



THE GOVERNMENT'S ROLE IN DECIDING INDIAN STATUS AND BAND MEMBERSHIP

LEGAL AFFAIRS
AND JUSTICE





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The Continued role of the Federal Government in Determining Indian Status and Band Membership

What is Canada's current role?

The Government of Canada keeps the record of who has federal Indian status. Federal Indian status is decided through the application of sections 6(1) and 6(2) of the *Indian Act*. Status Indians have access to certain entitlements and programs, such as: tax exemptions for income earned on-reserve and for federal sales tax; access to non-insured health benefits; access to post-secondary education funding. It is also linked to Treaty rights, and to Aboriginal rights.

The purpose of Indian registration is to let the Government clearly identify who is entitled to federal programs and funding.

Indian Register

The Federal Government's official record of all status Indians is called the Indian Register. The Indian Registrar is responsible for keeping a list of all individuals with Indian Status, as well as new registrations resulting from births, adoptions, etc. Registered Indians have certain rights and benefits, which are not available to non-status Indians, or to other Canadians.

If you do not currently have status, you can apply for one under the *Indian Act*. Successful applicants will be added to the Indian Register.

Processing Applications

The Government of Canada is responsible for processing applications for Indian registration. It is done through the authority of the Indian Registrar. Applications are assessed by the National Processing Unit in Ottawa or the Processing Unit in Winnipeg, Manitoba. The Winnipeg office is responsible for processing Bill S-3 applications and formerly Bill C-3 applications. Regional Offices across the country are responsible for registration of applicants born after April 17, 1985, who have one parent registered under section 6(1) of the *Indian Act*. They are also responsible for cases where both parents are registered under section 6 of the *Indian Act*.

Section 10 and 11 Band Lists

The Indian Registrar holds band lists under section 11 of the *Indian Act*. In addition, it currently controls the band lists for 352 First Nation communities. Bands also have the option of regulating their own membership under section 10 of the *Indian Act*.

They can get control over their band list through an application and creation of a membership code or rules. These must be approved by the Minister, as noted in the *Indian Act*. Find out more by reading the First Nations' Authorities to Determine Band Membership Fact Sheet.

The Government's new role in deciding Indian status and band membership

On August 28, 2017, the Government of Canada announced the creation of two departments:

- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
- Indigenous Services Canada (ISC)

These departments replace the Department of Indigenous and Northern Affairs Canada. This change was described as a step towards ending the *Indian Act*. The mandates of these departments intended to speed up self-government and self-determination agreements based on new policies, laws and operational practices. Canada hopes to tear down the outdated and oppressive structure that supported the *Indian Act*. Canada hopes to replace it with in a true Nation-to-Nation relationship, which is based on recognition and respect for the right to self-determination. This will require complete reform of many policies. It will involve discussions on many issues, including urban groups, treaties, and land agreements, in addition to defining who is and is not an Indian.

The *Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship* will inform these issues. It will be done through consultation, as well as with discussions, around how First Nations will exercise their responsibility for creating the rules that set out the identity of their members or citizens.