



WHAT DOES IT MEAN TO BE REGISTERED AS A 6(1) OR 6(2)?

LEGAL AFFAIRS
AND JUSTICE





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What does it mean to be registered as a 6(1) or 6(2)?

Section 6 – Indian Act

- Section 6 of the *Indian Act* explains how a person can be registered under the *Indian Act*.
- The federal government has the sole authority, using the Indian Registrar, to decide who has the right to be registered as a status Indian. The collaborative process is aimed at transferring authority for register more citizens to First Nations.
- Persons, who are registered with Indian status, can use services and benefits that are offered by federal departments. Registration is divided into two main categories, which are known as sections 6(1) and 6(2). This being said, people who are registered under sections 6(1) or 6(2) have exactly the same access to services and benefits. However, their ability to pass Indian status to their children is not the same. It depends on whether a parent is registered under section 6(1) or section 6(2).
- If a person, who is registered under section 6(1), has a child with someone without Indian status, their children will have a right to register under 6(2). Please consult Chart 1 for more information on this topic. If a person, who is registered under section 6(2), has a child with a non-Indian person, then their children will not have a right to registration either under 6(1) or 6(2). Please refer to Chart 2.
- A person loses their right to Indian registration under the *Indian Act* after two consecutive generations of parenting with a person who is not entitled to registration themselves (non-Indian). This circumstance is known as "the second generation cut-off". It was introduced in the 1985 amendments to Bill C-31. Please consult Chart 5.
- A person may be registered under section 6(1) if both of their parents are, or were, registered, or entitled to be registered. There are 14 categories under section 6(1) that show how someone is entitled for registration.

What makes section 6 an important issue?

- Some people wrongly believe that one category of registration gives better benefits than other categories. People may feel that way because sections 6(1) and 6(2) created different categories of people who have a right to registration under these sections. For example, after the 1985 amendments, many women were given their status back using section 6(1)(c). These women were labeled and treated differently (they were often treated worse) than people who had a right to registration under section 6(1)(a). It doesn't matter if a person is registered under 6(1)(a) or 6(1)(c) or section 6(2) – everyone has the same access to government services and benefits. Yet, despite that equal access to such services, some people mistakenly think that if a person is registered under 6(1)(a), that section gives him or her access better benefits.
- Those First Nations that set their own membership rules have different membership criteria for new members. These First Nations also determine some of the rights and membership rules associated with membership.



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How does entitlement to Indian registration work after 1985?

These diagrams show different parenting scenarios and how those individuals would be registered:

Chart 1

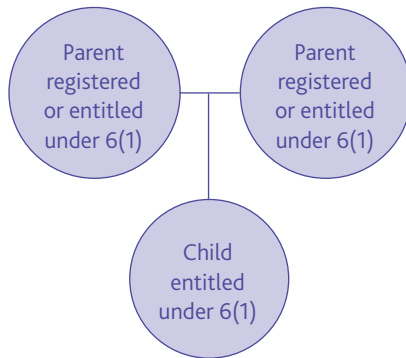


Chart 2

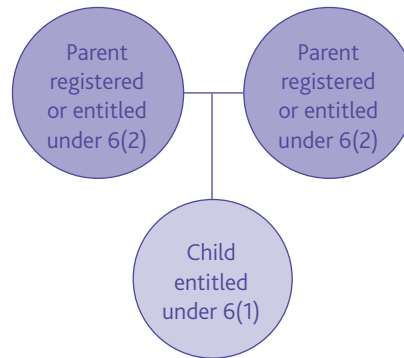


Chart 3

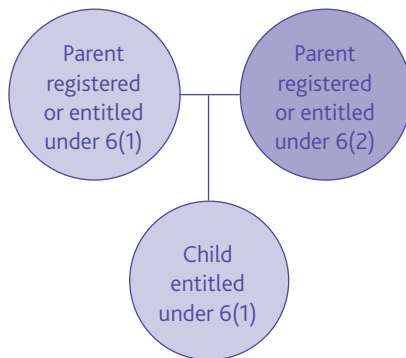
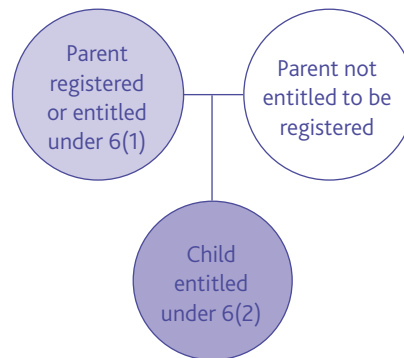


Chart 4



2nd generation cut-off

Chart 5

