(RE)CLAIMING INDIAN STATUS
These citations are referenced throughout the publication text.

9. Métis Settlements Act, RSA 2000, c M- 14, Section 75.
12. Wallace, R. 2019. Alberta Archives. Personal communication. All information in the family resource section is adapted from R. Wallace interview for “(Re)claiming Indian Status” (2020) by BearPaw Legal Education and Media.
“Indian Status” is a specific legal identity of an Indigenous person who is registered as an “Indian” under Section 6 of Canada’s Indian Act.

If you are registered, your name is added to the Indian Register – a central registry maintained by Indigenous Services Canada (formerly Indian and Northern Affairs Canada).

Indigenous people with Status may be eligible for a range of rights, benefits, and access to programs and services from the federal and provincial or territorial governments such as Treaty payments, education funding, non-insured health benefits programs and potential tax benefits.¹

Indian Status is widely acknowledged as a race and sex-based legal definition rather than a true representation of Indigenous ancestry and cultures.

Some Indigenous people consider Status to be an affirmation of our ancestry. In urban areas, Indian Status can help provide some of us with a sense of belonging to our communities when we are far from our ancestral homelands.

For those who are not eligible for Status, it can cause some of us to question our own claim to an Indian identity and our legitimacy and authenticity as an Indigenous person.²

We hope this booklet provides you with a starting point to help you figure out if you are eligible to apply for Status. We provide the steps to the application process, the documents required for your Status registration application and some resources to help you in your application.

TAKE GOOD CARE OF YOURSELF AND ASK SOMEONE YOU TRUST TO SUPPORT YOU THROUGH THE STATUS APPLICATION PROCESS.
AN ACT RESPECTING INDIANS

- When a male is added or deleted from the register, his wife and children are also added or deleted.
- Women who marry a non-Indian man are not eligible for registration. They were removed from band lists upon marriage.
- The wife and children of a man who is enfranchising (the government process of removing Status to get Canadian citizenship) must be clearly named on the order of enfranchisement to be removed from the register or they keep their Status.
- The “double mother” rule was introduced to remove Status from grandchildren at age 21, whose mother and paternal grandmother both acquired Status through marriage to an Indian.

BILL C-31 AN ACT TO AMEND THE INDIAN ACT

- Women do not automatically join their husband’s band through marriage.
- All enfranchisement requirements, both voluntary and involuntary, are removed and new ones are created to allow individuals, especially women who had lost Status when they married a non-Indian, to be reinstated as Status Indians.
- Section 10 introduces the ability for Indian bands to determine their own membership laws.
- Children are treated equally whether they are born in or out of wedlock, and whether they are biological or adopted.
- The definition of “child” included in Section 2 of the Indian Act was modified to recognize a legally adopted child (not only a legally adopted Indian child) and an adopted child in accordance with cultural traditions.
Let’s begin with an overview of the history of the Indian Act and the embedded sex-based discrimination in it, which meant many Indigenous women and their children lost their Status over time for a variety of reasons. There have been many legal attempts and successes to address sex-based discrimination in the Indian Act. 3

**BILL C-3**
**SEX-BASED EQUITY IN INDIAN REGISTRATION ACT**
- Came into force in response to the *McIvor v. Canada* decision.
- Addressed inequities related to the removal of the “double mother rule” which, in combination with Bill C-31, created an added benefit for the male line of a family.
- Grandchildren of women who lost Status due to marrying a non-Indian man prior to 1985 become entitled to registration for the first time.
- Introduced the “1951 Cut-Off” under Section 6(1)(c.1)(iv).

**BILL S-3**
**AN ACT TO AMEND THE INDIAN ACT IN RESPONSE TO THE SUPERIOR COURT OF QUÉBEC DECISION IN DESCHENEAUX C. CANADA**
- Came into force in response to *Descheneaux v. Canada* case where the Court told Canada to fix sex-based inequality in the Indian Act “once and for all.”
- Provisions related to siblings, cousins, omitted or removed minors, and unknown or unstated parentage came into force on December 22, 2017.
- Requirements related to the removal of the 1951 cut-off came into force on August 15, 2019 after the consultation process.
  - First Nations, Indigenous groups and impacted individuals were consulted on how to implement the removal of the 1951 cut-off.
TIMELINE DEFINITIONS

WHAT DOES “ENFRANCHISEMENT” MEAN?

Historically, Indigenous people could lose their Indian Status in a variety of ways in order to become a full Canadian citizen. The government process of removing Status to get citizenship rights was called “enfranchisement.”

For example: If a Status Indian obtained a university degree and/or became a doctor or lawyer, they would automatically lose their Status.4

WHAT IS THE “1951 CUT-OFF”? 

In 2011, Bill C-3 amendments to the Indian Act, individuals were entitled to obtain Status if (a) their grandmother had lost her Indian Status because she married a non-Status man; and (b) their mother had at least one child or adopted one child on or after September 4, 1951.

If an individual had a grandmother who lost their Indian Status because she married a non-Status man but their mother had all of their children before September 4, 1951, the grandchild could not obtain Indian Status.

REMOVAL OF THE “1951 CUT-OFF”

As of August 15, 2019, all descendants born prior to April 17, 1985 to women who lost Indian Status or were removed from band lists because of their marriage to a man without Status dating back to 1869 will be entitled to registration. This means these descendants would be in line with the descendants of women who lost Indian Status because of their marriage to a non-Status man who had children after September 4, 1951.

For more information about the 1951 cut-off, go to: www.rcaanc-cirnac.gc.ca/eng/1540403451139/1568898699984
WHAT IS THE “SECOND GENERATION CUT-OFF”? DOES IT STILL APPLY?

Yes, the second generation cut-off still continues to apply after 1985.

Introduced in 1985 as part of the Bill C-31, it means that after two consecutive generations of parenting with a person who is not entitled to registration (a non-Indian), the third generation is no longer entitled to (cut-off from) registration. If you only have one grandparent and one parent who is not entitled to registration, you would not be entitled to register as a Status Indian.

The following diagram illustrates how the second-generation cut-off works:
TO REQUEST A CATEGORY AMENDMENT FROM SECTION 6(2) TO 6(1):

If you have been affected by known sex-based inequalities in the Indian Act and already have Status, the Indian Registrar can review your registration category (under Section 6) and it could be amended.

To request a category amendment (From Section 6(2) to 6(1)),

1. Submit a photocopy of valid federal, provincial or territorial government I.D. that includes your name, date of birth, photo and signature.

2. You must also send a signed and dated written request with your name, registration number and mailing address:

   • In person to any Indigenous Services Canada regional office. Resources on page #19 for Alberta regional offices.

   • In person at any First Nation or band office (if applicable), or

   • By mail to:

   Application Processing Unit
   Indigenous Services Canada
   Box 6700
   Winnipeg MB, R3C 5R5
Eligibility for Indian Status under the *Indian Act* is based on how close you are (generational degree) from your ancestors who were registered or were entitled to be registered.

You may obtain Indian Status if your parent, grandparent or great-grandparent had Status or was eligible for Status on your mother or father’s side.

**QUESTIONS TO ASK YOURSELF:**

• Does one of my relatives have Status already?
• Did my mother, grandmother or great-grandmother lose their Status at some point in our family history?

If you answered “yes” to either of these questions, you may be eligible for Indian Status.

**IN GENERAL, YOU MAY BE ELIGIBLE FOR INDIAN STATUS IF:**

• At least one of your parents is or was registered or entitled to be registered under Section 6(1) of the *Indian Act*, or
• Both of your parents are registered under Section 6(2) of the *Indian Act*.
• Your mother, grandmother or great-grandmother was born out of wedlock of an Indian father and a non-Indian mother between September 4, 1951, and April 16, 1985.

For more on Section 6 of the *Indian Act*, go to: [https://laws-lois.justice.gc.ca/eng/acts/i-5/section-6.html#s-6ss-(2)](https://laws-lois.justice.gc.ca/eng/acts/i-5/section-6.html#s-6ss-(2))
How do I apply for status?

The following information is for adult applicants (16+ years old). For information on child (15 years or younger) and dependent adult applications go to: www.sac-isc.gc.ca/eng/1462808207464/1572460627149

Since the enactment of Bill S-3 (2019), there is only one application form for all Status applications. The application includes the registration (Application for Registration on the Indian Register) and card application (Secure Certificate of Indian Status).

It can take between 6 months to 2 years to process an application depending on its complexity.

1. Get Application Form

Online:

Printable copy:
Fillable/saveable copy:

By mail:
Call Public Enquiries, toll-free: 1-800-567-9604

In person: Indigenous Services Canada, Regional Office
Go to: www.sac-isc.gc.ca/eng/1100100016936/1534342668402

2. Find a Guarantor

A guarantor is a person (18+ years old) who can confirm your identity for your application for Indian Status or a Status card.

You need a guarantor if:
• You are applying by mail, or
• You are providing valid identification that does not meet all the requirements (name, date of birth, photo and signature)
A GUARANTOR MUST:

• Be 18 years of age or older
• Live in Canada or the United States
• Be able to be contacted by phone by Indigenous Services Canada to confirm information about you
• Have known you personally for at least 2 years. They have to be able to confirm: your name, age, place of birth, physical description, and some personal history (for example, where you live currently)
• Be a person with a valid Status card (and applied for it when they were 16 years old or older) OR be a person working in any of the following professions:
  • Elected or appointed official (including Band Chief or Council)
  • Judge, some justice personnel, police
  • Lawyers
  • Medical professionals
  • Minister of a religion
  • Social worker
  • Educator
  • Professional accountants or engineers
  • Military personnel

TO FIND THE GUARANTOR DECLARATION FORM GO TO:

3. FILL OUT YOUR APPLICATION FORM

You can fill out the application form electronically (with the fillable/saveable form on page #19) or you can print the form and fill it out.

For detailed instructions on how to fill out the form, go to:

You will need the following information about yourself and your parents and grandparents for your application:

• Legal name
• Date of birth
• First Nation or Band name
• Registration number
• Contact information
• Adoption information
You have to indicate which First Nation or Band you, or your parents or grandparents belonged. If there are multiple First Nations or Bands, you can state which band you prefer to belong.

To help establish your entitlement to registration, it can be helpful to provide:

- The names of any relatives (brothers, sisters, cousins, aunts, uncles) who are or were registered with Status.
- Information about ancestors including their names, band numbers, their family members with registration.

This information will help provide evidence that connects you to your family and help show that you are also entitled to Status. The more information you can provide the better. Indigenous Services Canada can conduct research in its own records to determine your registration eligibility.

MORE COMPLEX APPLICATIONS

Your application for Status may be more complex and may take more time to process and require more documentation, if you cannot provide a Status number of a relative on your application for any of the following circumstances:

1. Your grandmother or great grandmother lost Status
2. You cannot prove paternity (father is missing from birth certificate)
3. You were adopted, or
4. You have difficulty accessing familial records or records are missing

Indigenous Services Canada has the option (discretion) to grant Status based on the probability (the likelihood) that your relative had Status or was eligible for Status at some point.

If your application is more complex, Indigenous Services Canada will contact you if they require more documentation.

4. SIGN AND DATE YOUR APPLICATION FORM

Before you submit or send in your application, make sure you:

1. Filled out all of the relevant sections on the form – including the checklist of documents.
2. Signed and dated the form.
3. Included all required documents (originals will be returned to you by mail).
When you submit your application, the Indian Registrar will send you a receipt of the application by mail. Be sure to keep this for your records - it has your file number on it.

If your application is missing information, it could delay the process or Indigenous Services Canada could determine it is incomplete and return it to you.

5. SUBMIT YOUR APPLICATION

You can submit your application in the following ways:

1. To any Indigenous Services Canada Regional Office (see page #19 for Alberta Regional Offices)

2. By mail to:

   National Processing Unit
   Indigenous Services Canada
   10 rue Wellington
   Gatineau QC, K1A0H4

   Or

   Application Processing Unit
   Indigenous Services Canada
   Box 6700
   Winnipeg MB, R3C 5R5

If you have questions about where to send your application, contact Public Enquiries.
WHAT DO I NEED TO INCLUDE WITH MY APPLICATION?

IF YOU APPLY IN PERSON, YOU MUST PROVIDE:

1. Your original birth certificate – with your parents’ names.

   To get an original birth certificate, go to the Vital Statistics website of the province or territory where you were born. Go to: www.statcan.gc.ca/eng/health/vital/2012001/mo

2. Original acceptable identification: Valid federal, provincial or territorial government I.D. that includes your name, date of birth, photo and signature.

IF YOU APPLY BY MAIL, YOU MUST PROVIDE:

1. Our original birth certificate – with parents’ names listed.

2. Photocopies of the front and back of original acceptable identification: Valid federal, provincial or territorial government I.D. that includes your name, date of birth, photo and signature. Each photocopy must be signed by a guarantor.

3. A guarantor declaration (see page #19).

If your name on your application form is different from your name on any of the other required documents, you must also provide:

• An original legal name-linking document that links your previous name with your current name, for example, a change-of-name certificate, a marriage certificate or a divorce order, or

• A photocopy of a legal name-linking document and acceptable valid identification with your name as it appears on the application form, for example, your driver’s licence

If also applying for a Status card (Secure Certificate of Indian Status), you must provide:

• Two identical Canadian passport-style photos that meet the photo requirements. For information on the photo requirements, go to: www.sac-isc.gc.ca/eng/1333474227679/1572461782133
FREQUENTLY ASKED QUESTIONS

1. WHAT IF I ONLY HAVE A SINGLE PARENT LISTED ON MY BIRTH CERTIFICATE?

Your birth certificate can help determine if you are entitled to registration based on your parents’ entitlement. It is evidence of your parentage (ancestry).

If one of your biological parents is not listed on your birth certificate, the Indian Registrar may ask that you change your birth certificate to include both parents.

If it is not possible to change the birth certificate, the Indian Registrar may accept a statutory declaration signed by one or both of the biological parents, by a member of the unstated parent’s immediate family, or by a close relative or Elder that confirms the identity of the unstated parent.

Following the Gehl Decision and Bill S-3, you can include other evidence to establish your Indian parentage such as:

• Amended long-form birth certificate
• Statutory declaration
• Census records
• Court documents
• Church, school, or hospital records
• Band council resolutions

The Indian Registrar must consider all relevant evidence and assess it based on the known challenges to getting certain pieces of evidence, like historical records, and take into account a person’s circumstance that can justify the inability to produce information about relatives.

The Indian Registrar decides Indian parentage on the standard of balance of probabilities (the likelihood of eligibility). The decision must answer this question: Has the applicant established that it is more probable than not that the parent, grandparent or ancestor is, was or would have been entitled to be registered? 7

For more information, go to: www.sac-isc.gc.ca/eng/1516895024877/1572460772889
2. HOW DO I APPLY FOR STATUS IF I WAS ADOPTED?

If you were adopted, you will need to provide:

1. Your completed application form.

2. Original post-adoption birth certificate listing adoptive parents names. You can also provide the pre-adoption birth certificate listing birth parents’ names (if available).

3. Photocopy of adoption order or photocopy of letter from social services confirming the details of the adoption.

4. Letter outlining any information about biological family members who have or had Indian Status (if possible).

If you have questions, contact the Adoption Unit by email at:
aadnc.infopubs.aandc@canada.ca

LEGAL VS. CUSTOM ADOPTION

A legal adoption is a court process that includes legal documents and an adoption order.

A custom adoption follows Indigenous cultural traditions.

If you were adopted as a minor (17 years of age, or less in Alberta) by Indian parents through legal or custom adoption can register for Indian Status.

For more information, go to:
www.sac-isc.gc.ca/eng/1462808207464/1572460627149
3. CAN I HAVE MÉTIS STATUS AND INDIAN STATUS AT THE SAME TIME IN ALBERTA?

Generally, no.

The Métis Settlements Act (provincial legislation), with some limited exceptions, does not allow adults who register as Status Indians to also be a member of a Métis Settlement.9

The Bylaws of the Métis Nation of Alberta do not allow registered Status Indians and those on a Band list from being members of the Métis Nation of Alberta.10

4. WHAT IF I DO NOT AGREE WITH THE INDIAN REGISTRAR’S DECISION ON MY APPLICATION?

If you do not agree with the Indian Registrar’s decision on your application, you can appeal it by submitting “a protest” under Section 14.2 of the Indian Act.

A PROTEST MUST:

• Briefly state the reason by describing how the Indian Act may have been misinterpreted or by indicating what evidence may have been overlooked in the decision.
• Be submitted in writing to the Indian registrar within 3 years from the decision by the person directly impacted by the decision or their authorized representative (such as a lawyer), band council or band member. 11

For more information, go to: https://www.sac-isc.gc.ca/eng/1462808710500/1572460546047
HOW TO BEGIN YOUR FAMILY RESEARCH

Your family story can provide clues to your family history and help you in your research to prove your eligibility for Status.\(^\text{12}\)

Researching your family history can take a lot of time and resources. Here are some starting points to begin your search:

1. **Talk to your family and/or reach out to your family’s home community and Elders to learn information about your relative’s:**
   - Birth date,
   - Where your family lived and the time period,
   - The age of the relative at the time you are researching,
   - Any potential religious connection to a Church, or
   - Name and location of residential school.

2. **Go to the Alberta Archives – Set up an appointment to meet an Archivist**

   The Alberta Archives has Government of Alberta records from Vital Statistics (birth, marriage and death records) and Church records (marriages, births, baptism lists). **There are no fees to access the archives. It is a public space.**

**BEFORE YOU GO TO THE ALBERTA ARCHIVES, KNOW THAT:**

- Research takes time.
- It may be triggering to find records related to residential schools and churches.
- You may feel confused or frustrated as some of the archive searching is not intuitive and some records may not exist.
- Consider taking someone you trust with you to the Archives.

Call ahead to set up an appointment with a trained Alberta archivist (a researcher). They can help you get some records ahead of time so they are there for you when you arrive.

If you walk-in, go to the reference desk. Tell the person at the desk that you need help to do genealogical research for your Status application.
MEET WITH AN ARCHIVIST

When you meet with an archivist, they will have you fill out a registration form to use the archives.

Be prepared to share your family information with the archivist. By listening to your story, they can help you with your family research. If you have any of the following information, it can greatly help your research:

• Where your family lived (location) and the approximate years that they lived in that location,
• Name and ages of relatives during the time period of your search, or
• Any religious connection – name of a Church or Mission.

The archivist may take notes to help you decide how and why to look into certain records.

GETTING THE ARCHIVES

Unlike a regular library, the archives are not on shelves. You have to submit request slips to get documents from temperature controlled vaults.

All records in the archives are one-of-a-kind. You will have to:

• Get photocopies made (fees apply),
• Take a photo of the archive with no flash (no fees apply), or
• Get scans of archives (fees apply).

There is a chance that there will be gaps in records (missing information) due to fires, floods, and mold that may have damaged or erased records completely. There are a number of resources to refer to in order to establish ancestry including, but not limited to:

• First Nation Band records
• Church, hospital and school records
• Library and Archives Canada
• Provincial and/or Territorial Vital Statistics
• Band Council Resolutions
• Court Documents
• Statutory Declarations
• Ancestry websites
RESOURCES

Application Process

For questions on amendments to the Indian Act, including on the removal of the 1951 cut-off date and on how to apply for Indian Status, call 1-844-280-5011.

If you have applied for Indian Status and have questions regarding your application, call 1-800-567-9604, select “Indian Registration” and follow the menu prompts.

If you have other questions, contact Public Enquiries at:
Email: aadnc.infopubs.aandc@canada.ca
Phone (toll-free): 1-800-567-9604
TTY (toll-free): 1-866-553-0554

To find all application forms for Indian Status, Status cards, and updates to the Indian Registrar, go to: www.sac-isc.gc.ca/eng/1462806841047/1572461062751

Indigenous Services Canada, Alberta Regional Offices

AANDC Alberta Region Head Office
630 Canada Place
9700 Jasper Avenue
Edmonton, AB T5J 4G2
Phone: (780) 495-2773
Fax: (780) 495-4088

AANDC Southern Alberta Field Services Office
Suite 300
9911 Chiilu Boulevard
TSUU T’INA, AB T2W 6H6
Phone: (403) 292-5901
Fax: (403) 292-6903

Vital statistics (Birth, Death, and Marriage Records)

Hours: 8:15 am to 4:30 pm
(open Monday to Friday, closed statutory holidays)
Phone: 780-427-7013 (Edmonton and area)
Toll free: 310-0000 before the phone number (in Alberta)

For the deaf or hard-of-hearing:
TTY: 780-427-9999 (Edmonton and area)
Toll free TTY: 1-800-232-7215 (in Alberta)
Email: vs@gov.ab.ca

Family Research Resources

Alberta Archives
(for historic records)
Phone: 780-427-1750
Email: paa@gov.ab.ca

Library and Archives Canada
(National Archives)
Phone: 1-866-578-7777

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