



DEREGISTRATION

What is deregistration?

Deregistration is the act of removing the name of a registered individual, at their request, from the Indian Register and from the band list maintained in the Department (if applicable). Once a person is deregistered, that person loses access to services and benefits that come with Indian status. Yet, their entitlement to registration would continue to exist.

Individuals belonging to Section 11 First Nations are removed from the band lists at the time of deregistration. Section 10 bands under self-government type agreements would decide what happens as a result of de-registration.

Deregistration is not the same as enfranchisement.

Deregistration involves an individual requesting to have only their name removed from the Indian register. At the same time, that individual would keep their entitlement to being registered without impacting subsequent generations.

Enfranchisement was the process of removing from an individual their entitlement to Indian registration. It affected the entitlement of all subsequent generations.

There is currently no provision in the *Indian Act* to remove a person, who is entitled to be registered as an Indian, and who wishes to be removed from the Indian Register. The 1985 Bill C-31 *Indian Act*

amendments struck out the means to remove someone from the Indian Register, who is entitled under the *Indian Act*. The Registrar can only remove someone who is not eligible for registration, regardless of the reason for wanting to deregister.

Why is deregistration an important issue?

Since 1985, many individuals have expressed a desire to be removed from the Indian Register for a number of reasons, including:

- individuals who want to enroll in American Indian Tribes (who may not allow Canadian status Indians to enroll);
- individuals who want to identify or register as a Métis person; or
- individuals who simply no longer wish to be recognized on the federal Indian Register.

The *Peavine-Cunningham* Supreme Court decision ruled that members of the Métis Settlements cannot hold Indian status if they wish to keep their Métis status under the provincial legislation in Alberta. Some other Métis groups and American Tribes have changed their membership definitions and rules to keep out those people who are registered as Indians under the *Indian Act*.