

Affaires indiennes
et du Nord CanadaIndian and Northern
Affairs Canada

Sous-ministre adjoint Assistant Deputy Minister

Ottawa, Canada
K1A 0H4

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By Facsimile

To Chief and Council

We are very pleased to provide you with an update regarding our preparation activities in anticipation of registration under the amendment to the *Indian Act* introduced by Bill C-3: *Gender Equity in Indian Registration Act*. Our objective for this initiative is to provide more effective and efficient registration services to eligible First Nations individuals.

As you are aware, Bill C-3 was spurred by a civil lawsuit filed by Sharon McIvor and her son Jacob Grismer in the Court of Appeal for British Columbia. It was ruled on April 6, 2009, that the *Indian Act* discriminated between men and women with respect to registration as an Indian, and therefore violated the equality provision of the *Canadian Charter of Rights and Freedoms*. With the passing of Bill C-3 into law, eligible grandchildren of women who lost status as a result of marrying non-Indian men have become entitled to registration (Indian Status) in accordance with the *Indian Act*.

On December 15, 2010, Bill C-3 *Gender Equity in Indian Registration Act* received Royal Assent, and the amendment to the *Act* will come into effect on January 31, 2011. It is estimated this legislation will result in approximately 45,000 persons becoming newly entitled to registration. Beginning on January 31, 2011 eligible individuals will be able to apply for registration via mail.

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

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

Eligible Bill C-3 applicants will be offered improved service since applications for registration as an Indian under the *Indian Act* and for the new in-Canada Secure Certificate of Indian Status (status card) will be done in one step. As Indian and Northern Affairs Canada is moving towards fully implementing the Secure Certificate of Indian Status (SCIS), it is more efficient to provide these newly registered Indians with the in-Canada format of the SCIS as their first card and offer it at the time of registration.

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Both cards, the current Certificate of Indian Status and the new SCIS, provide access to the same benefits and programs within Canada.

You will find in annex details of the application process and the required documentation.

As announced by the Minister in March 2010, upon the passage of the Bill, the broader issues associated with Indian registration, Band membership and citizenship that go beyond the scope of the Bill will be explored through a joint process. The process will provide the AFN and other organizations as well as First Nations and Aboriginal peoples with the opportunity for discussions at the local community, regional and national levels on a diversity of issues related to registration, membership and citizenship. Activities under the exploratory process are expected to take place over a period of one year, ending in December 2011.

In closing, the successful implementation of this initiative requires close collaboration among all stakeholders. Your support is much appreciated as we continue in our efforts to provide more efficient and timely services to all First Nations individuals.

Sincerely,



Élisabeth Châtillon
Resolution and Individual Affairs Sector

Annex

ANNEX

Application Process

A registration form specific to Bill C-3 must be used by applicants when submitting their request for registration. This form also includes a section to apply for the in-Canada SCIS. Indian and Northern Affairs Canada will make the forms available on its website (www.inac-ainc.gc.ca).

Confirmation of registration and issuance of the in-Canada SCIS will occur in two steps; however, applicants are strongly encouraged to provide all of the required documentation with their initial application form in order to receive an in-Canada SCIS as expeditiously as possible.

Applicants are required to send their application by mail directly to a processing unit dedicated to handle Bill C-3 applications. Approximately 4,500 applications, related to the McIvor Case, had been previously received by INAC. These applications had been put on hold have been re-activated on January 31, 2011. Applications that contained all required information and documentation will be processed. Individuals who had sent incomplete applications will be contacted by mail to provide the missing information.

Individuals who have provided all required information and who are deemed to be eligible for registration should receive a decision letter within four to six months, provided that application volumes are within our estimates. The letter of confirmation will provide them with access to benefits and services until their in-Canada SCIS is issued. If, or once, all the required documentation has been provided for the in-Canada format of the SCIS they will receive their certificate within 10 to 12 weeks following that date.

All First Nations Chiefs and Council, and Indian Registry Administrators will be receiving an information package regarding the Bill C-3 registration process. Department officials are currently holding information sessions with all Indian Registry Administrators around the country.

Application Documentation Requirements

- The following documents are required at time of application:
 - **Original** birth certificate listing the names of the applicant's parents (e.g. "Long Form Birth Certificate)
 - **Original** Registration and Secure Certificate of Indian Status (SCIS in-Canada) Guarantor Declaration (Form 83-120E)
 - **Original** valid identity document(s) OR **photocopy** of the applicant's valid identify document(s) certified by their Guarantor
 - **Photographs** – Two (2) passport type photographs signed on the back by the applicant's Guarantor
- And if applicable: Name Change Documents, Court Orders, or Statutory Declaration Forms