



Frequently Asked Questions

Gender Equity in Indian Registration Act

Q.1 Who benefits from the new legislation?

All eligible grandchildren of women who lost status as a result of marrying non-Indian men are entitled to registration (Indian status) in accordance with the *Indian Act*.

Q.2 What are the eligibility requirements?

Generally speaking, the key criteria to be newly entitled to registration are:

- Did your grandmother lose her Indian status as a result of marrying a non-Indian?
- Is one of your parents registered, or entitled to be registered, under sub-section 6(2) of the *Indian Act*?
- Were you, or one of your siblings, born on or after September 4, 1951?

Q.3 Why did the Government of Canada make these amendments?

The Government of Canada made these amendments in response to an April 2009 decision by the Court of Appeal for British Columbia in the case of *Mclvor v. Canada (Registrar of Indian and Northern Affairs)*.

Q.4 When will these amendments come into effect?

These amendments are effective as of January 31, 2011.

Q.5 Will anyone lose their Indian status as a result of this legislation?

No one will lose Indian status. In fact, approximately 45,000 individuals will become entitled to Indian registration as a result of this legislation.

Q.6 There has been a lot of criticism about the narrow focus of the bill. Why did you not expand the scope of Bill C-3?

Bill C-3 was in direct response to a very specific Court decision. The Government of Canada is aware there are broader issues related to Indian registration, Band membership and citizenship that cannot be addressed as quickly.

Putting forth broader amendments to the Indian Act has to be preceded by a thorough engagement with First Nations and other Aboriginal groups and organizations. These issues are complex and as such, broader reform on these matters cannot be resolved overnight or in isolation.

Q.7 How do these amendments affect band membership?

For those being registered for the first time, there are two scenarios that govern band membership. For bands whose membership is determined by Indian and Northern Affairs Canada in accordance with section 11 of the *Indian Act*, applicants will be added to the band list at the time of registration.

For bands who determine their own membership in accordance with section 10 of the *Indian Act*, applicants would be directed to the band with which they are affiliated to apply for membership and their entitlement to band membership would depend on the band's rules.

For persons already registered who are being brought under sub-section 6(1) of the *Indian Act* and are affiliated with a section 11 band there will be no change to your band membership. If you are currently a member of a band who determines their own membership, you will not lose membership unless the membership rules of your band are amended to that effect

Registration Process related to Bill C-3

Q.8 If a person meets these criteria, do they need to apply for registration?

Yes. The decision to apply rests with the individual, the parents or guardians. If an individual meets **all** of the above criteria, they can apply if they are an adult. If they are a minor (ages 15 years of age and under) or a dependant adult, their parent or legal guardians can apply on their behalf.

Q.9 I meet the eligibility requirements outlined in the amended Indian Act. Should I apply now?

As of January 31, 2011, applications are being accepted.

Q.10 Is INAC providing a different registration process to eligible Bill C-3 applicants?

Yes. INAC has developed an improved service for Bill C-3 applicants, whereby eligible applicants can expect to receive registration as an Indian under the *Indian Act* AND an in-Canada Secure Certificate of Indian Status (status card) in one step.

The Secure Certificate of Indian Status is an identity document issued by INAC to confirm that the cardholder is registered as a Status Indian under the *Indian Act*.

Q.11 As a result of the new service for eligible Bill C-3 applicants, will I have to provide different supporting documentation than the current process? If so why?

Yes. Since 2006, INAC has been reviewing its processes and procedures in issuing the Certificate of Indian Status to better align with Government of Canada Identification management policy which requires rigorous processes when program funds and tax credits are involved.

This has prompted INAC to review the documentation required for the registration of Status Indians in the Indian Register which results in the issuance of a Card.

Q.12 Why is INAC offering Bill C-3 applicants the opportunity to apply for a Secure Certificate of Indian Status before current registered Status Indians?

Unlike those who currently have Indian Status, Bill C-3 applicants do not currently have a status card. As INAC is moving towards fully implementing the SCIS, it is more efficient for both clients and INAC to provide these new first-time clients the new SCIS at the time of registration. Both cards, the current CIS (Certificate of Indian Status) and the new SCIS provide equal access to benefits and access to programs.

Q.13 Will First Nations communities receive direct funding for registration of Bill C-3 applicants?

No additional direct funding will be provided to First Nations communities for registration of Bill C-3 applicants.

INAC will be offering a direct self-service mail-in application option which requires applicants to mail their application directly to the INAC Processing Unit to ensure timely service. It has also put in place a call centre to handle enquiries 1-800-567-9604 and a dedicated processing unit to handle C-3 files.

Q.14 What documentation will I need?

The following documents are required to apply for registration and for an in-Canada SCIS:

- Original birth certificate (listing parents names)
- Two passport style photographs
- Copies of valid identification (i.e. – driver's licence, passport, government issued ID – copies signed by guarantor)
- Guarantor Declaration for SCIS

And if applicable:

- Legal change of name document or marriage certificate
- Custody Court Order
- Statutory Declaration Form(s)

More details on the specific requirements are provided in the application form instructions.

Q.15 If I don't have all the supporting documentation required can I still submit my application form and follow up at a later date?

Applicants are strongly encouraged to provide all required information and documentation at the time of application. This will avoid unnecessary delays in obtaining registration and the SCIS.

Incomplete applications will be assessed for eligibility of registration, and if deemed eligible, clients will be contacted to supply any remaining information or documents.

Q.16 Once I apply, how long will it be before I receive my original documents that I had to submit?

Every possible effort will be made to return original documents within 1 month after an application has been received. Complex situations, such as adoptions, may take longer.

Q.17 Where can I apply?

At this point, due to the large volume of applications that are anticipated to be received in a short time frame, INAC will be offering a self-service mail-in application option. This is a similar process to the one that exists today for new adult registration.

Q.18 Where, and when, can I obtain an application form?

Applications will be available at the following locations:

- Online: www.inac-ainc.gc.ca.
- By mail: Call 1-800-567-9604 to request an application package.
- In person.
 - i. At any INAC Regional office (for INAC office locations visit www.inac-ainc.gc.ca or call 1-800-567-9604); or,
 - ii. At any Service Canada Centre (for office locations visit www.servicecanada.gc.ca or call 1-800-O-Canada 1-800-622-6232).

General enquires on *Gender Equity in Indian Registration Act* should be directed to: INAC Public Enquiries Contact Centre

Email: InfoPubs@ainc-inac.gc.ca
Phone: (toll-free) 1-800-567-9604
Fax: 1-866-817-3977
TTY: (toll-free) 1-866-553-0554

Q.19 Where do I mail my completed application form and supporting documents?

All completed applications, along with supporting documentation is to be mailed directly to:

Application Processing Unit
Indian and Northern Affairs Canada
GD Stn Main
Winnipeg MB R3C 0M2

Q.20 Will Regional Offices or Service Canada Centres accept applications once they are completed?

Due to the large volume of applications that is anticipated to be received in a short time frame, INAC will only be offering a self-service mail-in application option. INAC has set up a dedicated processing unit to handle in a timely fashion Bill C-3 applications. We therefore ask applicants not to send their application to an INAC Regional Office or a Service Canada Centre, but rather to mail it directly to the INAC Processing Unit to ensure that their application is processed in an expedited manner.

We also encourage applicants to leverage the INAC Public Enquiries Contact Centre for questions and mail-in their complete applications directly to the INAC Processing Unit to ensure optimal client service under the circumstances introduced with Bill C-3.

For more information contact:

INAC Public Enquiries Contact Centre

Email: InfoPubs@ainc-inac.gc.ca

Phone: (toll-free) 1-800-567-9604

Fax: 1-866-817-3977

TTY: (toll-free) 1-866-553-0554

Q.21 If I applied for status previously and was refused, will my application automatically be reviewed now that the legislation has been passed, or will I have to reapply?

If you have applied before and were refused, you will need to re-apply, with the entire supporting documents which are required, as INAC cannot assume that you still want to be registered.

Q.22 I applied for status prior to the Bill being passed into law, using the registration form I found on your website as I believe I am eligible to receive status as a result of Bill C-3. What will happen to my application now? Will it be considered under the new rules or will I have to re-apply?

If the application was sent prior to the passage of Bill C-3 into law, and you were advised from INAC that the application was set aside for consideration once the Bill comes into force, the processing of your application will begin with the information you provided.

If you are deemed eligible for registration, INAC will contact you to provide the additional documentation required to complete the application process so that you can obtain your in-Canada SCIS.

Q.23 I have sent my application in; how long will it take for it to be processed? When can I expect an answer?

INAC has established an application processing service level standard, which takes into consideration the expectation to receive large volumes of applications over a short time period. Applications which are complete will be processed for registration within 4-6 months. Individuals who are deemed eligible for registration will receive a letter of confirmation and providing them with registration number which will allow access to benefits and services for a period of 12 months, which allows time for the in-Canada SCIS to be issued.

If all the required documentation has been provided for the in-Canada format of the SCIS, you will receive your SCIS within 10-12 weeks following that date.

Q.24 What can I do myself to make my application go faster?

We encourage you to read all materials very carefully and make sure all your supporting documents are submitted (including any required original documents, quality passport photographs) with your signed application.

For further information, contact:
INAC Public Enquiries Contact Centre
Email: InfoPubs@ainc-inac.gc.ca
Phone: (toll-free) 1-800-567-9604
Fax: 1-866-817-3977
TTY: (toll-free) 1-866-553-0554

Q.25 What happens if I am not able to provide all the documents required to obtain an in-Canada SCIS within 12 months? Will I still be able to access health care and other programs which registered First Nations are entitled to?

In exceptional circumstances, the registered applicant may request an extension. Each case will be considered based on its merits but we strongly encourage applicants to obtain and submit the required documentation as quickly as possible.

Q.26 Once I receive confirmation that I am registered and have received a letter which will allow access to benefits and services, can I apply for a laminated Certificate of Indian Status (status card)?

It is more efficient for both clients and INAC to provide these new first-time registered Indians with the new in-Canada SCIS at the time of registration, rather than the laminated Certificate of Indian Status will be gradually phased out.

Q.27 Why do I need a guarantor? Who can act as a guarantor and will they be contacted?

A guarantor is required to certify an applicant's identity and the photographs. This is a requirement for the new SCIS which adheres to the Government of Canada Identification management policy when programs and benefits are involved. In some cases, a guarantor may be contacted.

On accessing benefits:

Q.28 I believe that I will be deemed eligible for registration. When can I access Non-Insured Health Benefits which are normally available to registered First Nations individuals services?

Non-Insured Health Benefits are normally available to First Nations people once they have been registered under the *Indian Act*. As such, individuals who believe they will be eligible under the provisions of Bill C-3 must first apply for 'status' through INAC's Office of the Indian Registrar.

The Registrar's Office will communicate with applicants in writing regarding receipt and processing of their application, and will confirm whether and when an individual is registered.

Once an individual is registered with INAC, clients are asked to allow up to two weeks for their information to be provided to Health Canada for processing of Non-Insured Health Benefits. Clients are advised to retain all correspondence from INAC for their records, and to contact their respective Non-Insured Health Benefits regional office if they have questions regarding which benefits will be eligible.

Q.29 Will federal benefits be retroactive?

The new entitlements to registration provided by Bill C-3 are for the future and do not give rise to any retroactive entitlement to benefits.

On the Exploratory Process:

Q.30 What is the exploratory process?

On March 11, 2010 the Government of Canada introduced Bill C-3, *The Gender Equity in Indian Registration Act*, in response to the British Columbia Court of Appeal's decision in the *Mclvor* case. The objective of Bill C-3 was to ensure that eligible grandchildren of women who lost Indian status as a result of marrying non-Indian men will become entitled to registration (status) under the *Indian Act*.

On the same day that Bill C-3 was introduced in Parliament, the Government of Canada also announced its intention to open an exploratory process to examine the broader issues associated with Indian registration, Band membership and citizenship in response to First Nations and other Aboriginal feedback during engagement on Canada's legislative approach to the *Mclvor* decision.

This exploratory process is an Aboriginal-led initiative that is meant to examine and discuss the broader issues relating to registration, membership and citizenship that go beyond the scope of the Bill C-3 amendments to the *Indian Act*.

The Government is encouraging First Nation and other Aboriginal organizations who are leading activities under the exploratory process to utilize both traditional and new technologies in undertaking activities, the latter of which encourages First Nations and other Aboriginal youth participation.

Q.31 Is the exploratory process a consultation?

The exploratory process is meant to examine and discuss the broader issues associated with Indian registration, Band membership and citizenship that go beyond the scope of the Bill C-3 amendments as identified by participating First Nations and other Aboriginal groups.

Q.32 What is the anticipated goal of the exploratory process?

The purpose of the exploratory process is to gather information and discuss the broader issues associated with Indian registration, Band membership and citizenship. In this context, the exploratory process will help shed light and encourage further discussion on these complex issues.

Q.33 What subject-matters will be discussed as part of the exploratory process?

Without predetermining the full range of subject-matters that will be identified, the objective of the exploratory process is to collect views and identify and examine issues that go beyond the scope of Bill C-3 that may include, but may not necessarily be limited to, the following:

- Residual discrimination and second generation cut-off
- Unstated paternity
- The current system of Indian registration under the *Indian Act*
- Emerging concepts of Indian registration, Band membership and citizenship
- First Nations assertion of jurisdiction over citizenship and issues related to governance and identity
- The relationship between policies, programs and services and Indian status and Band membership
- Métis-specific issues relating to citizenship in reference to the *Powley* decision.
- Emerging concepts of Métis citizenship and identity (as distinct from those of First Nations)
- The duality of identity, affiliation and eligibility as they relate to Indian status and the concept of Métis identity and citizenship, including their treatment within Métis communities and organizations

Q.34 Who will lead activities under the exploratory process?

The Assembly of First Nations, the Native Women's Association of Canada, the National Association of Friendship Centres, the Métis National Council and the Congress of Aboriginal Peoples are leading activities under the process at the national level. The Department is providing funding for their planning, organization and implementation of activities to explore the issues with their respective membership through proposal-based funding.

In addition, the Department will work with First Nations organizations who are interested in leading activities under the process with their constituencies.

Q.35 Who can participate in activities under the exploratory process?

The exploratory process itself is inclusive and it is structured to encourage the participation of First Nations, Métis and other Aboriginal groups, organizations and individuals at the national, regional and local community levels.

This includes the participation of national and provincial/territorial First Nations, Métis and other Aboriginal organizations, Treaty and Nation groups, Tribal Councils, First Nations governments and communities, Métis communities, First Nations individuals living on and off reserve, Métis individuals and other interested parties.

Q.36 Will First Nations communities receive direct funding to participate in the exploratory process?

There will be no direct funding provided to First Nations communities for their participation in the process. However, First Nations communities can directly participate in activities that are being led by their national organization(s), as well as their respective Treaty, Nation and regional organizations.

Q.37 What is the duration of the exploratory process?

Activities under the exploratory process are expected to take place over a period of one year, ending in December 2011.

Q.38 Why are the Métis involved in a process that deals with First Nations issues under the *Indian Act*, such as registration (status) and membership?

The exploratory process is meant to be inclusive and therefore all of the National Aboriginal Organizations have been invited to participate.

As the Métis National Council expressed interest in the process and in the spirit of inclusiveness, the Métis National Council is leading activities on questions specifically relating to Métis citizenship that are of importance to the Métis Nation, including issues relating to the eligibility of some Métis citizens to be registered under the *Indian Act*.

Q.39 Will the outcome of the exploratory process lead to further legislative reform in respect of Indian registration, Band membership and citizenship?

Issues surrounding Indian registration, Band membership and citizenship are complex and First Nations and other Aboriginal groups hold diverse views on these matters. As such, these important issues cannot be resolved over the short-term and broader reform cannot be accomplished overnight or in isolation. It requires the gathering of information and the identification of critical issues for discussion prior to embarking on any meaningful process for substantive change.

The exploratory process on the complex issues of Indian registration, Band membership and citizenship will help inform the government's next steps on future initiatives in respect of these matters.

Q.40 How can I get more information on how to participate in this exploratory process?

Organizations, communities, community members and individuals who are interested in taking part in the exploratory process can contact their respective participating national or regional organizations who are leading activities under the process. A list of participating organizations and their contact information can be found on the Department's website at www.inac-ainc.gc.ca.