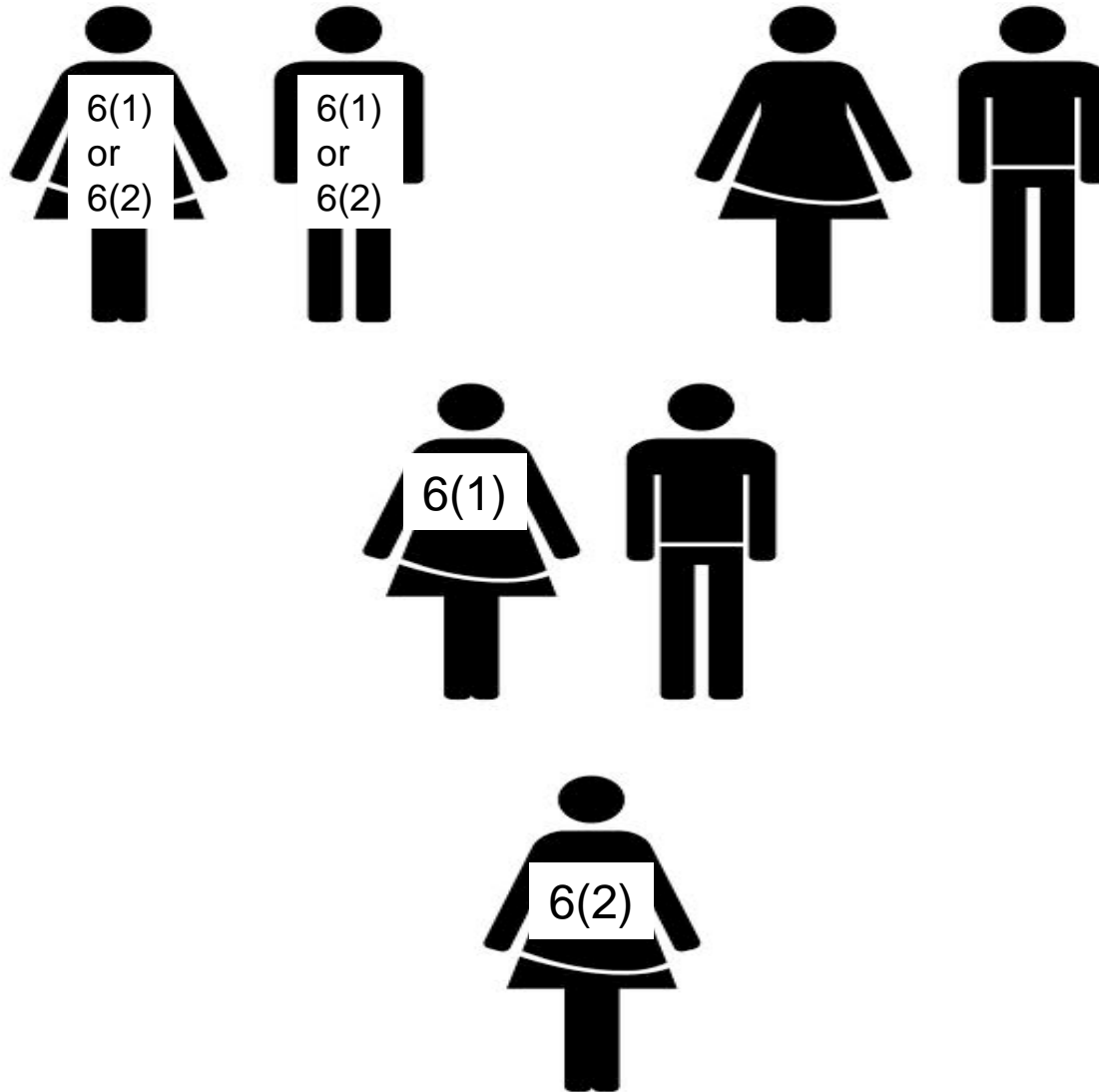
# The second generation cut-off



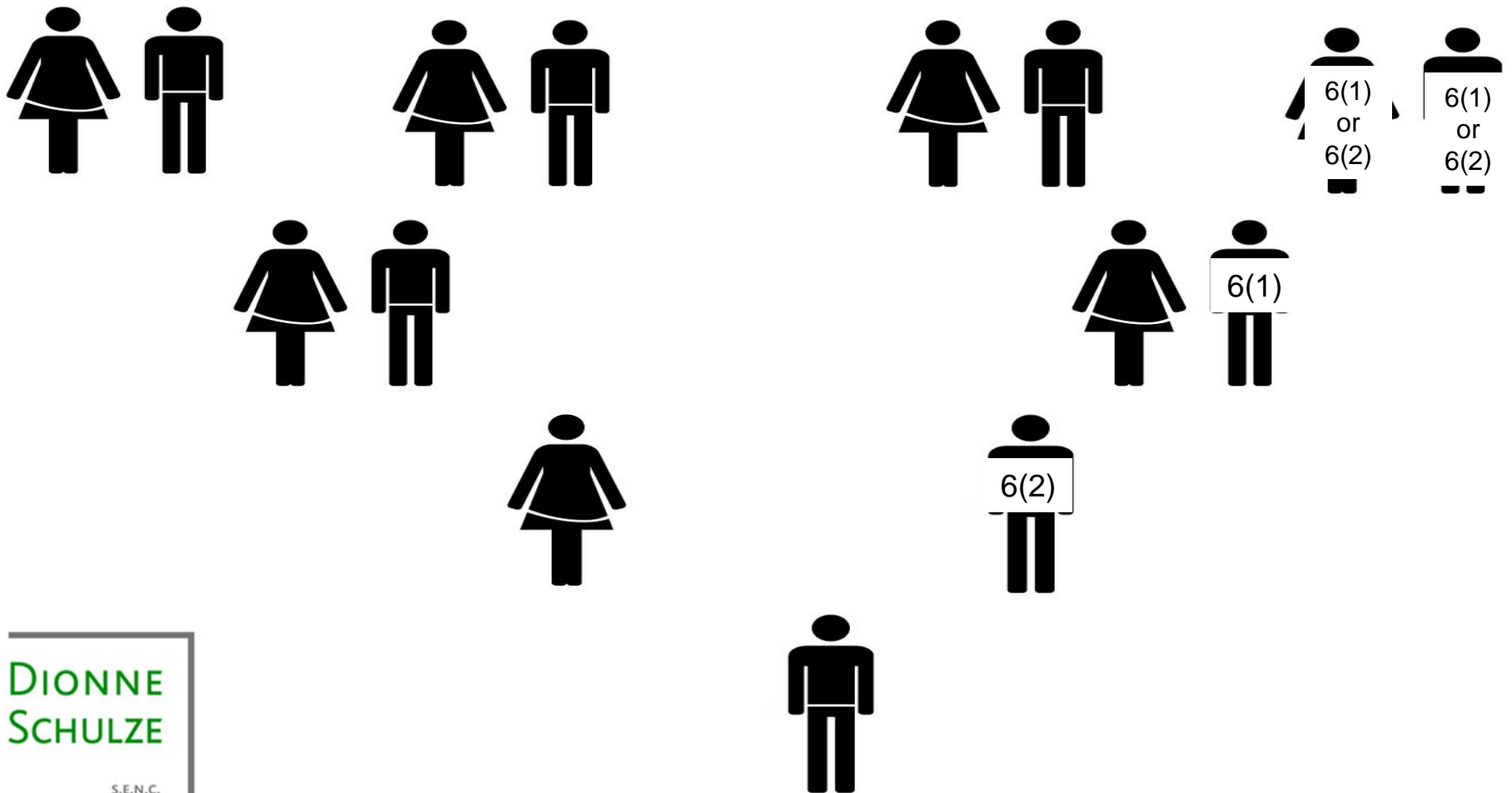
# The 2 status grandparent requirement: Scenario A



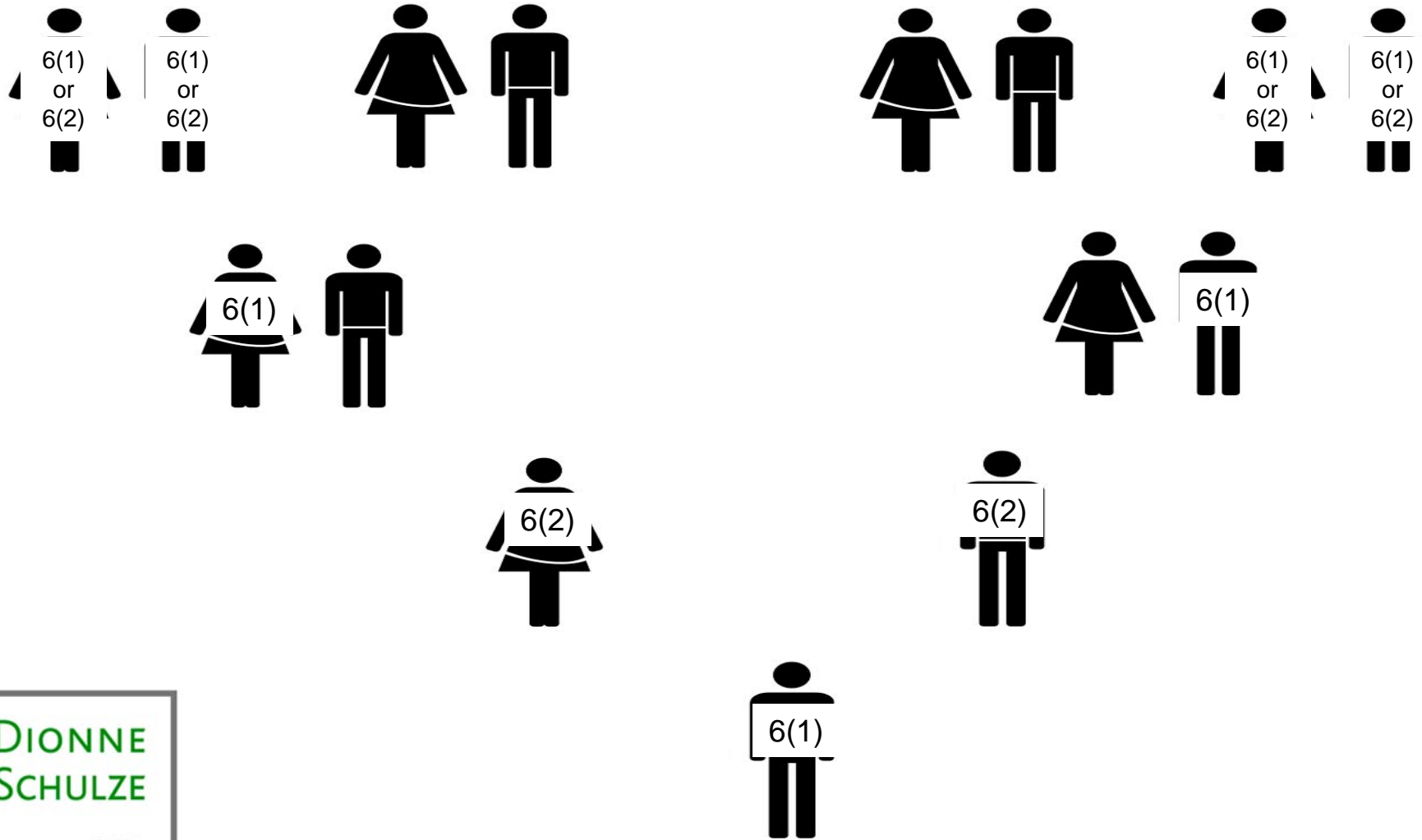
# The 2 status grandparent requirement: Scenario B



Long-term view of the 2<sup>nd</sup> generation cut-off:  
The 50% blood quantum – No status with only two status  
great-grandparents (1/4)

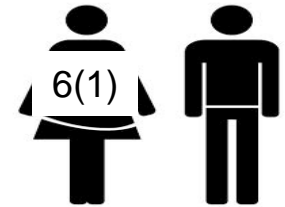


# The 50% blood quantum, another view: Status is possible with 4 status great-grandparents (1/2)



# Treatment of women who regained their status in 1985 and their descendants

*Grandmother:*  
No status  
between  
marriage and  
the 1985 Act



*Mother:*  
6(2) status  
between  
1985 and  
the 2010 Act

*Grandchild:*  
No status  
before the  
2010 Act



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## Effect of C-31 on brother and sister who married non-Indians before 1985



Gilles O'Bomsawin  
Brother's sons marry non-  
Indians before 1985 –  
grandchildren had status at  
birth



Claire O'Bomsawin  
Sister's children parent  
with non-Indians –  
grandchildren had no  
status before 2010

Third Session, Fortieth Parliament,  
59 Elizabeth II, 2010

Troisième session, quarantième législature,  
59 Elizabeth II, 2010

## STATUTES OF CANADA 2010

### CHAPTER 18

An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (Registrar of Indian and Northern Affairs)



Loi favorisant l'équité entre les sexes relativement à l'inscription au registre des Indiens en donnant suite à la décision de la Cour d'appel de la Colombie-Britannique dans l'affaire *McIvor v. Canada* (Registrar of Indian and Northern Affairs)

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**ASSENTED TO**

15th DECEMBER, 2010

BILL C-3

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**SANCTIONNÉE**

LE 15 DÉCEMBRE 2010

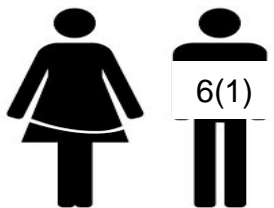
PROJET DE LOI C-3

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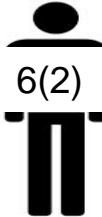
# The effect of repealing the double-mother rule in 1985 according to the Government of Canada

*Grandmother:*  
6(1) by  
marriage



*Mother:*  
Married or  
common law  
union formed  
after 1985

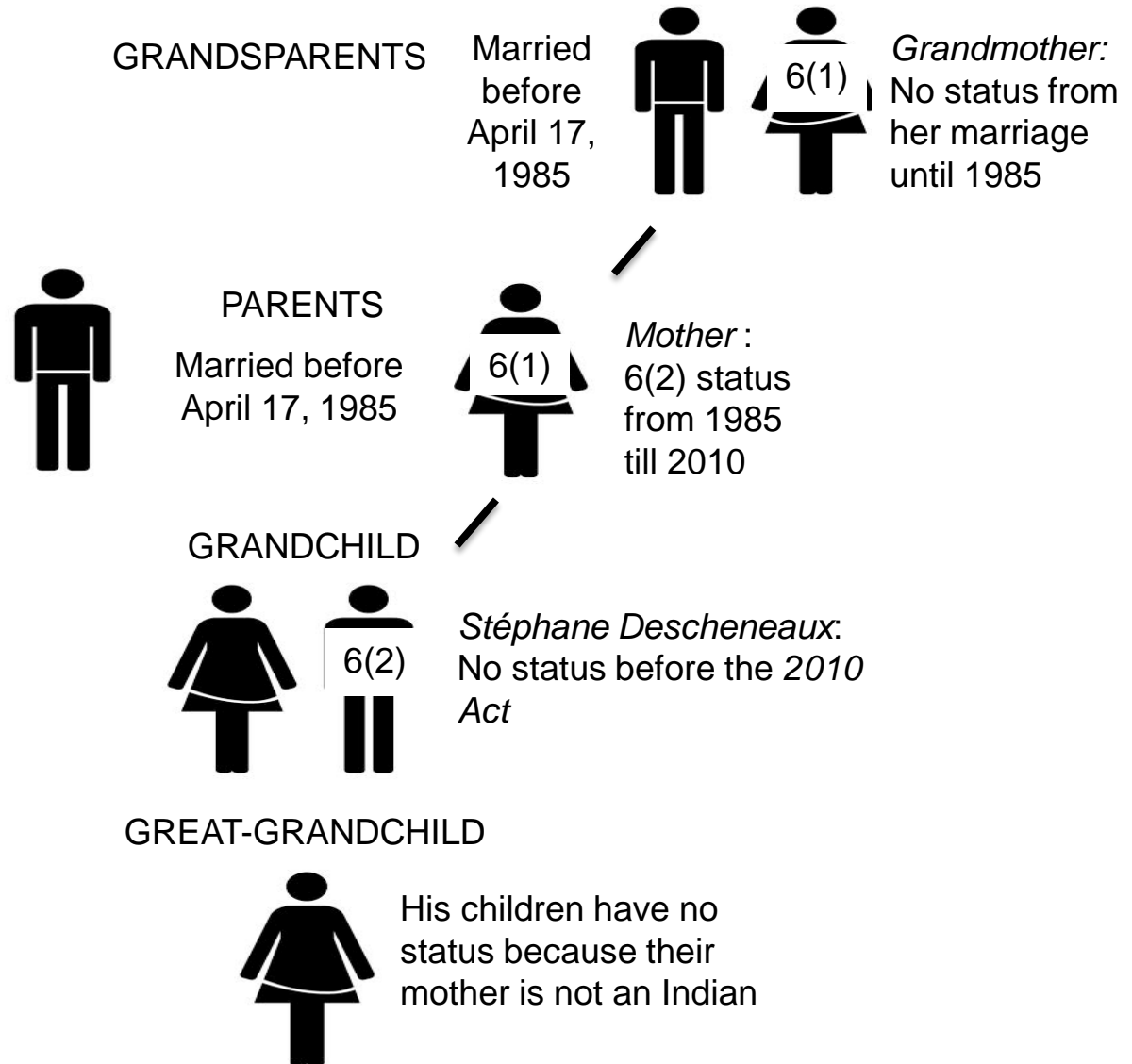


 *Cousin who would have  
been affected by the  
double-mother rule: Born  
after September 4, 1951,  
he would have lost status  
at age 21*

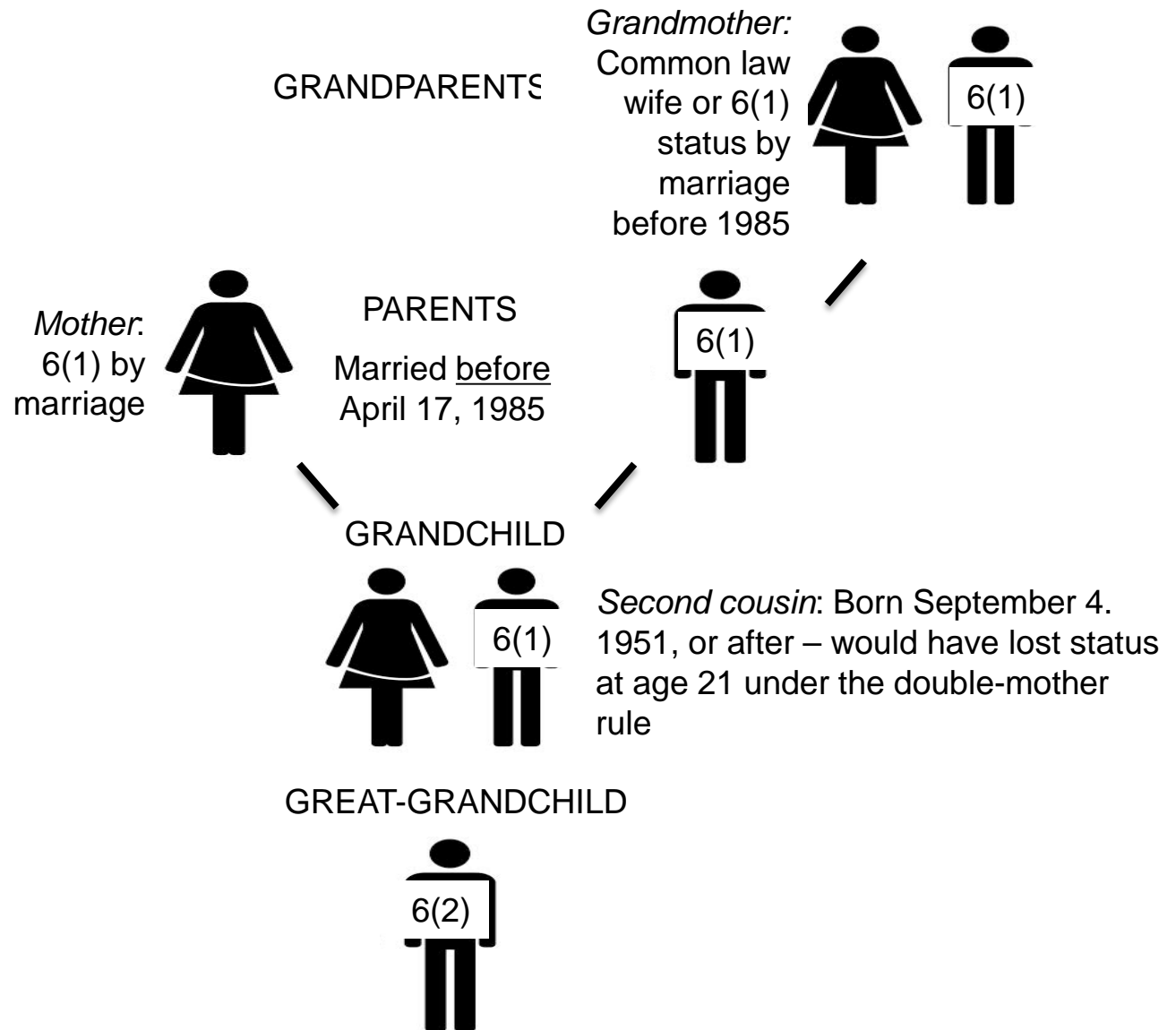
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# The case of Stéphane Descheneaux whose grandmother married a non-Indian before 1985



# The case of a second cousin whose grandfather married a non-Indian before 1985



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Father to a 6(1) son and a 6(2) daughter by the same mother



Chief Rick O'Bomsawin



Angie-Pepper O'Bomsawin

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# Susan Yantha compared to a brother from the same parents

