



The Indian Act

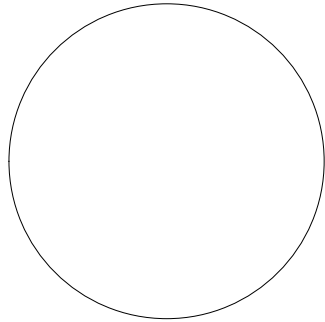
HISTORY, IMPACTS, & AMENDMENTS

Emory Wells
3L Student - Indigenous Community Legal Clinic

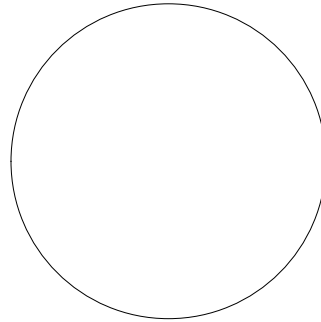


**COURTHOUSE
LIBRARIES | BC**

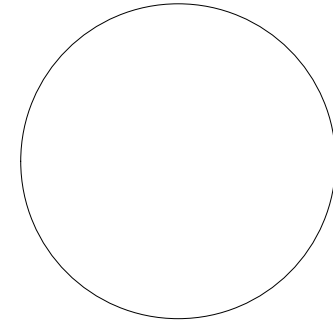
Quick Timeline 1876 - 2020



1876 UNILATERAL CREATION



1951 "DOUBLE MOTHER RULE" & OTHER
MAJOR CHANGES



1960 - 2017
1960 - ABILITY TO VOTE 'GRANTED'
AMENDMENTS - BILL C-31, C-3, S-3

Identity – 261 010 4303



Indian Status Math?

$$\begin{matrix} \text{Person} & + & \text{Person} & = & \text{Person} \\ 6(1) & & 6(1) & & 6(1) \end{matrix}$$

$$\begin{matrix} \text{Person} & + & \text{Person} & = & \text{Person} \\ 6(1) & & 6(2) & & 6(1) \end{matrix}$$

$$\begin{matrix} \text{Person} & + & \text{Person} & = & \text{Person} \\ 6(2) & & 6(2) & & 6(1) \end{matrix}$$

$$\begin{matrix} \text{Person} & + & \text{Person} & = & \text{Person} \\ 6(1) & & \text{None} & & 6(2) \end{matrix}$$

$$\begin{matrix} \text{Person} & + & \text{Person} & = & \text{Person} \\ 6(2) & & \text{None} & & \text{None} \end{matrix}$$

Anishinaabe and English. Born and raised in Winnipeg Manitoba

Paternal

- His mother was originally from Sagkeeng First Nation and later became a member of Brokenhead Ojibway Nation.

- His father was from Whales and spent most of his time in Winnipeg and Selkirk

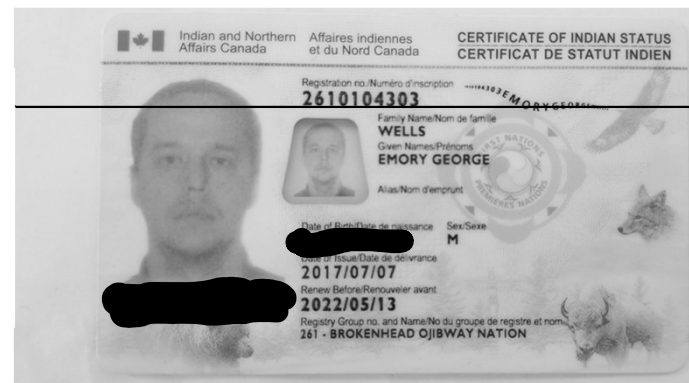
Maternal

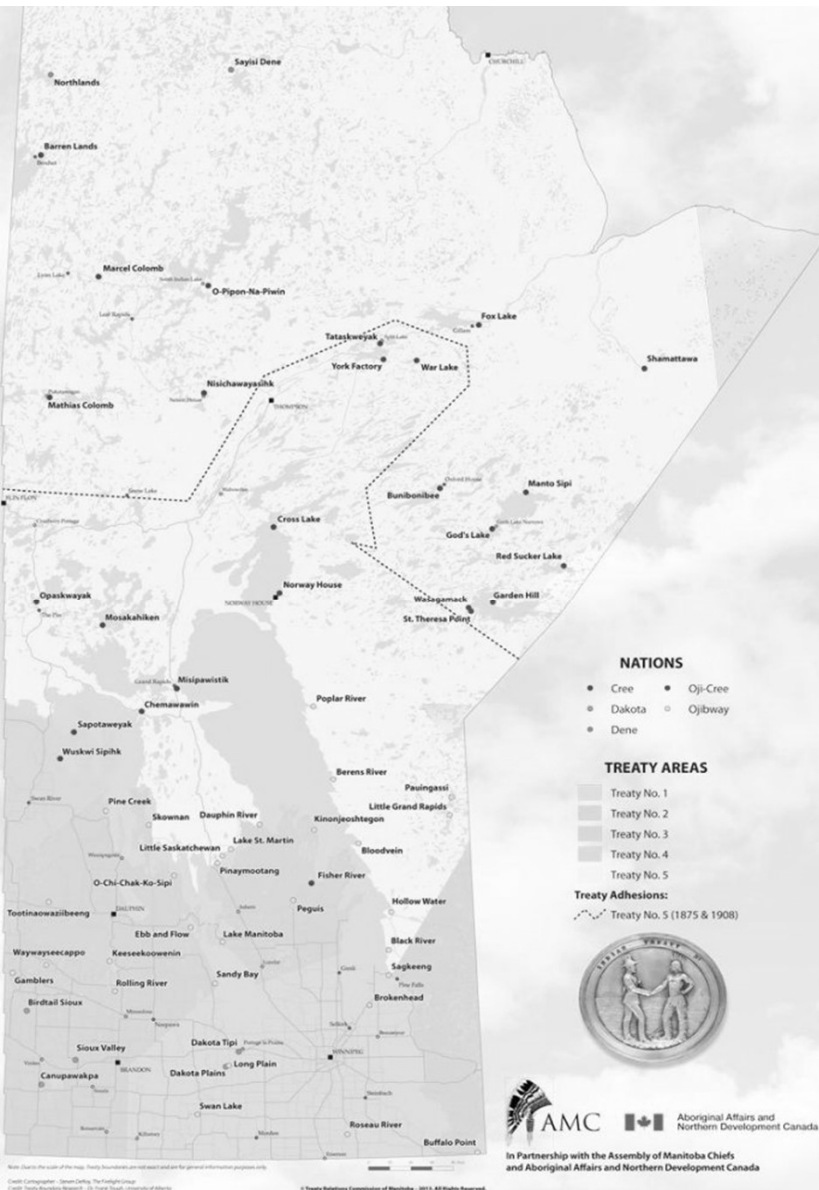
- Her mother was raised on a hog farm near Bowsman, MB

- Her father was raised near Kinosota, MB and was the son of two Christian ministers



BROKENHEAD
Ojibway Nation
BAASKAANDIBEWIZIIBING





Brokenhead

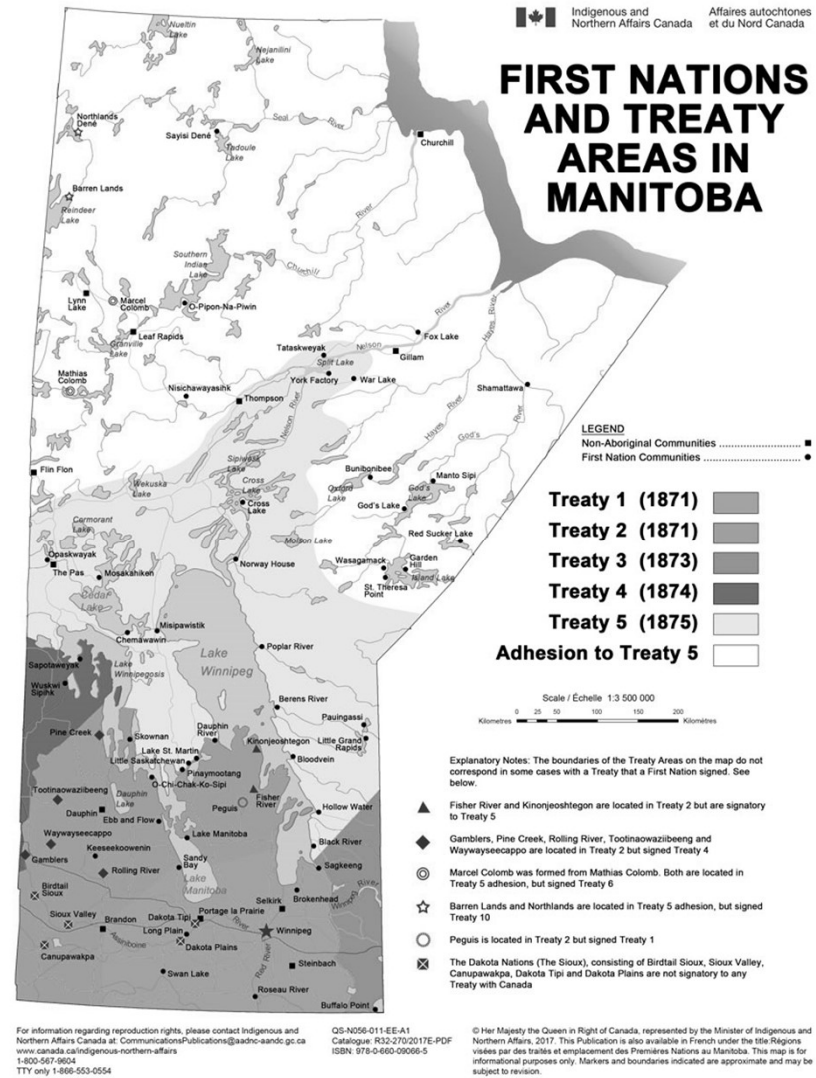
Selkirk

Bowsman

Kinosota

Winnipeg

AMC
 In Partnership with the Assembly of Manitoba Chiefs
 and Aboriginal Affairs and Northern Development Canada



For information regarding reproduction rights, please contact Indigenous and Northern Affairs Canada at: Communications/Publications@aiacn-aindc.gc.ca
 www.canada.ca/indigenous-northern-affairs
 1-800-567-9604
 TTY only 1-866-553-0554

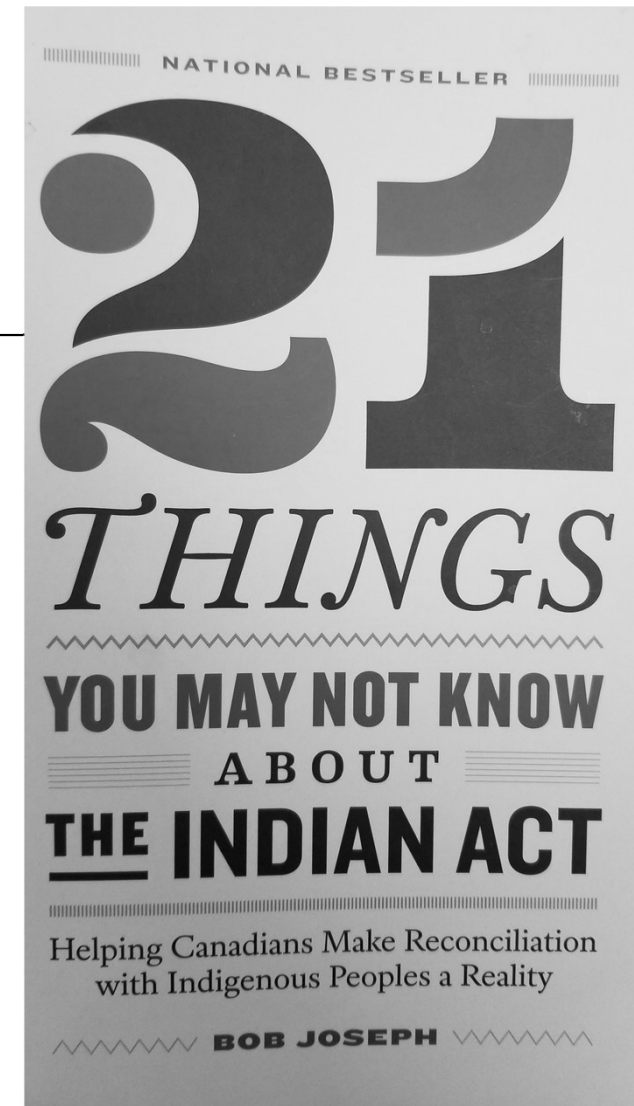
GS-N056-011-EE-A1
 Catalogue: R32-270/2017E-PDF
 ISBN: 978-0-660-09066-5

© Her Majesty the Queen in Right of Canada, represented by the Minister of Indigenous and Northern Affairs, 2017. This Publication is also available in French under the title Régions visées par des traités et emplacement des Premières Nations au Manitoba. This map is for informational purposes only. Markers and boundaries indicated are approximate and may be subject to revision.

Impact of Restrictions

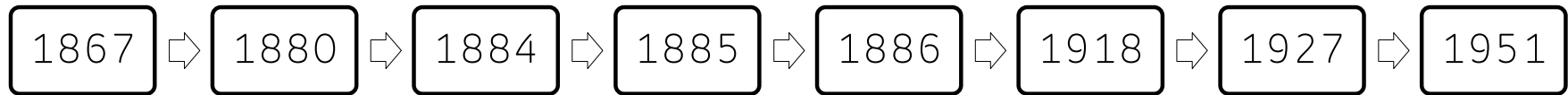
www.ictinc.ca

1. Chief, Band and Council governance system
2. Denied Women status
3. Created Reserves
4. Encourages voluntary and enforced enfranchisement
5. Could expropriate portions of reserves for public works
6. Renamed individuals with European names
7. Created a permit system to control Indians' ability to sell products from farms
8. Prohibited sale of ammunition to Indians
9. Prohibited sale of intoxicants to Indians
10. Declared potlatch and other cultural ceremonies illegal
11. Restricted Indians from leaving their reserve without permission from an Indian agent
12. Created residential schools
13. Forbade Indian students from speaking their home language
14. Forbade western Indians from appearing in any public dance, show, exhibition, stampede, or pageant wearing traditional regalia
15. Leased uncultivated reserve lands to non-Indians
16. Forbade Indians from forming political organizations
17. Prohibited anyone, Indian or non-Indian, from soliciting funds for Indians to hire legal counsel
18. Prohibited pool hall owners from allowing Indians entrance
19. Forbade Indian students from practicing their traditional religion
20. Denied Indians the right to vote
21. Is a piece of legislation created under colonial rule for the purpose of subjugating a group of people



The Indian Act said what?

<https://www.nwac.ca/resources/indian-act/>



CONSOLIDATION

CODIFICATION

Indian Act

Loi sur les Indiens

R.S.C., 1985, c. I5

L.R.C. (1985), ch. I5

Current to June 28, 2020
Last amended on August 15, 2019

À jour au 28 juin 2020
Dernière modification le 15 août 2019

Published by the Minister of Justice at the following address:
<http://laws.justice.gc.ca>

Publié par le ministre de la Justice à l'adresse suivante :
<http://lois.justice.gc.ca>

Impact of Amendments post 1951



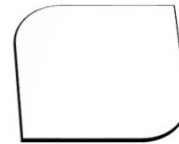
1960
RIGHT TO VOTE
FEDERALLY



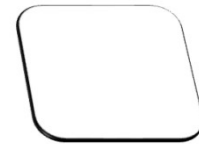
1969
THE WHITE PAPER



1985
BILL C-31



2011
BILL C-3



2017
BILL S-3

Applying for Status

"Are you applying for Indian status?"

- Find out if you are eligible and how to apply for Indian status as defined in the Indian Act

- <https://laws-lois.justice.gc.ca/eng/acts/i-5/>

- 6 (1)

- 6 (2)

- SCIS

- Guarantor

- Birth Certificate

- Government ID



Application Process

<https://www.sacisc.gc.ca/eng/1462808207464/1572460627149#s4>

For Registration on the Indian register and for the Secure certificate of Indian Status (SCIS)

STEP 1 - Get the Application Form

STEP 2 - Find a Guarantor

STEP 3 - Fill out Form

STEP 4 - Sign and Date



**Government
of Canada**

**APPLICATION FOR REGISTRATION ON THE INDIAN REGISTER AND
FOR THE SECURE CERTIFICATE OF INDIAN STATUS (SCIS)
(FOR ADULTS 16 YEARS OF AGE OR OLDER)**

Privacy Act Statement

This statement outlines the purposes for the collection and use of personal information. Only information needed to respond to program requirements will be requested. Collection, use, and disclosure of personal information are in accordance with the Privacy Act. In some cases, information may be disclosed without your consent pursuant to subsection 8(2) of the Privacy Act. The authority to collect and use personal information for the Indian Registration and the Secure Certificate of Indian Status programs is derived from the Indian Act. We use the personal information we collect to determine entitlement to registration in the Indian Register and membership in a First Nation for which the Band List is maintained by the Department, to issue a Secure Certificate of Indian Status to registered persons, and for the provision of benefits and services conferred exclusively to those who are registered. We may share the personal information you provide as outlined under Personal Information Bank AANDC PPU110 (Info Source <http://www.aandc-aandc.gc.ca/eng/1100100011038110010011040>). The information collected is retained by the Department for 30 years after the last administrative action and then transferred to Library and Archives Canada (or as described in the Personal Information Bank). As stated in the Privacy Act, you have the right to access the personal information you give us and request changes to incorrect information. If you have questions or wish to notify us of incorrect information, you may call us at 1-800-567-9604. For more information on privacy issues and the Privacy Act in general, you can consult the Privacy Commissioner at 1-800-282-1376.

NOTICE TO APPLICANTS

If you identify with an Indigenous group that is not recognized under the Indian Act (non-status), you may wish to consult with that group before proceeding with an application for registration for yourself, a minor child or dependent adult. Registration under the Indian Act in Canada may affect your entitlement to join or be recognized by some non-status groups and your entitlement to the programs and services they may offer. The Indian Registrar does not have the power to remove a name from the Indian Register if the individual has been correctly registered, even when the individual wishes to deregister.

The Secure Certificate of Indian Status (SCIS) remains at all times the property of the Government of Canada and must only be used by the person in whose name it is issued. Any false or misleading statement with respect to this application and any supporting document, including the concealment of any material fact, selling or permitting the use of your SCIS by any other individual or agency may lead to criminal prosecution, and is cause for revocation of your SCIS and refusal to issue a SCIS in the future. Any false or misleading statement, including the concealment of any material fact, may lead to a review of your entitlement to registration and revocation of your registered Indian status.

► Complete this form online, or write in block letters using black or dark blue ink.

SECTION 1: Personal Information

Family Name		Given Name(s)	
Family Name at Birth (if different from above)		Alias / Cultural Name (if applicable)	
Sex (as per Birth Certificate) <input type="radio"/> Male <input type="radio"/> Female		Date of Birth (YYYYMMDD)	
Permanent Address <input type="checkbox"/> Address is on Reserve			
Number, Street, Apartment, P.O. Box			
City/Town	Province/Territory (Canada)	State (USA)	Postal/ZIP Code
Telephone Number (Daytime)	Telephone Number (Other)	Email Address	

Mailing Address (if different from above)

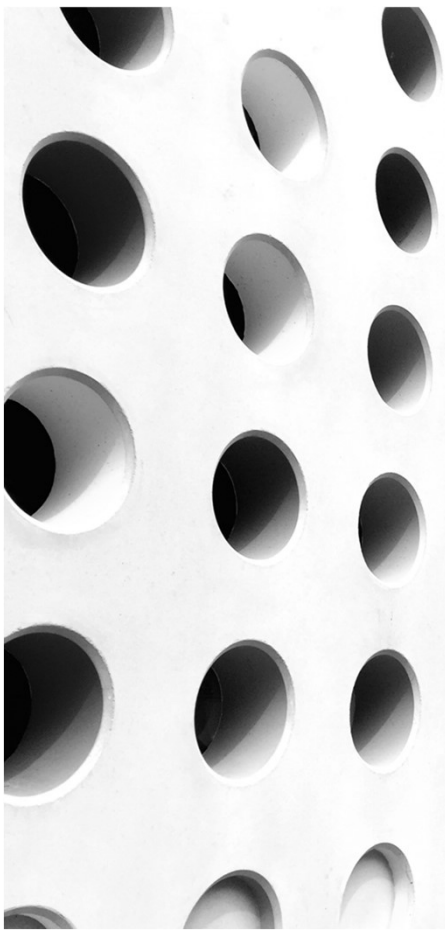
Number, Street, Apartment, P.O. Box			
City/Town	Province/Territory (Canada)	State (USA)	Postal/ZIP Code

SECTION 2: First Nation/Band Choice

(If your parents are affiliated with different First Nations/Bands, indicate your preference)

First Nation/Band Name	First Nation/Band Number (3 digits) (if known)
------------------------	--

SCIS- status card



SECTION 5: Family Information

A. Father

Family Name		Family Name at Birth (if different)	Given Name(s)
Date of Birth (YYYYMMDD)	First Nation/Band Name		First Nation/Band (3 digits) Number or Registration (10 digits) Number

Was the father adopted? Yes No Parent not stated on the birth document

B. Mother

Family Name		Family Name at Birth (if different)	Given Name(s)
Date of Birth (YYYYMMDD)	First Nation/Band Name		First Nation/Band (3 digits) Number or Registration (10 digits) Number

Was the mother adopted? Yes No Unknown

C. Maternal Grandparents

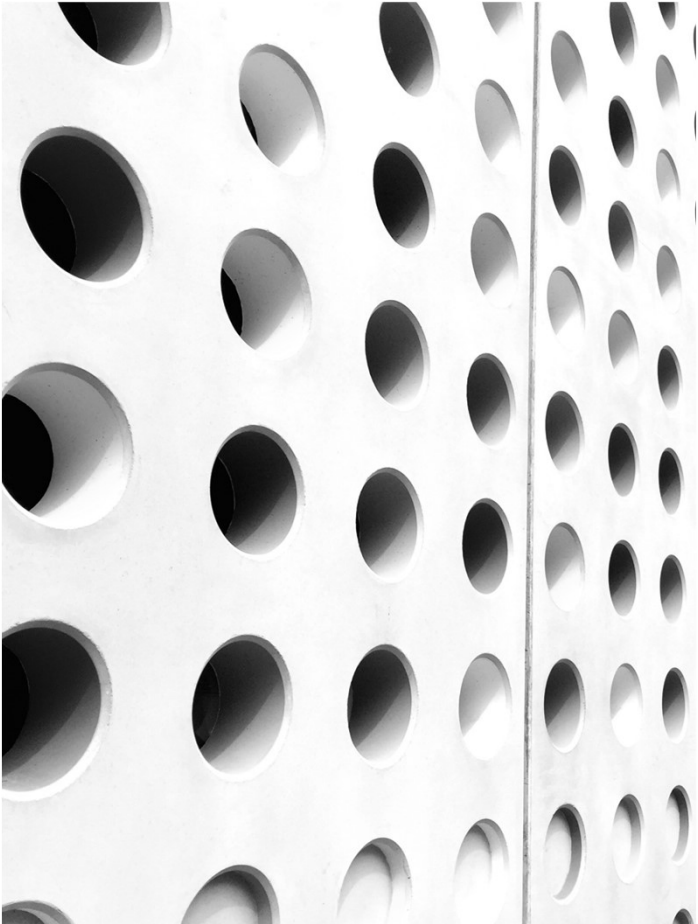
(Provide information up to the first person registered. For example, if your mother is registered, information on the grandparents and great-grandparents is not required)

Family Name	Family Name at Birth (if different)	Given Name(s)	Date of Birth (YYYYMMDD)	First Nation/Band Name or Registration No.	Adopted Yes/No
Grandfather					
Grandmother					
Great-Grandfather (1)					
Great-Grandmother (1)					
Great-Grandfather (2)					
Great-Grandmother (2)					

D. Paternal Grandparents

(Provide information up to the first person registered. For example, if your father is registered, information on the grandparents and great-grandparents is not required)

Family Name	Family Name at Birth (if different)	Given Name(s)	Date of Birth (YYYYMMDD)	First Nation/Band Name or Registration No.	Adopted Yes/No
Grandfather					
Grandmother					
Great-Grandfather (1)					
Great-Grandmother (1)					
Great-Grandfather (2)					
Great-Grandmother (2)					



Where to Apply & What to Expect

[6 – 8 month wait]

If you are a general applicant, you may apply:

at any [ISC regional office](#)

at any [First Nation or band](#) office, if applicable

by mailing the application form and required documents to: National Processing Unit
Indigenous Services Canada
10 rue Wellington
Gatineau QC K1A 0H4

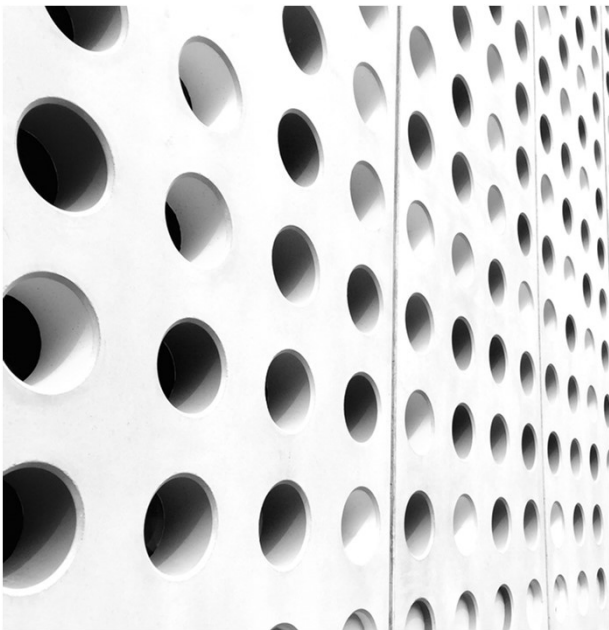
If you are a Bill C-3 or Bill S-3 applicant, you may apply:

at any [ISC regional office](#)

at any [First Nation or band](#) office, if applicable

by mailing the application form and required documents to: Application Processing Unit
Indigenous Services Canada
Box 6700
Winnipeg MB R3C 5R5

Possible Difficulties / Potential Solutions



- One parent on the birth certificate
 - Unknown or unstated parentage
- Adoption
- 60's Scoop

- ATIP requests → FOI requests
- Protesting the Indian Registrars Decision --