



INDIAN ACT & CITIZENSHIP BRIEFING

Anishinabek Nation Grand Council Assembly 2024

For over 30 years, Indigenous peoples have challenged sex discrimination in the Indian Act through the courts. Now, there are two ongoing processes to address this long-standing issue:

- The first is Bill C-38, which is back on the legislative agenda, which aims to fix inequities related to enfranchisement.
- Simultaneously, a separate consultation process has begun to allow rights-holders to consider options for overall changes to address sex discrimination in the Act.

BILL C-38: ADDRESSING ENFRANCHISEMENT INEQUITIES

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Key Provisions of C-38

- Ensure equal treatment for those with a family history of enfranchisement
- Enable deregistration for those who wish to remove their names from the Indian Register
- Allow women transferred to their husbands' band to reaffiliate with their natal band
- Remove outdated references to "mentally incompetent Indians"

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Concerns Raised

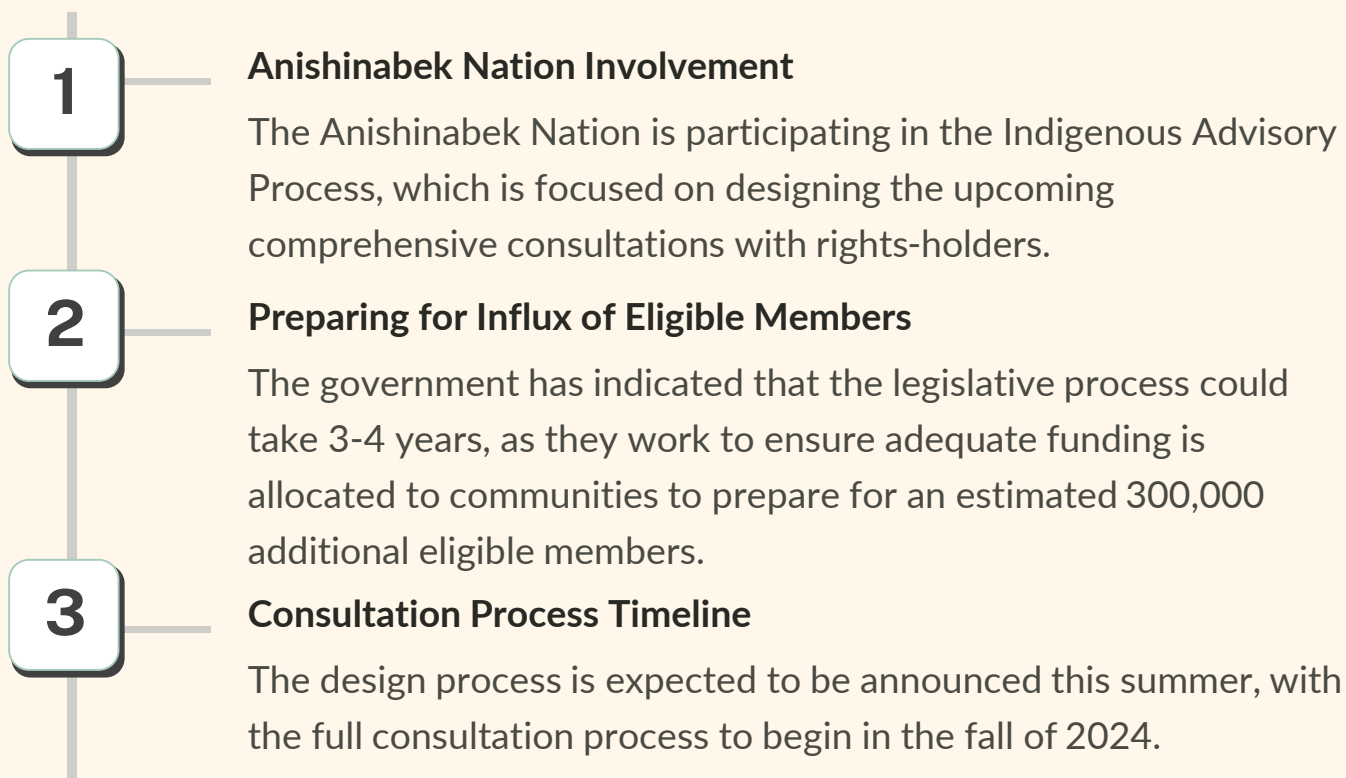
The NDP Indigenous Critic has objected to the bill in its current form, citing the need to remove the bar to compensation for discrimination based on these Indian Act provisions.

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Next Steps

The bill is now back on the legislative agenda, and the government must address the concerns raised to ensure the bill can proceed expeditiously.

COLLABORATIVE PROCESS ON SECOND-GENERATION CUT-OFF



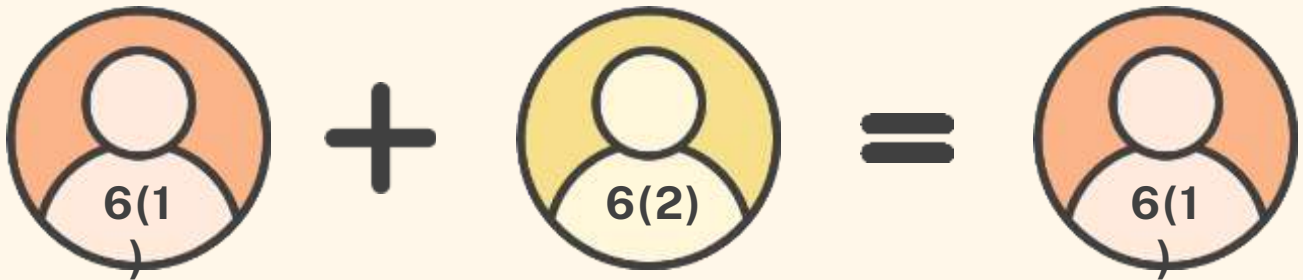
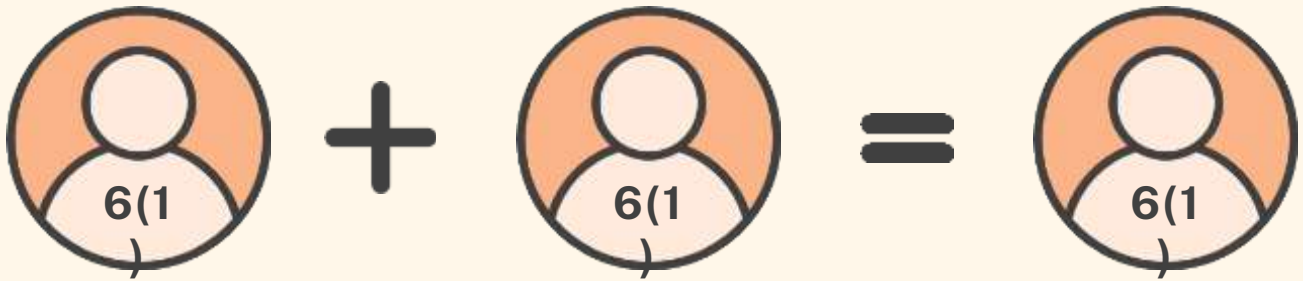
PROMOTING ANISHINABEK CITIZENSHIP

Anishinabek Nation Citizenship Law

This is why work on revitalizing the Anishinabek Nation Citizenship Law is so important. With these developments from Canada, we hope to advocate for full First Nations control of First Nations citizenship. It is also incredibly relevant when discussing the conflict with the Metis Nation of Ontario, where there are those registered among their number that rightfully would belong to a First Nation.

The Anishinabek Nation has a mandate from the Chiefs-in-Assembly to expand their Citizenship Law, E'Dbendaagzijig Naaknigewin, to address topics like gender roles, adoption, birthing, death, marriage, doodem belonging, family composition, intertribal transfers, and cross-border recognition.

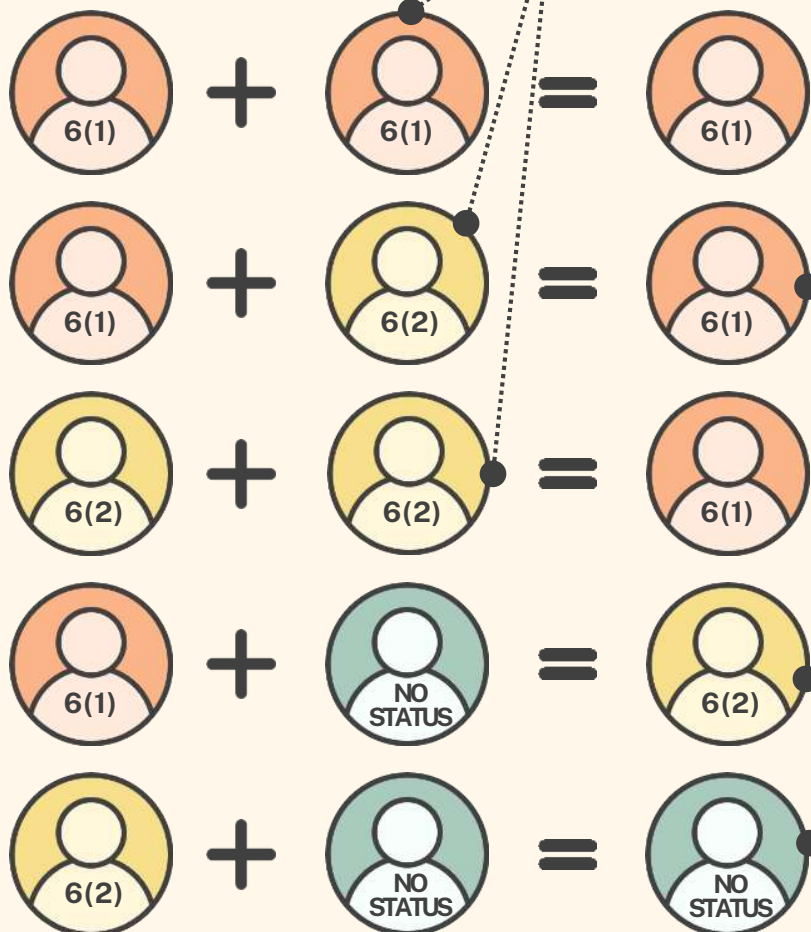
HOW DOES INDIAN ACT STATUS WORK CURRENTLY?



A CLOSER LOOK AT INDIAN ACT STATUS

IN GENERAL

If there are two status parents, the child will be status.



6(1) HALF MEASURES

There are many sections in 6(1) that cover a variety of circumstances. Bills C-3 and S-3 to address sex discrimination give opportunity for some individuals to challenge their 6(2) status to become 6(1). But this takes time and resources, and at times 2-4 years.

SECOND GENERATION

A child born after 1985 to a 6(1) and No Status Parents become 6(2) and are unable to pass status to their children unilaterally.

REFORM

- The second-generation cut-off prevents many First Nations people with status under the Indian Act from passing entitlement on to their children and grandchildren simply because of the person with whom they chose to parent.
- There are other unknowns that need to be addressed in either legislation or by the communities themselves, including gender roles, adoption, birthing, death, marriage, family composition, inter-nation (e.g. Inuit partners) registrations, intertribal transfers, and cross border recognition issues.

AN CITIZENSHIP LAW E'DBENDAAGZJIG NAAKNIGEWIN

In draft, approved at the Anishinabek Nation Grand Council Assembly, available for Anishinabek First Nations to utilize.

3. A person is entitled to be an Anishinabek Nation citizen provided that the person:

- (a) can trace their desendancy through at least one parent to the original people of an Anishinabek First Nation; or
- (b) has at least one parent who is a member currently registered with an Anishinabek First Nation; or
- (c) the person can trace their desendancy through at least one parent to a status Indian who is registered or entitled to be registered with an Anishinabek First Nation.

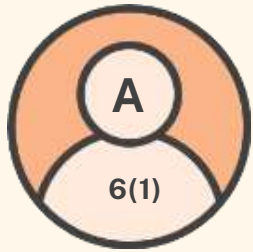


AKA THE ONE PARENT RULE

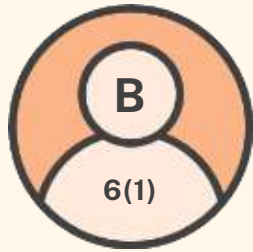
Any one parent who can trace their Anishinabek lineage can pass Anishinabek Citizenship.

DETAILED OVERVIEW OF DIFFERENT 6(1) ENTITLEMENTS

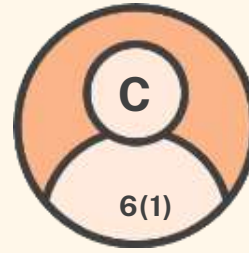
6(1) ENTITLEMENTS



Entitlement of person who was registered or entitled to be registered on or before April 17, 1985

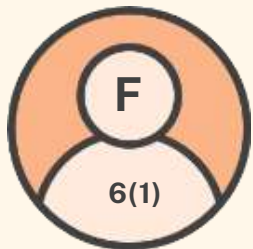


Entitlement for individuals who are members of a group declared to be a band after April 17, 1985



Reinstatement of individuals whose names were omitted or deleted from the Indian Register, or a band list prior to September 4, 1951 :

because of: the "double mother" provision the person was a woman who married a non-Indian the person is a child omitted or removed due to their mother marrying a non-Indian he person was removed by protest due to being the illegitimate child of a man who was not an Indian and a woman who was an Indian



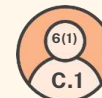
Entitlement for children with both parents entitled to registration



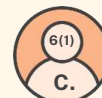
Amending the status of children whose parent was an enfranchised minor child



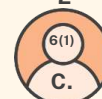
Amending the status of children whose parent was enfranchised because of the "double mother rule" and amending the status of children of an Indian grandmother who parented out of wedlock with a non-Indian



Amending the status of children whose mother lost status due to marrying a non-Indian man



Amending the status for children whose parent is registered under 6(1)(c.1)



Amending the status of children born female to Indian men out of wedlock



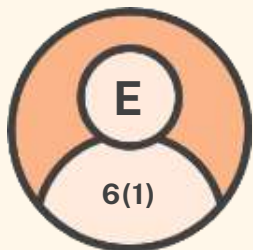
Entitlement for children with a parent entitled under 6(1)(c.2) or (c.3)



Entitlement for grandchildren whose grandmother is entitled under 6(1)(c.3) and a parent is entitled under 6(1)(c.4)

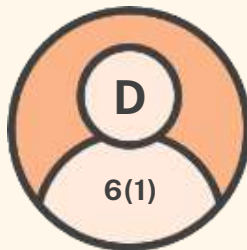


Entitlement for a child whose parent is entitled under 6(1)(c.02) and grandparent was removed by protest due to being the illegitimate child of a man who was not an Indian and a woman who was an Indian



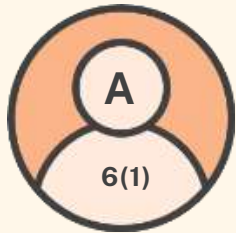
Reinstatement for an individual that was enfranchised

Prior to September 4, 1951 for reasons of living abroad for 5 or more years without the consent of the Superintendent General or becoming ministers, doctors, lawyers ("professionals": only until 1920)

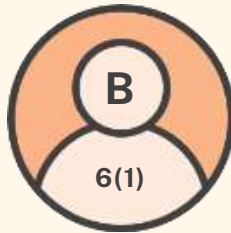


Reinstatement for an individual who was enfranchised by voluntary application prior to April 17, 1985

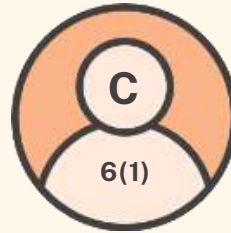
CLOSER LOOK AT INDIAN ACT STATUS ENTITLEMENTS



Entitlement of person who was registered or entitled to be registered on or before April 17, 1985



6(1)
6(2)
Entitlement for individuals who are members of a group declared to be a band after April 17, 1985

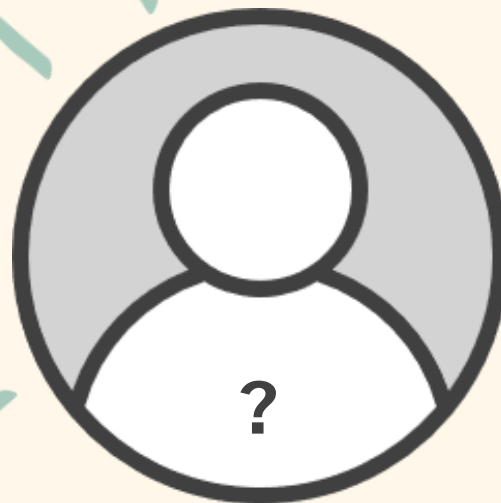


Reinstatement of individuals whose names were omitted or deleted from the Indian Register, or a band list prior to September 4, 1951 : because of the "double mother" provision

the person was a woman who married a non-Indian the person is a child omitted or removed due to their mother marrying a non-Indian he person was removed by protest due to being the illegitimate child of a man who was not an Indian and a woman who was an Indian



Entitlement for children when only one parent is entitled to registration under 6(1) and the other parent is not entitled to registration



c.01 Amending the status of children whose parent was an enfranchised minor child



c.02 Amending the status of children whose parent was enfranchised because of the "double mother rule" and amending the status of children of an Indian grandmother who parented out of wedlock with a non-Indian



6(1)c.1 Amending the status of children whose mother lost status due to marrying a non-Indian man



6(1)c.2 Amending the status for children whose parent is registered under 6(1)(c.1)



6(1)c.3 Amending the status of children born female to Indian men out of wedlock



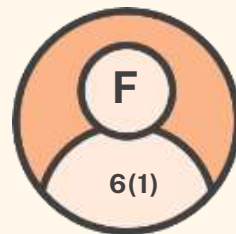
6(1)c.4 Entitlement for children with a parent entitled under 6(1)(c.2) or (c.3)



6(1)c.5 Entitlement for grandchildren whose grandmother is entitled under 6(1)(c.3) and a parent is entitled under 6(1)(c.4)

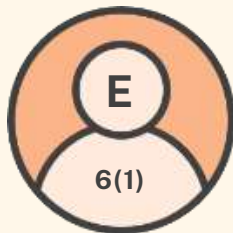


6(1)c.6 Entitlement for a child whose parent is entitled under 6(1)(c.02) and grandparent was removed by protest due to being the illegitimate child of a man who was not an Indian and a woman who was an Indian

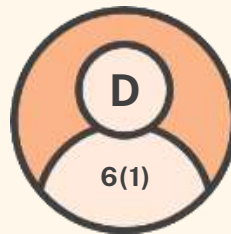


Entitlement for children with both parents entitled to registration

Reinstatement for an individual that was enfranchised prior to September 4, 1951 for reasons of living abroad for 5 or more



years without the consent of the Superintendent General or becoming ministers, doctors, lawyers ("professionals": only until 1920)



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