



HOW DOES INDIAN STATUS WORK?



STATUS 1869-1985

Indian status is the legal standing of a person who is registered under the *Indian Act*. Being registered comes with certain benefits like tax exemptions, education benefits, and extended health coverage. It is also connected to most (but not all) band memberships, and therefore the right to live on reserve, to access band-run programs and services, and to vote in band elections.

The *Indian Act* first defined Indian as: "Any male person of Indian blood; any child of such person; and any woman who is married to such person."

MARRYING IN & OUT

Status being tied to male Indian bloodlines meant women's status (Indigenous or not) was tied to whichever man they married.

Status Indian women would LOSE their own status rights if they married a man who did not have status. While Status Indian men could marry Non-Status women and retain their own status, the non-Indigenous woman in the relationship would also GAIN status.



LONGER LASTING FORMS OF ENFRANCHISEMENT

WAYS TO LOSE STATUS

ENFRANCHISEMENT

Enfranchisement is a legal process for terminating a person's Indian status and conferring full Canadian citizenship.

Enfranchisement happened when a Status Indian:

- Obtained a university degree
- Became a lawyer or doctor
- Joined the Canadian military
- Became a clergyman

These automatic enfranchisements were amended by 1951. Indian status and Canadian citizenship were still at odds though until 1960 when Status Indians gained the right to vote.

BILL C-31 (1985)

Due to pressure from the UN after the Sandra Lovelace ruling, as well as a desire to get the *Indian Act* in line with the new 1982 Charter, status changed from being immediately lost or gained through marriage to now happening over the span of 2 generations. Indian men are no longer authoritative to status, Status holders retain their own status and non-status partnerships now dilute their child's status at equal rates.

In 1981, the UN Human Rights Commission ruled that Canada had violated an International Covenant on Civil and Political Rights in the case of Sandra Lovelace (an Indigenous woman who lost her status by marrying out), bringing pressure to change status under the *Indian Act*.



STATUS 1985-NOW

Status recognizes 3 tiers: 100% status (6.1), 50% status (6.2) and then 0% non-status. While improved after Bill C-31, status is still a government registry that is a distant cousin to blood quantum.

This is still problematic and continues to track Indian status and award certification like dog breeding pedigrees.



PRE-1985 REGIME STILL LINGERS

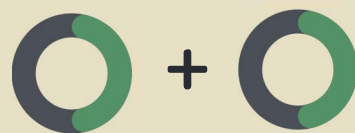
Non-Indigenous women who married into status (and their children) have status that still stands, and Indigenous women who lost their status (and their children) may not have gone back to apply and regain their status.



✗ non-status



✓ status



✓ status

With 50% status, they are not longer 'Indian enough' in the *Indian Act* to pass status to their kids **on their own**. Only if their partner has 50% or 100% status as **well**, will their child have status.

In **both** of these cases, they each would have 2/4 of their grandparents being Status Indian, yet they have **different tiers** of status. They each individually have the same rights under the *Indian Act* as Status-holders, except the individual with only 50% status will have more difficulty passing status down to their children.

Q: how does this make sense? they have 2/4 non-Indian grandparents but 100% Indian status?

A: Status doesn't make sense! This is one of the last lingering ways to **gain** status. It doesn't always match Indigeneity.

This is a slower form of assimilation in under-including mixed Indigenous people. Even if a mixed-Indigenous person is connected to their Indigeneity, community, and culture, their children may not have the same status recognition and accompanying rights, severing their children from their community, as many bands still tie membership codes to status.

OTHER REMAINING ISSUES

As time goes on and more Indigenous people travel, urbanize, and meet more diverse populous than just their communities, more mixed-Indigenous children are being born. This growing rate of mixed-Indigenous people being born means the rate that status is being diluted is growing as well. This is problematic for these mixed-Indigenous people needing to worry about the legal status of their partner in a way no other race or ethnicity would have to.

There is also still issues regarding self-determination for band governments. Bands have the right to control membership codes, however their funding is still tied to the *Indian Act*, which requires status. This poses potential major funding issues to any community that decides to waive status requirements, thereby making this an illusion of self-determination.

