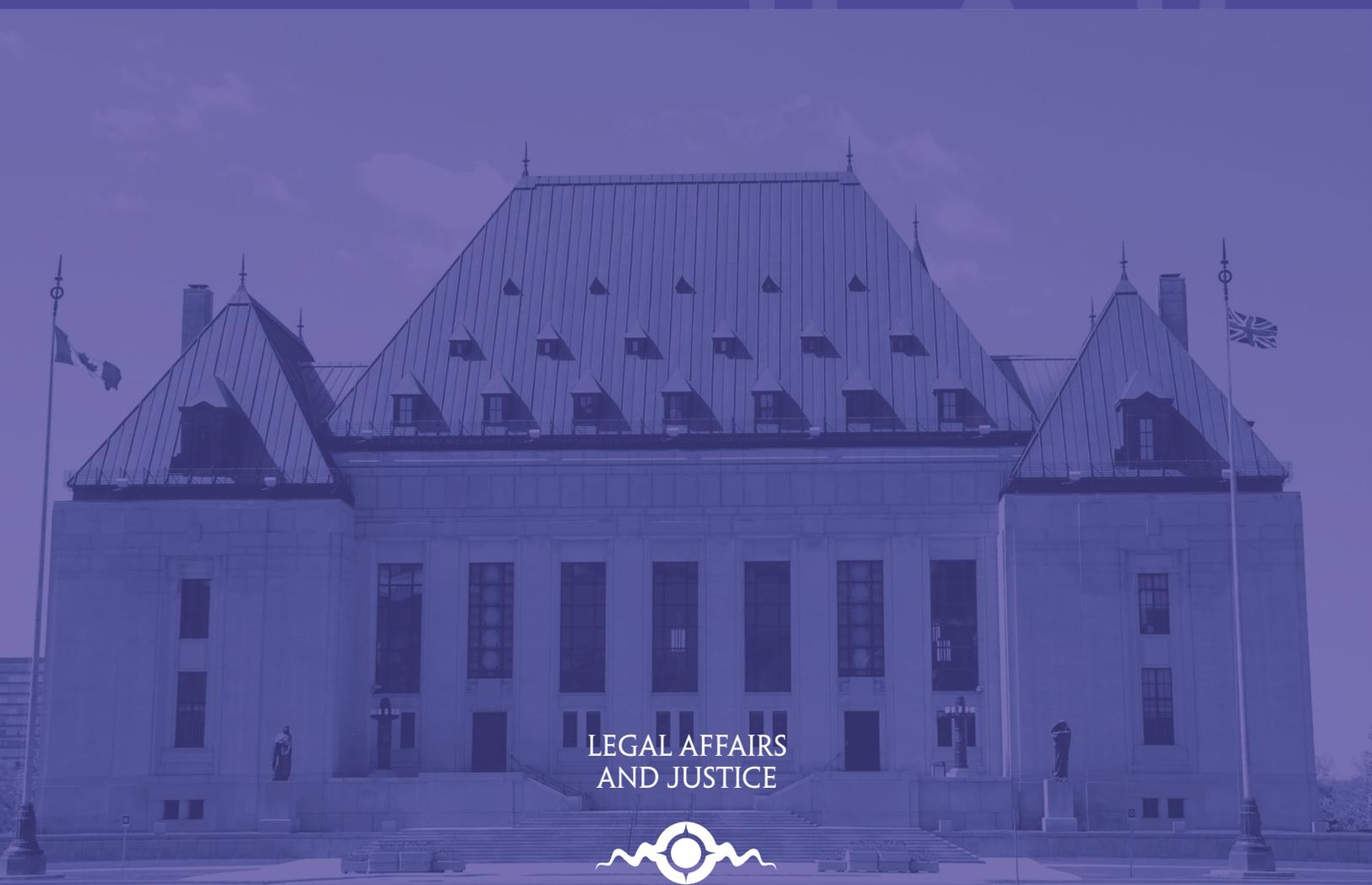
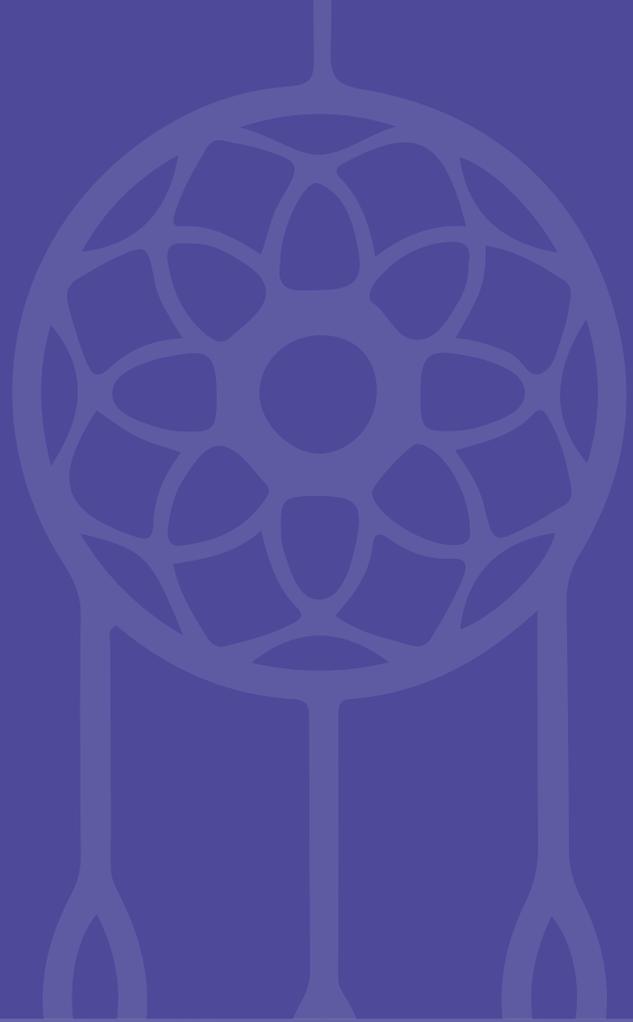




DEMOGRAPHIC IMPACTS OF THE INDIAN ACT



LEGAL AFFAIRS
AND JUSTICE

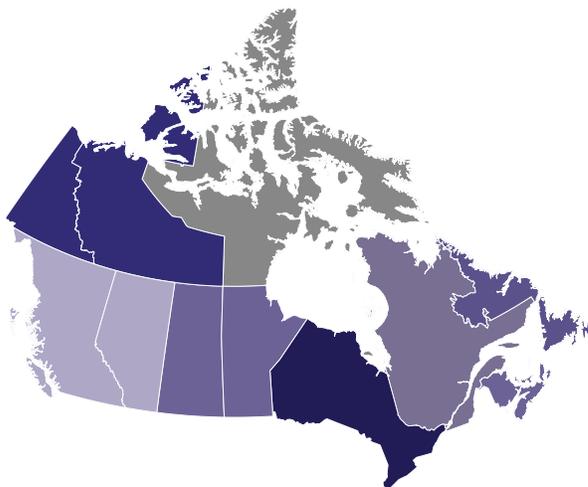




DEMOGRAPHIC IMPACTS OF THE INDIAN ACT

Demographic Impacts of the Indian Act

As of March 2018, the total registered Indian population was 990,445 (502,953 women /487,482 men). Of that population, approximately 510,430 people live on-reserve and 480,005 people live off-reserve.



Alberta – 128,814
British Columbia – 147,124
Manitoba – 159,452
New Brunswick – 16,161
Newfoundland – 30,637
Northwest Territories – 19,444
Nova Scotia – 17,397
Ontario – 213,717
Prince Edward Island- 1,348
Quebec- 89,196
Saskatchewan – 157,670
Yukon – 9,475

2018 Registered Indian Population by Province

Source: Based on analysis of data from the March 2018 Indian Register

Previous Demographic Impacts from Legislative Amendments to the *Indian Act*

Since 1985, First Nation women have legally challenged sex based discrimination in the Indian Act. As a result, there has been three major overhauls of the Indian registration provisions under the Act. The 1985 Bill C-31 amendments to the *Indian Act* resulted in an increase of 174,500 people entitled to Indian registration. It happened in the period from 1985 to 1999. Most of this growth took place through reinstatements and new registrations (106,781) as well as children born since the passing of Bill C-31 who would have not qualified under previous Acts (59,798). The 2011 Bill C-3 amendments to the *Indian Act* resulted in more than 37,000 newly entitled individuals registered from 2011 to 2017. These people would have not qualified under previous Acts.

Immediate Impacts of Bill S-3 – Cousins, Siblings, and Omitted Minors Remedies

Based on the information received from the Indian Register in July 2016, Bill S-3 amendments to the Indian Act are expected to increase entitlement to Indian registration by 28,970 people. The majority of this increase comes from the cousins remedy (25,588), followed by the

siblings remedy (2,905) and omitted minors (477). It is expected that 4,557 individuals entitled to registration under section 6(2) will become entitled under section 6(1).

This increase in entitlement to Indian status will also apply to band membership. Of the estimated 28,961 newly entitled people, 17,260 people would be entitled to membership under Section 11 bands. In addition, they will automatically become band members when they are registered under the Indian Act. The remaining 10,533 people would be affiliated with Section 10 bands. If they qualify under the individual band membership codes, they could receive membership by application. The remaining 1,168 people would be connected to bands under self-government legislation, or they would appear on the general lists (not affiliated with a band).

IMMEDIATE IMPACTS OF BILL S-3 EXCLUDING UNSTATED PATERNITY		
On Reserve	Off Reserve	Total Entitled
689	28,282	28,961

Source: Based on analysis of data from the July 2016 Indian Register



DEMOGRAPHIC IMPACTS OF THE INDIAN ACT

Delayed Impacts of Bill S-3 – Removing the 1951 Cut-Off

The amendments that will see the removal the 1951 cut-off¹ from the Indian Act has been delayed. The 1951 cut-off was added to the Indian Act in 2011 as a result of the Bill C-3. Section 6(1)(c.1) states that, for an individual to be registered as an Indian, they must have had a child or adopted a child on or after September 4, 1951 and have a mother who lost entitlement due to a marriage to a non-Indian man. During the Collaborative Process, the Government will be consulting on the best ways to remove the 1951 cut-off. When this process is finished, an implementation plan will be prepared. Then a different process will begin to bring this amendment into force.

It is very difficult to find out how many people will be affected by the removal of the 1951 cut-off, because there is no data available that can help to identify that number. The Indian Register was introduced in 1951. As such, approximate estimates of the people affected by this amendments can only be made by using the number of people who reported to have Indigenous ancestry from the 2016 Census of Canada.

It is estimated that between 750,000 and 1.3 million individuals in Canada could be entitled to registration under Bill S-3. This projection is based on the number of individuals who self-reported as having North American Indian ancestry or identity on the 2016 Census. These numbers do not show how many individuals would eventually apply for Indian registration. It is also likely that they over-estimate the number of individuals who would become registered. According to the Parliamentary Budget Officer's (PBO) report on the demographic impacts of delayed amendments to the Indian Act, 270,000 individuals could become registered.²

¹ For more information on the delayed amendments to the Indian Act regarding the 1951 cut-off:
<https://www.aadnc-aandc.gc.ca/eng/1467214955663/1467214979755#chp4>

² http://www.pbo-dpb.gc.ca/web/default/files/Documents/Reports/2017/Bill%20S-3/Bill%20S-3_EN.pdf