

INDIAN STATUS AND BAND MEMBERSHIP  
A GUIDE FOR MEMBERSHIP ADMINISTRATORS

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**INDIAN STATUS AND BAND MEMBERSHIP**

**A GUIDE FOR MEMBERSHIP**

**ADMINISTRATORS**



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## A WORD OF EXPLANATION

This guide is for Membership Administrators - those people in Regional, District and Band Offices who have responsibility for making sure the Indian Register is kept up-to-date.

It's an important responsibility. It's a job that demands patience, sympathy, perserverance and attention to detail. Hopefully, it will be a little easier with this guide.

If it's not, if there are things you don't understand or things you think should be included, let us know. Write to:

The Registrar,  
Department of Indian Affairs  
and Northern Development,  
400 Laurier Avenue West,  
Ottawa, Ontario KIA 0H4

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## PART ONE

### THE REGISTRAR AND MEMBERSHIP

The Registrar of Indians is charged by Parliament with responsibility for maintaining an accurate and up-to-date record of all those people entitled to be registered in Canada as Indians under the terms of the Indian Act.

Before 1948 there was no central record of the membership of the various Indian bands. In fact, many bands had no accurate listing of even their own members.

After study by a Joint Committee of the Senate and the House of Commons, the 1951 Indian Act was drafted and passed into law. Under it, a Registrar was appointed whose main job is to keep track of, and safeguard, Indian status and membership.

#### STATUS AND MEMBERSHIP

It is important that those terms be properly understood. They don't mean the same thing.

- Status means the right of a person to be considered an Indian within the meaning of the Act.
- Membership means the right of an Indian to be enrolled in the membership of a particular band.

Although no one can be a band member if he doesn't have Indian status, there are registered Indians who are not members of any particular band. They are in a General List in the Register.

.....

## THE REGISTRAR OF INDIANS

The Registrar is the only official of the Department whose duties and responsibilities are specifically created and defined by Parliament in the Indian Act. He reports to the Department of Indian Affairs and Northern Development. How he relates to both is shown in Figure 1-1.

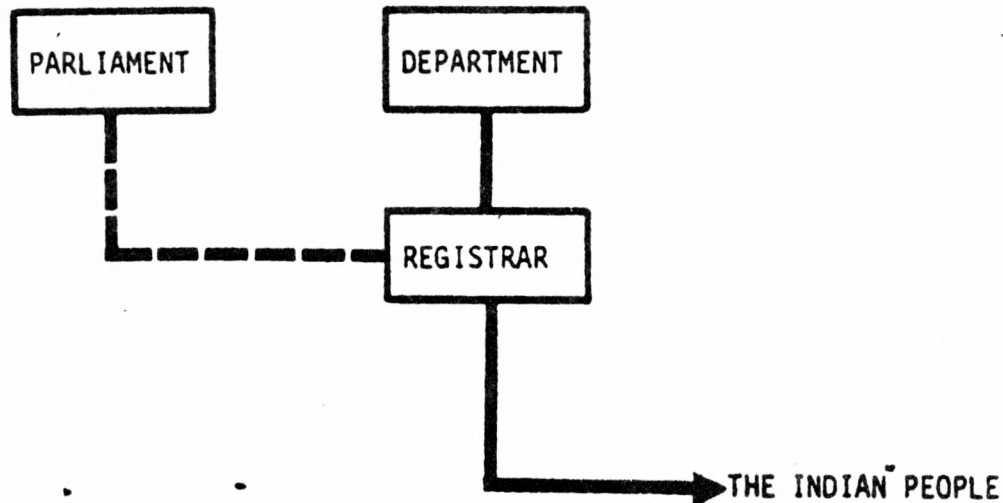


Figure 1-1 The Relationship of the Registrar to Parliament and the Indian People

He has three major responsibilities. Put simply, they are:

1. To develop and direct the organization and procedures needed to keep the Indian Register up-to-date.
2. To register those persons he considers to be entitled to Indian status, according to the Indian Act.
3. To render judicial decisions on protests of additions to, or deletions from, the Indian Register.



## MEMBERSHIP ORGANIZATION

Under the Registrar's direction, monthly reports are received from Membership Administrators in departmental offices and band offices across the country. In Ottawa, the reports are checked and the information is entered into the Register. (It is also computerized and used to produce population figures and other statistics needed by government and the Indian people themselves.)

Membership is organized as shown in Figure 1-2. Entitlement and Registration looks after the Register and investigates cases for the Registrar. It also trains Membership Administrators. The Field Services people visit offices and bands to discuss problems, recommend training and to give advice and help wherever possible.

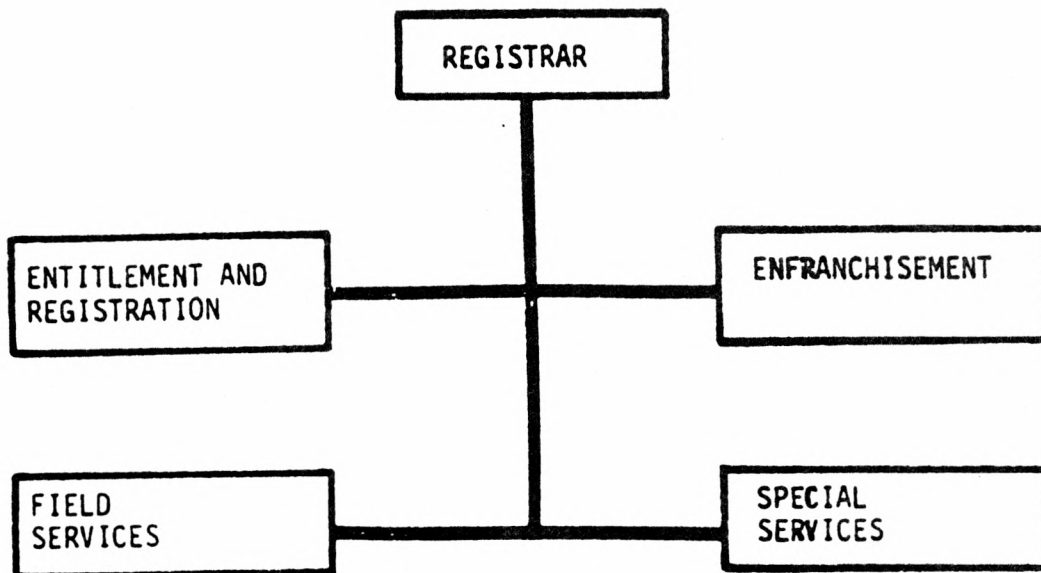


Figure 1-2 How Membership Functions are Organized

Enfranchisement handles all enfranchisements and arranges for the payment of enfranchisement funds. Special Services researches Indian ancestry and the history of various registrations, makes sure adopted Indian children are properly registered, and looks after the trust funds of Indian children who are adopted by non-Indians.

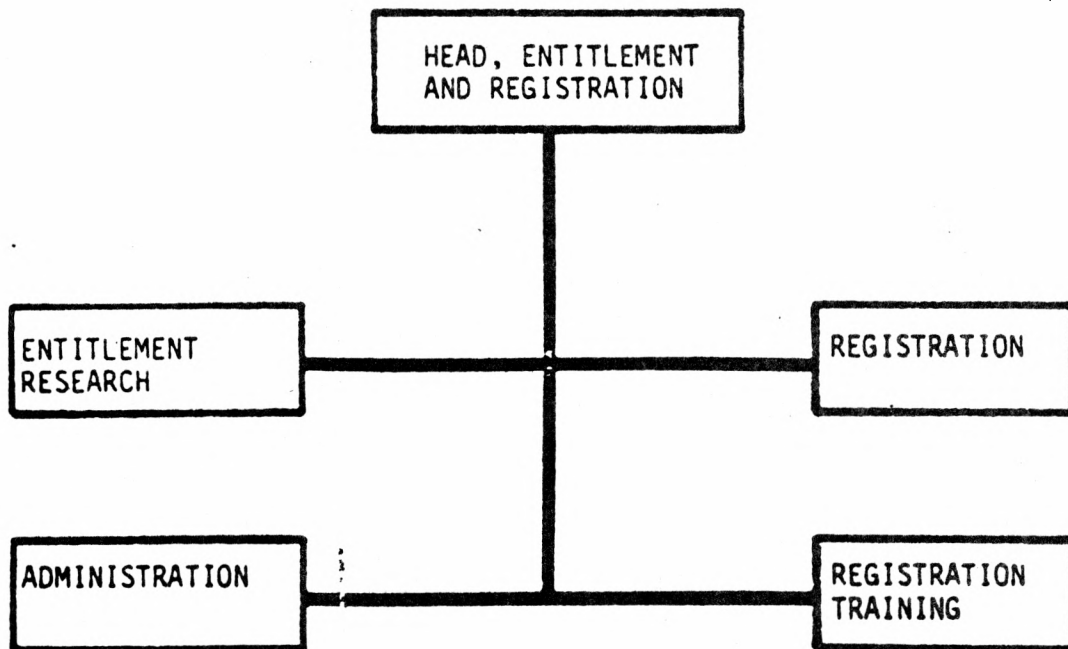


Figure 1-3 Entitlement and Registration

#### ENTITLEMENT AND REGISTRATION

Of most importance, perhaps, to Membership Administrators is Entitlement and Registration (See Figure 1-3)

All membership reports are received there and examined for accuracy. The ones that are acceptable are entered in the Register. Other that need explanation

or change are checked with the reporting Administrator and are entered only when all the true facts have been established. Mistakes, omissions and late reporting account for most of the delays in revising the Register. Wrong or doubtful information can never be allowed in the Register. It might seriously affect the future of individuals, families or entire bands.

## MEMBERSHIP ADMINISTRATORS

Some Administrators are on the staff of the Regional and District offices. But more and more, as bands take over the management of their own affairs, Membership Administrators are members of the band staff.

It's no exaggeration to say that Membership Administrators are the most important part of the registration process. Without them, no information can be collected. How up-to-date the Register is depends on how they report events. The accuracy of their work cuts down delays and gives status and membership as quickly as possible to those entitled. Their work helps promote an understanding of what Indian registration is all about and why it is so important to the Indian people.

## PART TWO

### REPORTING EVENTS

The reporting of events is a fairly simple matter. Get into the habit of using the same method and the same words every time. Figures 2-2 through 2-14 will help. There is a separate illustration given for every event.

#### WHAT FORM TO USE

Report all events on Band Membership Report, Form Number 1A-413. A sample copy is shown in Figure 2-1.

#### HOW TO FILL IT IN

Always type reports. Remember they need to be read accurately in Ottawa and when they are posted for band members to read. Send the originals to Ottawa. Make clear carbons for filing, forwarding to other agencies and for posting.

Start by filling in the name of the band, the district, and the month and year of reporting at the top of the first sheet.

To prevent work piling up at the end of the month, enter each event as you get the documentation. See Figure 2-1 for examples of entries.

Complete each entry according to the samples given in Figures 2-2 through 2-14. Total every page. Put a final total on the last sheet.

Check everything carefully and sign each sheet



## WHAT THE COLUMN HEADINGS MEAN

It will make reporting easier and more accurate if everybody interprets the column headings the same way. The meanings may look obvious, but let's review them anyway.

---

Band No.	This <i>always</i> refers to the Family Head (the one who heads the family number in the Register). Most often the Family Head is the father or husband. But not always. It may also be a widow, a divorced or single woman, or a single man.
Surname	This is the surname (or <i>family</i> name) of the Head. Like all names in the Band Membership Report it should be given (and spelled) exactly as shown in the Register. Always spell out surnames in capital letters.
Given Names	Again, this refers to the names shown in the Register. Always show <i>all</i> the given names to prevent confusion with somebody else.
Birth, Death, Marriage, Transfer	An X in any of these columns shows the kind of event being reported and makes it easier to arrive at totals at the bottom of the sheet.
Date	This always refers to the date the event took place (for example, the date of birth or marriage) or <i>the date the entry was authorized by the Registrar</i> (in the case of a transfer, etc.)

---

New No. This is given to a person who reaches the age of majority, to a man who marries while still a minor, to a minor unmarried mother on birth of her first child or to a woman upon divorce.

Name of Indian Affected This always means the *full name* of the person to whom the event is happening.

Remarks Although the column is provided for any comments you want to make, it will be best if you use the form of remarks shown in the illustrations. If everyone sticks to the same methods, mistakes will be cut down.

Increase, Decrease An X in either of these columns indicates a change in the total membership of the band. Total the X's on each sheet and put a main total for each band on the last sheet.

---

## DO

- ☐ Show in the Remarks column the sex of every person whose birth you are reporting. It's not always possible to tell the sex from the given names.
  - ☐ Report all given names.
  - ☐ Make sure all names are spelled exactly as in the Register. When reporting a birth, the child's name should be shown as it appears on the Birth Registration.
  - ☐ Report all events in the month they happen or as soon as all documentation is in.
  - ☐ Check your facts against the documents.
  - ☐ Fill in totals and number each page.
  - ☐ Send in the report by the tenth of the next month.
  - ☐ Make sure that Band Membership Reports are posted in the Band office for a full 12 months.
- .....

## **DON'T**

- ☐ Do not include doubtful information. Write to the Registrar first.
- ☐ Do not report adoptions openly. They are a private matter for the parents and the children, who may not want the facts to be known. See Part 4.
- ☐ Do not report a Presumed Death without first getting an authorization from the Registrar.
- ☐ Do not report an event that happened before September 4, 1951 without first getting authorization from the Registrar.
- ☐ Do not report the birth of an illegitimate child born before August 14, 1956 without first getting authorization from the Registrar.
- ☐ Do not report a divorce without an authorization from the Registrar.

## **REMEMBER**

Prompt reporting of events safeguards the status and membership of the Indian people. Accurate reporting prevents delays, reduces correspondence and keeps the Register up-to-date. Delays in reporting make everybody's work more difficult and can hold up the payment of allowances and annuities, etc.

**BAND MEMBERSHIP REPORT - RAPPORT SUR LA LISTE DES MEMBRES DE LA BANDE**  
 ALL ENTRIES SUBJECT TO APPROVAL BY THE REGISTRAR. (SOUS RÉSERVE D'APPROBATION DU RÉGISTRAR)

Band **Fielding** District **James** Month **January** Year **1976**  
 Bande **Fielding** District **James** Mois **January** Année **1976**

REGISTERED INDIAN - INDIEN INSCRIT			AMENDMENT - MODIFICATION								Initials Augmentation Suppression Distribution	
Band No. N° de bande	(Surname) (Nom de famille)	(Given names) (Prénom(s))	Birth Né(e)	Death Décédé(e)	Marriage Mariage	Transfer Déplacement	Date	New No. (if any) Nouveau numéro (le cas échéant)	Name of Indian Affected Nom de l'indien concerné (Surname) (Nom de famille)	(Given names) (Prénom(s))		Remarks Observations
100	HAWK,	John George	X				Nov 3/75		HAWK,	Dale Terry	Female	X
175	BROWER,	John Alfred					Dec 1/75		BROWER,	Unnamed	Male - Stillbirth	
602	EAGLE,	James Albert		X			Dec 8/75		EAGLE,	James Albert		X
25	BUFFALO,	John Geoffrey				X		224	BUFFALO	Edward James		
400	TANNER,	George John			X		Jul 1/75		TANNER,	George John	Married Jane RAVEN, No. 350 Fielding Band	
329	HAWK,	Child of Joan							TROUT,	Thomas Carl	Trans. to No. 395 Fielding Band; Auth. Reg's ltr. d. Dec 1/75 F. 666/3-3-3	

SAMPLE

Band Membership Report Posted at Fielding Band Office  
 Rapport posté à (Name of Place) - (Nom de la localité)

Feb 3 19 76  
 (Date)

*Arthur F. Hawk*  
 Band Manager - Responsable  
 Administrateur de bande ou surintendant

PAGE

Figure 2-1 The Band Membership Report



# BAND MEMBERSHIP REPORT

Under

Enter

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head

## AMENDMENT

Birth

X

Death

Leave blank

Marriage

Leave blank

Transfer

Leave blank

Date

Date the child was born

New No.

Leave blank

Name of Indian Affected

Surname

Surname of child shown on birth registration

Given Names

Full given names of child shown on birth registration.

Remarks

Male or Female. Always give the sex of the child because it's not always easy to tell from the names

Increase

X

Decrease

Leave blank

### Note:

For a child born to an unmarried mother before August 14, 1956, send details in letter to Registrar. When he gives authorization, report birth in usual way and put Auth. Reg's ltr. d. (with date and file number) in Remarks column.

Figure 2-2 How to Report a Birth

# BAND MEMBERSHIP REPORT

Under \_\_\_\_\_

Enter \_\_\_\_\_

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head

## AMENDMENT

Birth

*Leave blank*

Death

*Leave blank*

Marriage

*Leave blank*

Transfer

*Leave blank*

Date

The date the child was stillborn

New No.

*Leave blank*

Name of Indian Affected

Surname

Surname of child

Given Names

Full given names of child. If the child was not given a name, put Unnamed

Remarks

Male - stillbirth  
Female - stillbirth

Increase

*Leave blank*

Decrease

*Leave blank*

Figure 2-3 How to Report a Stillbirth

# BAND MEMBERSHIP REPORT

Under

Enter

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head

## AMENDMENT

Birth

*Leave blank*

Death

X

Marriage

*Leave blank*

Transfer

*Leave blank*

Date

Date the person died

New No.

*Leave blank*

Name of Indian Affected

Surname

Surname of person who died

Given Names

Full given names of person who died

Remarks

*Leave blank unless there is somebody else on that band number who has exactly the same name. If that happens, put Father, Son, Mother, Daughter, etc. as applicable*

Increase

*Leave blank*

Decrease

X

Figure 2-4 How to Report a Death

# BAND MEMBERSHIP REPORT

Under \_\_\_\_\_

Enter \_\_\_\_\_

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head

## AMENDMENT

Birth

*Leave blank*

Death

X

Marriage

*Leave blank*

Transfer

*Leave blank*

Date

*Date the person died. If the date is not known, give the date indicated in the Registrar's letter of authorization*

New No.

*Leave blank*

Name of Indian Affected

Surname

Surname of person who died

Given Names

Full given names of person who died

Remarks

Presumed dead. Give date and file number of Registrar's letter. For example, Auth. Reg's ltr. d. May 8/73, F 967/3-3-3  
*If there is somebody else on that band number who has exactly the same name, put FATHER, SON, MOTHER, DAUGHTER, as applicable.*

Increase

*Leave blank*

Decrease

X

*Note:*

*In cases of presumed death, send documents such as police report or coroner's report with letter to Registrar and wait for his authorization before reporting.*

Figure 2-5 How to Report a Presumed Death



# BAND MEMBERSHIP REPORT

Under

Enter

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head  
Where parents are dead or removed  
from number, put Children of and  
give name and number of previous  
Family head.

## AMENDMENT

Birth

Leave blank

Death

Leave blank

Marriage

Leave blank

Transfer

X

Date

Leave blank

New No.

New number

Name of Indian Affected

Surname

Surname of person being given new  
number

Given Names

Full given names of person being  
given new number

Remarks

Leave blank

Increase

Leave blank

Decrease

Leave blank

Note:

Send new Registered Indian Record Sheet (yellow original) to the  
Registrar with the report.

Figure 2-6 How to Report the Allotment of a New Number

# BAND MEMBERSHIP REPORT

Enter \_\_\_\_\_

## REGISTERED INDIAN

Band No.	Number of Family Head (Man who has married)
Surname	Surname of Family Head
Given Names	Full given names of Family Head

## AMENDMENT

Birth	Leave blank
Death	Leave blank
Marriage	X
Transfer	Leave blank
Date	Date of marriage

New No. *Leave blank*

## Name of Indian Affected

Surname	Surname of Family Head (Man who has married)
Given Names	Full given names of Family Head

Remarks *Wife's full name, band and band number if she is Indian*  
*Wife's full name, the words non-Indian and her date of birth if she is not a Registered Indian.*

Increase *X - if wife is from a different band or is not a registered Indian.*  
*Leave blank - if wife is from same band*

Decrease *Leave blank*

## Note:

*If the husband is a minor, he is first given a new number and the marriage is then reported under the new number. Send new Registered Indian Record Sheet (yellow original) to the Registrar with the report.*

Figure 2-7 How to Report the Marriage of an Indian Man

# BAND MEMBERSHIP REPORT

Under

Enter

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head

## AMENDMENT

Birth

*Leave blank*

Death

*Leave blank*

Marriage

X

Transfer

*Leave blank*

Date

Date of marriage

New No.

*Leave blank*

Name of Indian Affected

Surname

Maiden Surname of woman who has married  
If woman was previously married her  
former married surname should be used.  
Full given names of woman who has  
married

Given Names

Remarks

Husband's name, band and band number  
if he is Indian  
Husband's name and the words non-Indian  
if he is not a registered Indian.

Increase

*Leave blank*

Decrease

X

*Leave blank - if marriage is to man  
from same band*

Figure 2-8 How to Report the Marriage of an Indian Woman

# BAND MEMBERSHIP REPORT

Under

Enter

## REGISTERED INDIAN

Band No.

Number of Family Head

*In admitting band report show new band number*

Surname

Surname of Family Head

Given Names

Full given names of Family Head

## AMENDMENT

Birth

*Leave blank*

Death

*Leave blank*

Marriage

*Leave blank*

Transfer

X

Date

Date of Registrar's letter authorizing transfer

New No.

*Leave blank*

Name of Indian Affected

Surname

*Surname of person transferred*

Given Names

*Given names of person. If whole family is transferred, make separate entry for each*

Remarks

*Transferred to or from (name and number of other band), Auth. Reg's ltr. d. (give date and file number)*

Increase

*Leave blank - on report from old band  
X - for each person transferred on report from new band*

Decrease

*X - for each person transferred on report from old band  
Leave blank - on report from new band*

Note:

*Admitting band will include new Registered Indian Record Sheet (yellow original) with the report.*

Figure 2-9 How to Report a Transfer between Bands



# BAND MEMBERSHIP REPORT

Under

Enter

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head  
Where parents are dead or removed from  
number, put CHILD or CHILDREN OF and  
give name and number of previous  
Family Head

## AMENDMENT

Birth

Leave blank

Death

Leave blank

Marriage

Leave blank

Transfer

Leave blank

Date

Leave blank

New No.

Leave blank

## Name of Indian Affected

Surname

Surname of person being transferred

Given Names

Full given names of person being  
transferred

Remarks

Transfer from or to (give band number  
and name of band) Auth. Reg's ltr. d.  
(give date and file number)

Increase

Leave blank - if in same band or in  
report from old band  
X - in report from new band for each  
person transferred

Decrease

X - in report from old band for each  
person transferred  
Leave blank - if in same band or in  
report from new band

Figure 2-10 How to Report a Transfer to a Parent's Number

# BAND MEMBERSHIP REPORT

## REGISTERED INDIAN

Band No.

Surname

Given Names

Enter

Band number of husband

Surname of husband

Full given names of husband

## AMENDMENT

Birth

Death

Marriage

Transfer

Date

*Leave blank*

*Leave blank*

*Leave blank*

X

Date divorce was granted

New No.

Name of Indian Affected

Surname

Given Names

New number given to divorced wife

Married name of divorced wife

Full given names of divorced wife

Remarks

Transferred to own number on divorce.  
Auth. Reg's ltr. d. (give date and  
file number)

Increase

Decrease

*Leave blank*

*Leave blank*

Note:

Send new Registered Indian Record Sheet (yellow original) to the Registrar with the report.

Figure 2-11 How to Report a Divorce

# BAND MEMBERSHIP REPORT

Under

Enter

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head

## AMENDMENT

Birth

X - if an inclusion  
Leave blank for deletion

Death

Leave blank

Marriage

Leave blank

Transfer

Leave blank

Date

Date of birth of person - if  
an inclusion

New No.

Leave blank

Name of Indian Affected

Surname

Surname and given names of each  
person being included in (or  
deleted from) Register

Given Names

When deleting or including more than one  
person, make separate entry for each

Remarks

The words Declared entitled (or  
not entitled) to be registered.  
Auth. Reg's ltr. d. (give date and  
file number)

Increase

X - for each person included

Decrease

X - for each person deleted

Note:

When person is included under his own number, send new Registered  
Indian Record Sheet to the Registrar with the report.

Figure 2-12 How to Report a Deletion or Inclusion

# BAND MEMBERSHIP REPORT

Enter

## REGISTERED INDIAN

Band No.	Number of Family Head
Surname	Surname of Family Head
Given Names	Full given names of Family Head

## AMENDMENT

Birth	<i>Leave blank</i>
Death	<i>Leave blank</i>
Marriage	<i>Leave blank</i>
Transfer	X
Date	<i>Leave blank</i>

New No.	<i>Leave blank</i>
---------	--------------------

## Name of Indian Affected

Surname	Surname of child
Given Names	Full given names of child

Remarks	<i>Leave blank</i>
---------	--------------------

Increase	X - in report of new band <i>Leave blank - in report of old band</i>
----------	---

Decrease	X - in report of old band <i>Leave blank - in report of new band</i>
----------	---

### Note:

These events are only reported after a letter of instruction is received from the Registrar

Figure 2-13 How to Report an Adoption

# BAND MEMBERSHIP REPORT

Under

Enter

## REGISTERED INDIAN

Band No.

Number of Family Head

Surname

Surname of Family Head

Given Names

Full given names of Family Head

## AMENDMENT

Birth

*Leave blank*

Death

*Leave blank*

Marriage

*Leave blank*

Transfer

*Leave blank*

Date

Date of the enfranchisement order

New No.

*Leave blank*

Name of Indian Affected

Surname

Surname of person enfranchised

Given Names

Full given names of person enfranchised  
If the whole family is enfranchised,  
make a separate entry for each person  
The words Enfranchised by Order-in-  
Council P.C. and give number

Remarks

Increase

*Leave blank*

Decrease

X - for each person enfranchised  
Leave blank - for a woman enfranchised  
as a result of her marriage to a  
non-Indian

Figure 2-14 How to Report an Enfranchisement



## PART THREE

### KEEPING THE REGISTER

The Indian Register is used to record all the information on individuals and families which is needed for membership purposes. This information is shown on Registered Indian Record Sheets, Form IA-981. A separate sheet is maintained for every family unit.

When a new band number is issued, the field office prepares, in duplicate, a new Registered Indian Record sheet to cover the individual under the new band number. The yellow original is sent to Ottawa to become part of the Master Register and the white carbon copy is kept as part of the field copy of the Register. This way, the Registrar is assured that all reports and records are based on identical information.

Events are reported to Ottawa on monthly Band Membership Reports and are incorporated into the master copy of the Indian Register by Ottawa staff. These events are also recorded by the Membership Administrator in the field copy of the Register.

### ***REMEMBER***

Except for events such as births, deaths, marriages and regular allotment of new numbers, changes are made in the Indian Register only after authorization has been received from the Registrar.

### CHANGING THE RECORD

Additions to the Record sheet are made simply by typing in the new information. Deletions are made by drawing a line in red ink through the names of the person and typing a short note of explanation in Column 6 - Change in Status or Membership, or occasionally in Part 4 - General Remarks. Typical examples of changes are given in Figure 3-1.

PART 1 PERSONAL DATA  
PARTIE 1 FICHE PERSONNELLE

Indian and Northern Affairs Affaires indiennes et du Nord

REGISTERED INDIAN RECORD - FICHE D'INDIEN INSCRIT

James BEARDY

4. Band No.  
N° de bande 148 Date Record  
Date

1. Band - Bande Little Lake Band		2. First and other names in full - Prénoms et complet James		3. Last Name - Nom BEARDY		4. Band No. N° de bande 148	
5. Agency - Agence Flower District		6. P.O. Address - Adresse postale Redwood, Saskatchewan		7. Date of Birth Date de naiss Oct 15/25		8. Religion	
11. Father's Name - Rénom du père Robert BEARDY		12. Band and No - Bande et N° No. 29 Little Lake Band		13. Mother's Name - Nom de la mère Mary BEARDY nee JONES		14. Band and No - Bande et N° No. 29 Little Lake Band	

PART 2 MARRIAGE DATA  
PARTIE 2 STATUT MATRIMONIAL

1. Name of Wife - Nom du conjoint	2. Date of birth Date de naiss	3. Former Band and No - Bande et N° antérieur	4. Marriage Mariage	5. Recorded Inscription	6. Religion	7. Date
Jane SMITH	June 20/30	Non-Indian	June 10/57	Aug/57		Jan 10/70
Martha TANNER	Aug 11/35	No. 301 Arrowhead Band	Nov 7/70	Nov/70		

PART 3 CHILDREN  
PARTIE 3 ENFANTS

1. Names - Nom	2. Sex Sexe	3. Date of birth Date de naiss	4. Date Recorded Date d'inscr.	5. Religion	6. Change in status or membership - Changement au titre d'Indien et de membre d'une bande	7. Date	8. New No. Nouvel N°
Margaret	F	May 6/58	June/58		Trans. to No. 360 Little Lake Band Auth Reg's ltr.d. July 15/70 F. 666/18-27 - mother awarded custody.		
John Raymond	M	July 9/60	Sept/60		Trans. to No. 360 Little Lake Band Auth Reg's ltr.d. July 15/70 F. 666/18-27 - mother awarded custody.		
Leonard	M	Oct 4/62	Nov/62		See part 4		
SAMPLE							

PART 4 GENERAL REMARKS  
PARTIE 4 REMARQUES

Custody of Leonard BEARDY awarded to father; Auth. Reg's ltr.d. July 15/70 F. 666/18-27.

Figure 3-1 The Registered Indian Record Sheet

## PART FOUR

### OTHER MEMBERSHIP FUNCTIONS

#### ADOPTION

There is nothing in the Indian Act that says that a child changes status when adopted. Indian children retain their status whether they are adopted by Indians or non-Indians. Non-Indian children do not gain Indian status if they are adopted by Indian parents.

Registered children adopted by non-Indians, and who are entitled to band funds and treaty annuity payments, have their funds looked after for them by the Registrar until they reach the age of majority, which varies from province to province. To obtain the release of funds, they should apply to the Registrar.

#### **REMEMBER**

All correspondence about adopted children must be sent to the Registrar in an envelope marked CONFIDENTIAL. TO BE OPENED BY THE REGISTRAR. The envelope must be sealed in a second envelope.

No enquiries about adopted children or their parents should ever be made by Regional, District or Band Offices, except to the Registrar. If any information is received, don't file it or record it. Send it to the Registrar under the CONFIDENTIAL cover as explained above.

## LEGITIMATION

In order to obtain the Registrar's authorization to report and record the legitimation of a birth, have both parents sign statutory declarations confirming that the husband is the natural father of the child. If this has already been done for the provincial Division of Vital Statistics, send a photocopy of the declaration to the Registrar under CONFIDENTIAL cover. Then wait for authorization from the Registrar before reporting.

Where the Registrar decides that a child must be removed from the Register because of legitimation, he will instruct the Membership Administrator to notify the mother by registered mail. She has three months from the date of the Registrar's decision in which to protest the deletion.

## **REMEMBER**

Have all statutory declarations witnessed and signed by a person authorized as Commissioner for Taking Oaths under Section 8 of the Indian Act, by a Commissioner of Oaths appointed by the Province, by a Justice of the Peace or by someone else authorized to witness such documents. Indicate their authority clearly.

## DIVORCE

When a man and wife get a divorce, the original or a photocopy of the Divorce Decree Absolute must be sent to the Registrar before any change can be made to the Register. The custody of any minor unmarried children is usually dealt with in the Decree Nisi but may also be included in the Decree Absolute. The appropriate documents should be forwarded. If custody was not dealt with by the courts, local investigation will have to be made to find out who, in fact, has the children and this information forwarded to Ottawa.

Where the divorce was granted in another country, the Registrar must have a statement from a lawyer practising in the same province or territory where the



and is located, giving an opinion as to whether or not the divorce would be recognized by the provincial or territorial court of that province and giving his reasons. It is up to the divorced person to arrange for that opinion to be obtained.

When all the documents are collected, and the circumstances of the children's custody are established, send all of the information to the Registrar and he will decide if the information is enough for membership purposes. If it is, he will authorize a change to the Register. If it is not, he will say what extra information is needed.

#### ANNULMENT

Treat annulment in the same general way as divorce and send the information along to the Registrar for authorization before reporting it.

#### LEGAL SEPARATION

When a couple obtains a legal separation through the courts there is normally no change in the Register. However, the husband may make application for enfranchisement on his own at some time in the future. It is for that reason that Membership Administrators are asked to send along to the Registrar any documents they may have connected with legal separations.

#### ISSUING A CERTIFICATE OF INDIAN STATUS

These certificates are issued to people who at some time or other may want to be able to verify their Indian Status.

People sixteen and over who apply for a Certificate of Indian Status must provide a passport-size photograph, with a matt (dull) finish, taken within the previous six months.





To issue a certificate:

1. Use Form IA-238.- Certificate of Indian Status
2. Fill in all details, making sure the name, birth date and marital status agree with the Register.
3. Have the applicant sign the form.
4. Have it signed by the District Superintendent or the Band Administrator.
5. Write the serial number of the certificate on the back of the photograph.
6. Attach the photograph to the certificate with a paper clip and send both to Ottawa for laminating.
7. Record the certificate in the Certificate Register, Form IA-226, giving the applicant's full name, band name and number, certificate serial number and date of issue.

To issue a certificate to a child under sixteen:

1. Follow steps 1 to 4.
2. Stamp the word MINOR and write or stamp the expiry date (two years from the date of issue) in the space normally used for the photograph.
3. Issue the certificate directly to the child.
4. Follow step 7.

## ENFRANCHISEMENT

The Indian Act allows Indians to give up their status and membership rights under certain conditions. The legal process is called enfranchisement.

There are three ways in which a person can be enfranchised:

- a. By voluntary application from any person who meets the qualifications set down in the Act - that is, people who are at least 21 years old and are capable of supporting themselves and their dependents. Whether they qualify or not is decided by the Enfranchisement Board, which meets when required to consider appli-

cations. It is important to remember that an applicant's wife and minor unmarried children must be enfranchised at the same time, except when the wife and the minor unmarried children are living apart from the husband.

- b. By reason of marriage. This applies to Indian women who marry non-Indians. It may include children if they are of Indian status, if they are living with the mother and new father in a non-Indian community, if they are under sixteen and the mother gives consent, or are between sixteen and twenty-one and both mother and child give consent.
- c. By voluntary application of the entire band. This is not very common, since only one band of any size has been enfranchised in recent years.

Individuals are entitled to their share of the band funds and twenty years' treaty annuity (if applicable) when they are enfranchised.

Band funds owing to minors are given to the parents only if the amount is small. Otherwise, they are turned over to the Official Guardian of the province, or to the public Trustee, who administers them until the child reaches the age of twenty-one. If there is no provincial officer to take care of the funds, they are administered by the Membership Section.

To help someone apply for enfranchisement:

1. Have the individual fill out Application for Enfranchisement, Form 1A-125.
2. Check all information against the Register for accuracy and verify all other information given on the form.
3. Have the applicant (and his wife if he has one) sign the form. Also have the applicant sign in the SPECIMEN SIGNATURE box.
4. Indicate the Band Council's recommendation.
5. Have the District Superintendent or the Band Administrator sign the form and give his recommendation.
6. Send all documents to the Registrar.

In the case of an Indian woman who marries a non-Indian:

1. Have her complete a Statement of Marriage to a Non-Indian, Form IA-195.
2. Check all information against the Indian Register for accuracy.
3. Have the woman sign the form.
4. Have the District Superintendent or the Band Administrator sign the form.
5. Send all documents to the Registrar.

Approved applicants will be enfranchised by Order-in-Council. Unsuccessful applicants will be notified.

Enfranchised individuals may want a Certificate of Enfranchisement. To get one, they should fill in Form IA-123 and send it to the Membership Division.

### **REMEMBER**

Make sure the Certificate of Indian Status is withdrawn before a Certificate of Enfranchisement is issued.

### **PROTESTS**

Band members can, under the Indian Act, protest the addition or deletion of anyone they believe has been wrongly included in the band, or wrongly removed from it.

These protests can be made by the person involved, the Band Council, by any ten electors, or (if the band is so small as to have less than ten) any three. Protests must be made within three months of the date the changes were registered. An exception is made only in cases involving illegitimate children when a twelve-month protest period is allowed.

help in the preparation of a protest:

1. Have those protesting give a brief statement of their reasons on Form IA-655. (When the protest is on behalf of someone still a minor, a parent should do it for him.)
2. Make sure there are the required number of signers.
3. Send the completed form to the Registrar.

If the Registrar decides that the person under protest is not entitled to be registered, he will notify the Band Administrator who, in turn, will notify the person (or the mother, in the case of a child) by registered mail. The decision can be appealed to the Registrar within three months.

If an appeal is made, the Registrar's appeal decision can be referred to the courts within three months, either by the person affected or by the Band Council.