

# HOW TO APPLY TO REGISTER FOR STATUS

1 OBTAIN APPLICATION FORM	2 FIND GUARANTOR	3 GATHER PROOF OF IDENTITY	4 GATHER PROOF OF ANCESTRY	5 SIGN AND SUBMIT APPLICATION
<p>You can obtain the application form:</p> <ul style="list-style-type: none"> <li>• Online</li> <li>• At your local Band Council</li> <li>• At an Indigenous Services Canada Office</li> <li>• By emailing <a href="mailto:aadnc.visionhd.aandc@canada.ca">aadnc.visionhd.aandc@canada.ca</a></li> <li>• Call <b>1-800-567-9604</b></li> </ul>	<p>Your guarantor must:</p> <ul style="list-style-type: none"> <li>• Not be your parent or guardian;</li> <li>• Be at least 18 years old;</li> <li>• Have known you for 2 years or more; and</li> <li>• Be registered under the <i>Indian Act</i> or a member of a profession found <a href="#">here</a></li> <li>• Then: Submit the <a href="#">Guarantor Declaration</a></li> </ul>	<p>Gather identification documents for yourself, such as your birth certificate and “name-linking” documents (i.e., marriage certificate), as well as photo ID (driver’s license, health card, passport).</p>	<p>Gather “primary evidence” (such as certificates of birth, marriage, death) and “secondary evidence” (such as church records, newspapers, statutory declarations) about your ancestry relevant to your entitlement to status.</p>	<p>Once you have filled out the application and collected the necessary supporting documents, review your application, sign it and submit it to:</p> <ol style="list-style-type: none"> <li>1. Your local Band Office; or</li> <li>2. Directly to Indigenous Services Canada             <ol style="list-style-type: none"> <li>a) <a href="#">In person</a> (call ahead of time to make an appointment <b>1-800-567-9604</b>); or</li> <li>b) By mail (must include Guarantor Declaration) to:</li> </ol> </li> </ol> <p><b>National Registration</b> Processing Unit, 10 Wellington St., Gatineau, QC, K1A 0H4</p>





# QUICK GUIDE TO BILL S-3 AND THE *INDIAN ACT*

## Bill S-3 Changes to the *Indian Act* Gender-Based Issues and Application Processes

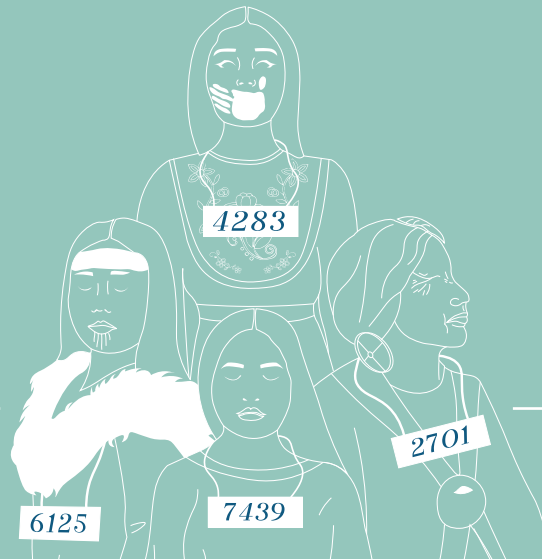
ISSUE	NON-MARITAL FEMALE CHILD	MARRY-OUT RULE (COUSINS ISSUE)	INVOLUNTARY ENFRANCHISEMENT OF CHILDREN (OMITTED MINOR CHILD)	AGE AND MARITAL STATUS (1985 CUT-OFF)	UNKNOWN OR UNSTATED PARENTAGE	SECOND-GENERATION CUT-OFF (S. 6(2))
BACKGROUND	<p>Under the pre-1985 <i>Indian Act</i>, the non-marital (born out of wedlock) male children of men who were registered under the Act were entitled to register for status, but their non-marital female children were not entitled to register.</p>	<p>Under the pre-1985 <i>Indian Act</i>, if a man who was registered under the Act married a non-status woman, his wife would become entitled to register. However, if a status woman married a non-status man, she would lose her status.</p> <p>In 1985, Bill C-31 amended the <i>Indian Act</i> to remove this sex-based discrimination from the registration provisions. Unfortunately, Bill C-31 discriminated against the descendants of women who lost their status under the Marry-Out Rule, leading to successful court challenges in the <i>Mclvor</i> and <i>Descheneaux</i> cases.</p>	<p>Under the pre-1985 <i>Indian Act</i>, children born to a status mother and father would be involuntarily enfranchised (lose their status under the <i>Indian Act</i>) if their mother subsequently married a non-status man while they were still minor children.</p>	<p>Bill S-3 created age and marital status requirements that affect whether a person is entitled to register under the <i>Indian Act</i>.</p> <p>The purpose of the April 16, 1985 Cut-Off is to limit the scope of the provisions that corrected historical discrimination only to those persons affected by the discrimination. However, there are concerns that by establishing new conditions for entitlement to status based on the marital status of applicants' parents and the applicant's date of birth (age), Bill S-3 has created new arbitrary and discriminatory requirements for entitlement to register for status.</p>	<p>An applicant's entitlement to register for status under the <i>Indian Act</i> is affected by the status entitlement of their parents, grand-parents and other ancestors.</p> <p>An applicant has the burden of proving the status entitlement of their parent, grandparent or other ancestor and must provide some evidence to do so.</p> <p>The application of the <i>Unknown/Unstated Parentage Policy</i> was found to have been unreasonable by the Ontario Court of Appeal in the <i>Gehl</i> case. As a principle of fairness and based on the interpretation of the <i>Indian Act</i>, the government may not impose too high a burden of proof for applicants that seek to prove the status entitlement of an unknown or unstated parent, grandparent or other ancestor.</p>	<p>The pre-1985 <i>Indian Act</i> denied individuals entitlement to register for status under the Act in many ways, including cases involving two consecutive generations of non-status mothers (Double Mother Rule) and where status women married non-status men (the Marry-Out Rule). One of the ostensible justifications for these limitations on entitlement to status was to prevent non-Indigenous persons from encroaching on the rights of Indigenous Peoples.</p> <p>Removing discrimination from the registration provisions in 1985 had to balance ongoing concerns about encroachment on Indigenous rights. Thus, Bill C-31 created the Second-Generation Cut-Off rule that is, on its face, gender-neutral. Under the Second-Generation Cut-Off rule, an individual who has only one status parent may not pass on entitlement to status to their children unless the other parent of their children is also entitled to status.</p> <p>While the Second-Generation Cut-Off Rule does not include any formal requirements or conditions based on sex, there are concerns that the rule adversely discriminates because identifying the other status parent of a child can, in some cases, create burdens and even risks for women that men do not face.</p>



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<b>BILL S-3 CHANGES</b>	Bill S-3 amended registration rules to provide the same entitlement to register for status to the male and female non-marital children.	Bill S-3 amended the registration rules to provide the same entitlement to register to the direct descendants of individuals who had lost status because they married non-status spouses, regardless of their sex.	Bill S-3 amended the registration rules to grant entitlement to register under the <i>Indian Act</i> to the direct descendants of people who were enfranchised because of their mother's subsequent marriage to a non-status man.	Bill S-3 restricts entitlement to register under the <i>Indian Act</i> in a way that can treat two applicants differently for no other reason than the marital status of their parents or their age.	Bill S-3 established a statutory burden of proof that the government must apply when making decisions about an applicant's unknown or unstated parent's, grandparent's or other ancestor's entitlement to status. Specifically, Bill S-3 creates the requirement to meet a "reasonable inference" based on "any credible evidence".	Bill S-3 did not specifically address concerns about adverse discriminatory effects of the Second-Generation Cut-Off Rule; however, the legislated burden of proof of a reasonable inference for proving the status entitlement of an unknown or unstated parent may ease the burden and risks related to these provisions.





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IMPLICATIONS	<p>You may have become entitled to register for status under the <i>Indian Act</i> if you are:</p> <ol style="list-style-type: none"> <li>1. The direct descendant of               <ol style="list-style-type: none"> <li>a) a person who lost or was denied status because they were born female to a status father and non-status mother who were not married to each other;</li> <li>b) A person who lost or was denied status because they married a non-status person; or</li> <li>c) A person who was enfranchised because they or their mother subsequently married a non-status person; and</li> </ol> </li> <li>2. Your parents:               <ol style="list-style-type: none"> <li>a) Were married to each other before April 17, 1985 (if you were born after this date); or</li> <li>b) Were or were not married to each other if you were born before April 17, 1985.</li> </ol> </li> </ol>			<p>Under the Post-Bill S-3 registration provisions, two siblings born to the same unmarried parents can be treated differently on the basis of age if one sibling was born before the 1985 cut-off (becoming entitled to status under subsection 6(1)) and the other was born after the 1985 cut-off (becoming entitled to status under subsection 6(2)).</p>	<p>Despite the Ontario Court of Appeal's finding that the burden of proof for proving the status entitlement of unknown or unstated parents, grandparents or other ancestors is "some evidence" and the new legislated burden of proof established under Bill S-3 of a reasonable inference based on any credible evidence, it appears that the <i>Unknown and Unstated Parentage Policy</i> of the Government of Canada sets the burden of proof in these matters to the civil law standard of balance of probabilities. Whether this burden of proof is in accordance with the legislation is debatable.</p>	<p>If a mother of an applicant is concerned about difficulties or dangers related to the identification of the other status parent of their child, they may rely on the <i>Unknown and Unstated Parentage Policy</i> to decline identifying the other parent and, instead, provide some credible evidence to support a reasonable inference that the unknown or unstated parent is or would have been entitled to register under the Act.</p>

