



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

**INDIAN REGISTRY
REPORTING**

L73916

**PARTICIPANT'S
MANUAL**

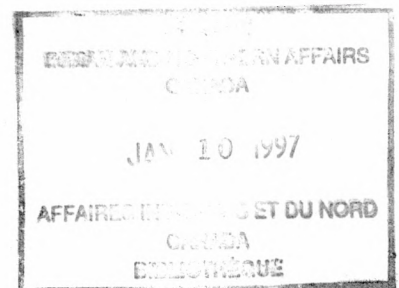
E78
.C2
C3342
1990
c.1

Canada

**INDIAN REGISTRY
REPORTING**

L73916

**PARTICIPANT'S
MANUAL**



February, 1989
Revised September 1990

TABLE OF CONTENTS

Training Objective/Enabling Objectives 1

Content Outline 4

Evaluation of the Training Objective 7

Timetable 8

COURSE SESSIONS

INTRODUCTION INTRO-1

SESSION 1 - ADMINISTRATIVE FRAMEWORK 1-1

SESSION 2 - INDIAN ACT 2-1

SESSION 3 - DOCUMENTATION.....3-1

SESSION 4 - INDIAN REGISTRY REPORTING SYSTEM 4-1

SESSION 5 - REPORTING EVENTS 5-1

SESSION 6 - EVENTS REQUIRING PRE-AUTHORIZATION..... 6-1

SESSION 7 - ACCESS TO INFORMATION ON REGISTERED INDIANS..... 7-1

SESSION 8 - CERTIFICATION OF INDIAN STATUS CARDS.....8-1

SESSION 9 - REPORTS.....9-1

SESSION 10- LEGITIMATIONS.....10-1

1. TRAINING OBJECTIVE/ENABLING OBJECTIVES

1.1 TRAINING OBJECTIVE (T.O)

PERFORMANCE: Administer Indian Registrations

CONDITIONS: GIVEN - Written exercise

STANDARD: Correctly carry out the functions required for Indian Registry Reporting in accordance with the Indian Act, Federal and Provincial statutes and the registry reporting system.

1.2 ENABLING OBJECTIVES (E.O.)

1.2.1 E.O.#1 Performance Identify the administrative framework of the Indian Registry Reporting system.

Conditions GIVEN: - Written exercise
With Assistance

Standard In accordance with the answer key provided to the instructor.

1.2.2 E.O.#2 Performance Apply the appropriate sections of the Indian Act to Indian registrations.

Conditions GIVEN: - Written exercise
- Indian Act
With Assistance

Standard In accordance with the answer key provided to the instructor.

- | | | | |
|-------|--------|--------------------|---|
| 1.2.3 | E.O.#3 | <u>Performance</u> | Identify the correct sources for documentation. |
| | | <u>Conditions</u> | GIVEN: - Written exercise

With Assistance |
| | | <u>Standard</u> | In accordance with the answer key provided to the instructor. |
- | | | | |
|-------|--------|--------------------|---|
| 1.2.4 | E.O.#4 | <u>Performance</u> | Maintain the Indian Register. |
| | | <u>Conditions</u> | GIVEN: - Written exercise

With Assistance |
| | | <u>Standard</u> | In accordance with the answer key provided to the instructor. |
- | | | | |
|-------|--------|--------------------|---|
| 1.2.5 | E.O.#5 | <u>Performance</u> | Identify the proper procedure for the reporting of events. |
| | | <u>Conditions</u> | GIVEN: - Case study exercise

With Assistance |
| | | <u>Standard</u> | In accordance with the answer key provided to the instructor. |
- | | | | |
|-------|--------|--------------------|--|
| 1.2.6 | E.O.#6 | <u>Performance</u> | Identify the Departmental policy on access to information |
| | | <u>Conditions</u> | GIVEN: - Group discussion

With Assistance |
| | | <u>Standard</u> | In accordance with the material presented by the instructor. |

- 1.2.7 E.O.#7 Performance Identify the process for the issuance of Certificates of Indian Status cards.
- Conditions GIVEN: - Case study exercise
- With Assistance
- Standard In accordance with the material presented by the instructor.
-
- 1.2.8 E.O.#8 Performance Describe the four types of reports available from the Indian Registry System.
- Conditions GIVEN: - Group exercise
- With Assistance
- Standard In accordance with the guidelines provided to the instructor.
-
- 1.2.9 E.O.#9 Performance Describe the legitimation reporting procedure.
- Conditions GIVEN: - Written exercise
- With Assistance
- Standard In accordance with the answer key provided to the instructor.

2. CONTENT OUTLINE

2.1 GENERAL OVERVIEW

The Indian Registry Reporting Course is designed to provide participants with the knowledge and skills required to administer Indian registrations in accordance with the Indian Act, Federal and Provincial statutes, and departmental procedures.

2.2 INTRODUCTORY SESSION

The course administration details are dealt with during this session. Standard items such as the introduction of instructor and participants, an attendance check, the description of facilities, hours of instruction, evacuation procedures and smoking regulations are covered. Following the administrative details, the instructor will explain the course objectives and the evaluation methodology.

2.3 SESSION 1. ADMINISTRATIVE FRAMEWORK

The goal of this session is to explain the administrative framework, roles and responsibilities of the Registrar, Headquarters staff and field offices. Emphasis will be placed on the Indian Act authority for maintaining the Indian Register and Departmentally held Band lists.

A study of definitions will be done to familiarize the participant with terms most commonly used. Method used will include lecture/discussion, followed by an exercise.

2.4 SESSION 2. THE INDIAN ACT

This session provides a knowledge of the sections of the Indian Act that pertain to Indian entitlements. The method used will include lectures, discussions and illustrations to determine entitlements. A written exercise concludes the session.

2.5 SESSION 1 DOCUMENTATION

This session outlines the criteria by which a person may be registered as an Indian, as prescribed by the Indian Act. The acceptable sources of documentation are presented through lecture and discussion. A written exercise follows.

2.6 SESSION 4. INDIAN REGISTRY REPORTING SYSTEM

This session examines the structure of the Indian Register page and the process involved in maintaining an up-to-date Register. Lecture and discussion are followed by a written exercise.

2.7 SESSION 5. REPORTING EVENTS

The proper procedure for the reporting of certain events is outlined in this session. Copies of the data entry forms are included and the reporting instructions for each are presented through lecture and discussion. A case study exercise allows participants to practice the application of the reporting instructions.

2.8 SESSION 6. PRE-AUTHORIZATION EVENTS

This session examines the supporting documentary evidence required for the events that cannot be reported without pre-authorization. Lecture and discussion are followed by a written exercise.

2.9 SESSION 7. ACCESS TO INFORMATION ON REGISTERED INDIANS

Lecture and discussion are used to outline departmental policy on the release of information on registered Indians.

2.10 SESSION 8. CERTIFICATION OF INDIAN STATUS CARDS

This session gives general direction with respect to the issuance of Certificates of Indian Status cards. A case study exercise follows lecture and discussion.

2.11 SESSION 9. REPORTS

The four basic types of reports available in the Indian Registry System are presented in this session through lecture, discussion and group exercise.

2.12 SESSION 10. LEGITIMATIONS

This session outlines the legitimation reporting procedure. Lecture and discussion are followed by a written exercise.

3. EVALUATION OF THE TRAINING OBJECTIVE

3.1 EVALUATION INSTRUMENT

Work-related exercise.

3.2 DESCRIPTION:

Participants are asked to describe the appropriate steps to take when faced with various aspects of Indian registration.

3.3 TIMING

Brief	5 min.
Participants complete the exercise	60 min.
Debrief	25 min.

TIMETABLE

	DAY 1	DAY 2	DAY 3
08:30	Introductory Session - Administrative Details	Review	Review
09:00	Session 1 Administrative Framework	Session 5 Reporting Events	Session 5 Continued
10:00	BREAK	BREAK	BREAK
10:15		|	|
11:15	Session 2 The Indian Act		
12:00	LUNCH	LUNCH	LUNCH
13:00		|	Session 6 Pre-Autho- rization Events
14:00	Session 3 Documentation		
15:00	BREAK	BREAK	BREAK
15:15		|	|
16:30	Session 4 Indian Registry Reporting System		

TIMETABLE

	DAY 4	DAY 5	
08:30	Review	Review	
09:00	Session 7 Access to Information on Registered Indians		
10:00	BREAK	BREAK	BREAK
10:15	Session 8 Certification on Indian Status Cards	Evaluation Instrument	
12:00	LUNCH	LUNCH	LUNCH
13:00	Session 9 Reports	Debrief	
14:00		Closing	
15:00	BREAK	BREAK	BREAK
15:15	Session 10 Legitimations		
16:30			

PostFax
MONTREAL, QUEBEC
CR213-10N

SESSION 1

ADMINISTRATIVE FRAMEWORK

1. AUTHORITIES

The Indian Act gives authority for maintaining the Indian Register and Departmentally held Band lists.

1.1 THE INDIAN REGISTER

The Indian Register is a confidential record of all persons who are registered as Indians in Canada in accordance with the Indian Act. The Registrar is the officer of the Department charged in the Indian Act with the responsibility to determine entitlement of persons to registration as Indians and with the maintenance of the Indian Register. Section five of the Indian Act provides the following definitions:

INDIAN REGISTER

5. (1) There shall be maintained in the Department an Indian Register in which shall be recorded the name of every person who is entitled to be registered as an Indian under this Act.

EXISTING INDIAN REGISTER

5. (2) The names in the Indian Register immediately prior to April 17, 1985 shall constitute the Indian Register on April 17, 1985.

DELETIONS AND ADDITIONS

5. (3) The Registrar may at any time add to or delete from the Indian Register the name of any person who, in accordance with this Act, is entitled or not entitled, as the case may be, to have his name included in the Indian Register.

DATE OF CHANGE

5. (4) The Indian Register shall indicate the date on which each name was added thereto or deleted therefrom.

APPLICATION FOR REGISTRATION

5. (5) The name of a person who is entitled to be registered is not required to be recorded in the Indian Register unless an application for registration is made to the Registrar. R.S., c.I-6, s. 5; 1985, c. 27, s.4.

1.2 BAND LISTS

Prior to the 1985 amendments to the Indian Act, all band membership lists were maintained by the Department under the direction of the Registrar.

On June 28, 1985 the Indian Act was amended to recognize the right of Indian bands to control their own membership.

There are now two options for maintaining band lists.

1.2.1 OPTION A - DEPARTMENTALLY CONTROLLED BAND LISTS

Indian bands may choose to leave control of their membership with the Department. Where a band list is maintained by the Department (Reference Sections 8, & 9), the Registrar is charged with the authority of maintaining the Band List in accordance with the Indian Act. All persons entitled to be registered as Indians are added to their respective band lists. According to the Indian Act:

BAND LISTS

8. There shall be maintained in accordance with this Act for each band a Band List in which shall be entered the name of every person who is a member of that band. R.S., c.I-6, s.8; 1985, c.27, s.4.

BAND LISTS MAINTAINED IN DEPARTMENT

9. (1) Until such time as a band assumes control of its Band List, the Band List of that band shall be maintained in the Department by the Registrar.

EXISTING BAND LISTS

9. (2) The names in a Band List of a band immediately prior to April 17, 1985 shall constitute the band list of that Band on April 17, 1985.

DELETIONS AND ADDITIONS

9. (3) The Registrar may at any time add to or delete from a Band List maintained in the Department the name of any person who, in accordance with this Act, is entitled or not entitled, as the case may be, to have his/her name included in that List.

DATE OF CHANGE

9. (4) A Band List maintained in the Department shall indicate the date on which each name was added thereto or deleted therefrom.

APPLICATION FOR ENTRY

9. (5) The name of a person who is entitled to have his/her name entered in a Band List maintained in the Department is not required to be entered therein unless an application for entry therein is made to the Registrar. R.S., c.I-6, s.9; 1974-75-76, c.48, s.25; 1978-79, c.11, c.10; 1985, c.27, s.4.

1.2.2 OPTION B - BAND CONTROLLED BAND LISTS

Indian Bands may control their own membership in accordance with their own membership rules. (See Reference Manual and Section 10 - Indian Act)

Inquiries relating to eligibility of persons to band membership must be referred to the band office. NO DEPARTMENTAL INVOLVEMENT.

2. ADMINISTRATIVE STRUCTURE & RESPONSIBILITIES

The administrative framework consists of the Registrar, his/her support staff at Headquarters and those at the regional, district and band levels. Following is a description of the roles and responsibilities of each level.

2.1 THE REGISTRAR

In addition to his/her delegated authorities in accordance with the Indian Act, the Registrar's principal duties are:

- i) to develop and direct the organization and procedures required to keep the Indian Register and departmentally administered band lists up to date;
- ii) to register those persons he/she considers to be entitled to Indian status and band membership in accordance with the Indian Act, and
- iii) to render judicial decisions on protests of additions to, and deletions or omissions from, the Indian Register and departmentally administered band lists.

2.2 HEADQUARTERS SUPPORT STAFF

There are two principal support groups at Headquarters to assist the Registrar in the operation of the registration process. They are the Registration and the Entitlement Units.

The Registration Unit enters all events in the Indian Register and the departmentally controlled band lists, while the Entitlement Unit review cases when the decision-making authority remains with the Registrar's office.

2.3 REGIONAL ROLES AND RESPONSIBILITIES

In order to operate the registration process in the most efficient manner, and, at the same time, provide reasonable levels of assurance that correct decisions are made, the responsibility for the discovery, verification and reporting of most events is assigned to the regions. In most cases, the regional office has, in turn, redirected these responsibilities to district or band offices.

These offices also have the responsibility to provide the Registrar with research, documentation, and other support services in matters for which decision-making authority has not been assigned to local offices.

The following paragraphs elaborate on the division of responsibilities among the various departmental and band offices.

2.3.1 REGIONAL OFFICES

The principal role of the region is to ensure that support staff within the region are discharging their obligations to the Registrar in a correct and comprehensive manner. This responsibility includes the delivery of training to district and band staff conducting the registry reporting activity and providing general advice and guidance. In some regions, registry administration for members of a band is also carried out at the regional office.

2.3.2 DISTRICT AND BAND OFFICES

As was stated earlier, the registry support activities are often discharged at the district or band level.

It is their responsibility to construct mechanisms that enable them to become aware of events affecting the Indian Register and, if applicable, the band list under their administration.

They obtain the birth, death, marriage, and other documents required to report events to the Registrar or to send to the Registrar to enable him/her to make decisions. These documents may be procured from several sources including the individual, or the parent of the individual, the provincial Division of Vital Statistics, and church records.

2.4 DIRECTION OF CORRESPONDENCE

Event information and day to day correspondence on matters related to Entitlement and Registration should be forwarded to the following address unless otherwise instructed by Regional Office.

Registrar
Indian and Northern Affairs Canada
Ottawa, Ontario
K1A 0H4

See Reference Manual for Directory of Headquarters, and Regions.

3. TERMS AND DEFINITIONS

A review of those terms that officers are most likely to encounter should clarify any misinterpretations. Note, that throughout this manual "the Act" will be taken to mean the Indian Act. Also, for the purposes of this course, "Indian Register" will be taken to mean registration in the Indian Register and departmentally administered band lists.

3.1 REGISTERED

Registered will be taken to mean registered as an Indian in the Indian Register and departmentally held band lists.

3.2 STATUS

This term is synonymous with "registered".

3.3 TREATY

This term is used to describe a person who is registered as an Indian affiliated with a treaty band.

3.4 INDIAN

An Indian is a person who, pursuant to the Indian Act, is registered or entitled to be registered as an Indian.

3.5 CHILD

This includes a child born in or out of wedlock, a legally adopted child and a child adopted in accordance with Indian custom.

3.6 BAND LIST

The band list is a list of persons that is maintained under Section 8 by a band or in the department.

3.7 GROUP

An Indian is affiliated with the group of Indians from which he/she has derived entitlement. Alternatively, it may refer to a group to which the Indian has transferred.

This term applies only to Bands which control their own Band Lists.

3.8 ENFRANCHISEMENT

This is a process whereby an Indian person gave up Indian status and band membership (e.g.: for the right to vote or join the armed forces).

3.9 LEGITIMATE

A child born to a married woman and her husband is considered legitimate (Refer to Vital Statistics Act).

3.10 ILLEGITIMATE

A child born to an unmarried woman is considered illegitimate.

4. IMPORTANT DATES TO REMEMBER

September 4, 1951	Indian Act amended whereby Registrar was appointed to administer the Indian Register.
August 14, 1956	Section 11(1) (e) of the Act amended to allow registration of all illegitimate children of Indian women to become registered, subject to Section 12(2) - one-year protest period.
April 17, 1985	The date on which all discrimination was to be removed from any exiting legislation under the constitution of 1982.
June 28, 1985	The date on which the Indian Act was amended.
June 29, 1987	Bands wishing to submit membership rules after this date are required to honor the acquired rights provisions that have been extended to persons registered under both Section 11(1) and Section 11(2) of the Act.

EXERCISE 1 - 1

ADMINISTRATIVE FRAMEWORK

DIRECTIONS TO THE PARTICIPANTS

Time: 10 minutes

PURPOSE: To confirm that you understand the administrative framework of the Indian Registry Reporting system.

DIRECTIONS: 1. Answer the questions on your own, in writing.

EXERCISE 1 - 1

ADMINISTRATIVE FRAMEWORK

Q1. Who has the authority to determine Indian entitlements?

Q2. a) What instrument gives that authority?

b) AND, name the specific sections that describe this authority?

Q3. List the benefits of a) Indian status and b) band membership.

a) _____

b) _____

TRANSPARENCIES

T1 - 1 TO T1 - 2

THE AMENDED INDIAN ACT

INDIAN REGISTER

- Section 6: - Ultimate authority
rests with Registrar
- No delegated authority

BAND LISTS

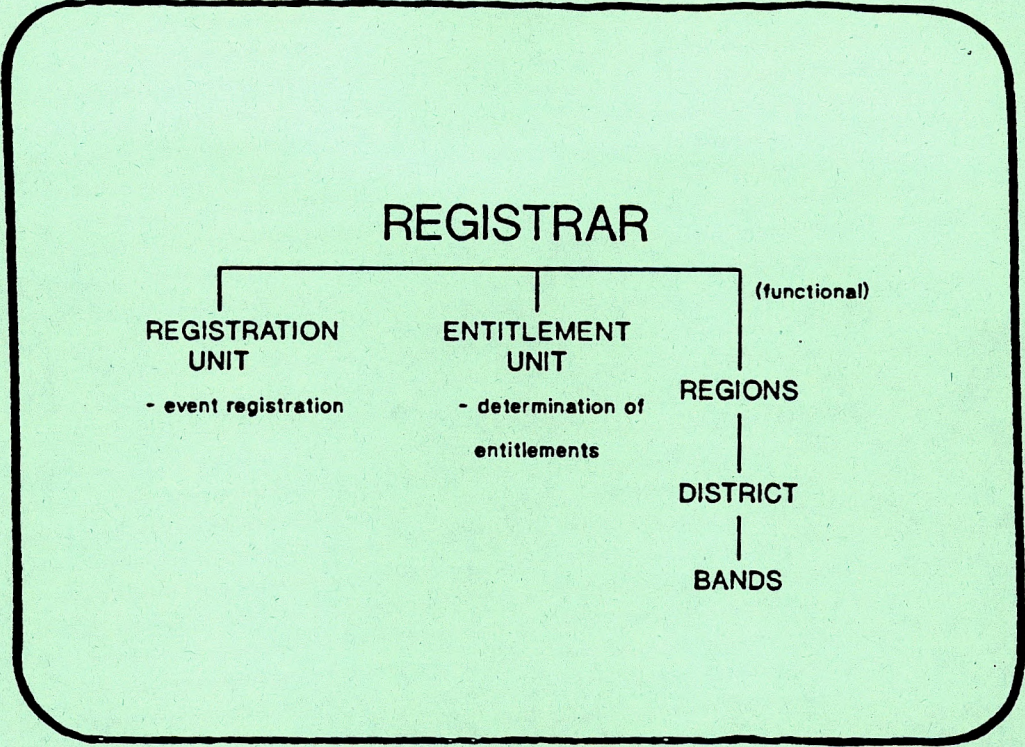
Can be maintained by:

- a) The Department
- Sections 8 & 9.
Registrar assigned authority
for maintenance of
band lists in accordance
with Indian Act

OR

- b) The Band
- Section 10
- In accordance with
band membership rules
- NO DEPARTMENTAL
INVOLVEMENT

Notes :



Notes: _____

SESSION 2

THE INDIAN ACT

In order to fully understand the provisions of the Indian Act as amended on June 28, 1985, it is important that membership personnel have an awareness of the history of the legislation.

This session outlines the evolution of the Indian Act relating to the determination of entitlement to Indian status and band membership from 1918 to the present.

1. PRIOR TO SEPTEMBER 4, 1951

Two sections of the Act in particular affected entitlement prior to 1951:

i) Section 111 as it read prior to July 1, 1920

Persons were enfranchised as a result of their profession or education.

ii) Section 13 as it read prior to September 4, 1927

Persons who were removed from membership as a result of living outside of Canada for over five years without the authority of the Superintendent General.

2. SEPTEMBER 4, 1951

After 1951 the following sections of the Act have a bearing on entitlement.

2.1 SECTION 10

Where a man's name is added or deleted from a band list or general list, the name of his wife and minor children are added or deleted.

2.2 SECTION 11(1)

Subject to Section 12, a person is entitled to be registered if that person:

a) under the laws in effect on May 26, 1874 had the right to live on Indian lands;

- b) is a member of a band
 - i) for whom lands have been set aside or is a member of a band which has been promised land by treaty, or
 - ii) which has been said to be a band by the Governor in Council.
- c) is an illegitimate male person along the male line of descent. (Referred to as the Martin Case)

MARCH 24, 1983: MARTIN DECISION

The interpretation of this paragraph was amended by Supreme Court Decision when an application for registration was made by John Martin. He was the illegitimate child of May Richards, non-Indian and the late Richard Martin, registered with the Micmac de Maria Band of Indians in Quebec.

Mr. Martin's application was refused by the Registrar on the grounds that Section 11(1)(c) applies only to legitimate male persons along the male line of descent. However, the Supreme Court of Canada decided in favor of John Martin's appeal on the basis that "legitimate" should not be read into Section 11(1)(c) and directed the Registrar to register him as an Indian. As a result of the Supreme Court decision, the Registrar is obligated to register all other illegitimate male persons whose fathers are registered Indians.

- d) is the legitimate child of Indians.
- e) is the illegitimate child of an Indian woman. The child was not registered if the Registrar was satisfied that the father was non-Indian.
- f) is a non-Indian woman who married an Indian, gained status on marriage.

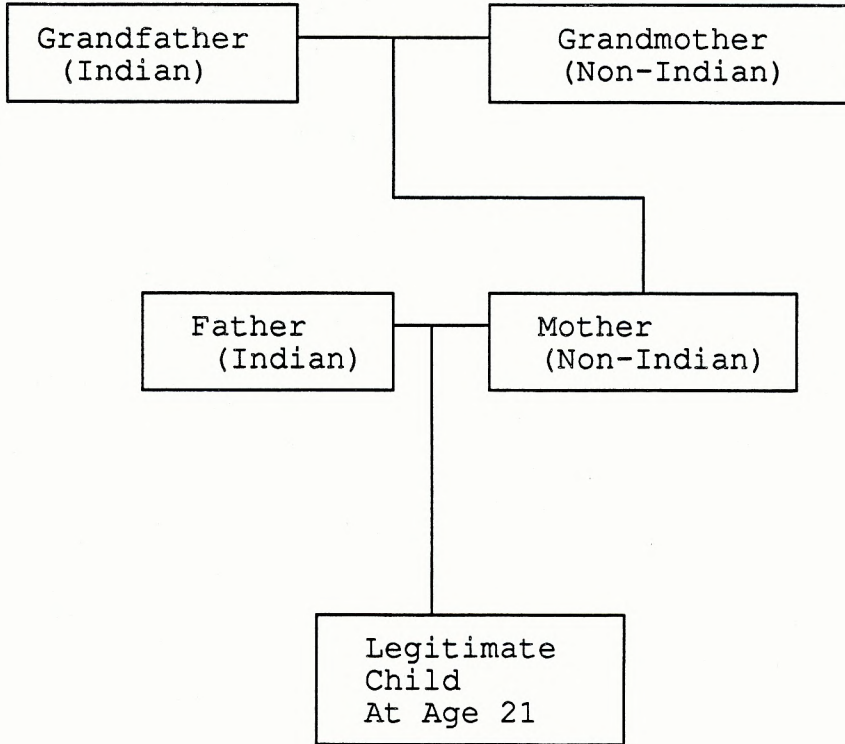
2.3 SECTION 12(1)

The following persons are not entitled to be registered:

- a) a person who
 - i) has received or been allotted half-breed lands or money scrip.
 - ii) is a descendant of a person described in (i).
 - iii) is enfranchised, or
 - iv) is affected by the double mother rule (see diagram 2-1).
- b) An Indian woman who married a non-Indian.

DIAGRAM 2 - 1

NON-ENTITLEMENT INDIAN ACT
SECTION 12(1)(A)(IV)
"DOUBLE MOTHER CLAUSE"



Married After
Sept. 04/51

2.4 SECTION 109(1)

An Indian can apply to enfranchise himself, his wife and any minor children. The Governor in Council may consent to the enfranchisements on the condition that the Indian:

- a) is 21 years of age;
- b) is capable of assuming duties and responsibilities of citizenship;
- c) once enfranchised, will be capable of supporting himself and his family.

2.5 SECTION 109(2)

An Indian woman who married a non-Indian may be declared enfranchise as of the date of her marriage. The Minister may also declare that her children be enfranchised.

2.6 AUGUST 14, 1956 AMENDMENT

The Section 12(2) amendment has the following implications:

An illegitimate child (described in Section 11(1)(e)) whose name was added to the band list may be protested within twelve months. If upon protest it is determined that the child's father is non-Indian, the child is removed from the band list.

3. 1985 AMENDMENTS TO THE INDIAN ACT

Important changes were made to the Indian Act on June 28, 1985, when Parliament passed Bill C-31, an Act to Amend the Indian Act. The Act has been brought into accord with provisions of the Canadian Charter of Rights and Freedoms to assure equality of treatment to men and women.

Changes were also made to the Indian Act to recognize the right of Indian First Nations to control their own membership.

In amending the Indian Act the government's objective was to see that three fundamental principles were respected:

- i) that all discrimination be removed from the Indian Act;

- ii) that Indian status within the meaning of the Indian Act and band membership rights be restored to persons who lost them;
- iii) that Indian bands have the right to control their own membership.

3.1 REMOVAL OF DISCRIMINATION FROM THE ACT

In the past the Indian Act discriminated against Indian women on the basis of sex and marital status. For example, an Indian woman who married a non-Indian automatically lost her status, and her band membership. She could not pass status on to her children. (See Sec. 12(1)(b) and Sec. 109(2).) This was not true for Indian men, who married non-Indians. Their children received status, as did their wives. (See Sec. 11(1)(f).) As well, an Indian woman who married an Indian man belonging to another band was required to become a member of her husband's band. (Section 14)

With the passage of Bill C-31, this type of sexual discrimination has been removed entirely from the Indian Act.

3.1.1 RESTORATION OF STATUS AND BAND MEMBERSHIP

Individuals and any of their children who lost status and band membership because of sexual discrimination are now eligible to have their status and band membership restored. The children of those entitled to restoration of rights are eligible for first time registration of status.

3.2 BAND CONTROL OF MEMBERSHIP

The registration of a person's status under the Act by the federal government used to give them band membership automatically, and Indian bands themselves had no statutory role in determining who was recognized as a member of their own band. Amendments to the Indian Act have changed that. Indian bands may determine their own membership, if they wish, in accordance with their own membership rules as long as those rules are approved by a majority of band electors.

3.3 ELIMINATION OF ENFRANCHISEMENT

All forms of enfranchisement have been eliminated from the Indian Act by the passage of Bill C-31. Persons who were enfranchised under S. 109(2) of the Indian Act for those who gave up status and their band membership for the right to vote or to join the armed forces - are now eligible to have their status restored. Their children are also eligible to be registered as persons with status within the meaning of the Act.

3.4 ENTITLEMENTS

The following amendments affect entitlements:

- 6(1) Subject to Section 7, a person is entitled to be registered if:
- a) that person was registered or entitled to be registered prior to April 17, 1985;
 - b) he/she is a member of a new band;
 - c) he/she lost status through:
 - *12(1) (b) Marriage to Non-Indian
 - *12(1) (a) (iv) Double Mother Rule
 - *109(2) Mother Married Non-Indian
 - *12(2) Non-Indian paternity, including those omitted between Sept. 4, 1951 and August 13, 1956.
 - d) he/she was enfranchised by application *109(1).
 - e) he/she was removed as a result of:
 - *Section 13 - before 1951
(5 years outside country)
 - *Section 111 - before 1920
(University or Profession)
 - f) Both parents are registered in Section 6(1) and 6(2).
- Section 6(2) States that those with one Indian parent in Section 6(1) are now entitled to be registered.

3.5 NON ENTITLEMENTS

The following amendments affect non entitlements:

- 7(1) The following persons are not entitled to be registered:
 - a) a non-Indian woman who acquired status under Section 11(1)(f) of the former Indian Act and subsequently lost her status.
 - b) a child whose mother was registered under 11(1)(f) of the 1952 Act and whose father is not an Indian.
- 7(2) Paragraph 1(a) does not apply to the woman if she is entitled through birthright under any other provision of the Act.
- 7(3) Paragraph (b) does not apply to a child if the mother is entitled under any other provision of the Act.

3.6 SECTION 11

NOTE: Section 11 applies only to those bands whose membership remains under Departmental control.

- 11(1) Commencing on April 17, 1985, a person is entitled to have his/her name entered in the band list if:
 - a) that person was registered or entitled to be registered prior to April 17, 1985,
 - b) he/she is a member of a new band,
 - c) he/she lost membership through:
 - *12(1)(b) Marriage to Non-Indian
 - *12(1)(a)(iv) Double Mother Rule
 - *109(2) Mother married Non-Indian
 - *12(2) Non-Indian Paternity, including those omitted between Sept. 4, 1951 and Aug. 13, 1956.
 - d) he/she was born after April 17, 1985 and both parents are registered Indians and members of the same band.

11(2) If the band did not take control of its own membership before June 28, 1987, the following persons are entitled to have their names entered on the band list:

- a) 6(1) (d) Voluntary enfranchisements
6(1) (e) Enfranchised for Vocational reasons
or five years outside of Canada.
- b) a person is registered under Section
6(1) (f) (two Indian parents) or
6(2) whose parent is entitled to be a
Band member.

Where the parents are from different bands, they will be required to sign a consent form indicating the band to which their child is to be registered.

APPLICATION FOR REGISTRATION UNDER THE INDIAN ACT / DEMANDE D'INSCRIPTION EN VERTU DE LA LOI SUR LES INDIENS

A CHECK ONE - VEUILLEZ COCHER

<p>1. <input type="checkbox"/> I request that I and my minor children, if eligible, be registered in the Indian Register and, if applicable, that our names be entered in a Band List, as provided under the Indian Act as amended.</p>	<p>Je demande que moi-même et mes enfants mineurs, si éligibles, soient inscrits au Registre et, si approprié, que nos noms soient ajoutés sur une liste de bande, comme prévu dans la Loi sur les Indiens telle que modifiée.</p>
Signature _____	Date _____
<p>2. <input type="checkbox"/> I make this application as guardian on behalf of the applicant who is under the age of 18 years or is mentally incompetent within the meaning of the Indian Act. I request that the applicant be registered in the Indian Register and, if applicable, that his/her name be entered in a Band List as provided under the Indian Act as amended.</p>	<p>Je fais cette demande comme tuteur pour le requérant qui a moins de 18 ans ou est mentalement incapable tel que défini dans la Loi sur les Indiens. Je demande que le requérant soit inscrit au Registre et, si approprié, que son nom soit ajouté sur une liste de bande, comme prévu dans la Loi sur les Indiens telle que modifiée.</p>
Signature _____	Date _____

IF MORE SPACE IS REQUIRED, ENTER ADDITIONAL INFORMATION ON A SEPARATE SHEET OF PAPER AND ATTACH IT TO THIS APPLICATION FORM / UTILISER AU BESOIN UNE FEUILLE SÉPARÉE POUR AJOUTER DES RENSEIGNEMENTS ADDITIONNELS ET LA JOINDRE À CETTE DEMANDE

B

Surname of Applicant - Nom de famille du requérant		Given Names - Prénoms	
Mailing Address - Adresse			
		Postal Code - Code postal	Tel No - N° de tél
Date of Birth - Date de naissance Y-A M D-J	Former Band No - Ancien N° de bande	Name of Former Band - Nom de l'ancienne bande	

C

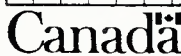
Surname of Father - Nom de famille du père		Given Names - Prénoms	
Date of Birth - Date de naissance Y-A M D-J	Band No - N° de bande	Name of Band - Nom de la bande	
Maiden Name of Mother - Nom de fille de la mère		Given Names - Prénoms	
Date of Birth - Date de naissance Y-A M D-J	Band No - N° de bande	Name of Band - Nom de la bande	
Surname of Paternal Grandfather - Nom de famille du grand-père paternel		Given Names - Prénoms	
Surname of Paternal Grandmother - Nom de famille de la grand-mère paternelle		Given Names - Prénoms	
Surname of Maternal Grandfather - Nom de famille du grand-père maternel		Given Names - Prénoms	
Surname of Maternal Grandmother - Nom de famille de la grand-mère maternelle		Given Names - Prénoms	

D

Grounds for Registration - Raison pour l'inscription	Registration Surname - Nom de famille (Inscription)
--	---

E

If you have children under the age of 18, please list their names and birthdates and attach a LONG FORM BIRTH REGISTRATION showing the names of the parents. Your children who have REACHED THE AGE OF 18 must complete a SEPARATE APPLICATION and also PROVIDE A COPY OF THEIR LONG FORM BIRTH REGISTRATION.		Si vous avez des enfants âgés de moins de 18 ans, veuillez indiquer leurs noms et date de naissance et attacher un CERTIFICAT D'ENREGISTREMENT DE NAISSANCE sur lequel apparaissent LES NOMS DES PARENTS. Vos enfants qui ont ATTEINT L'ÂGE DE 18 ANS doivent compléter une DEMANDE D'INSCRIPTION SÉPARÉE et aussi attacher un CERTIFICAT D'ENREGISTREMENT DE NAISSANCE SUR LEQUEL APPARAÎSSENT LES NOMS DES PARENTS.	
List All Children - Inscrivez tous les enfants			
Date of Birth - Date de naissance Y-A M D-J	Surname - Nom de famille		Given Names - Prénoms
Y-A M D-J			
Y-A M D-J			
Y-A M D-J			
Y-A M D-J			
Surname of Other Parent - Nom de famille de autre parent		Given Names - Prénoms	Date of Marriage - Date de mariage Y-A M D-J
Date of Birth - Date de naissance Y-A M D-J	Registered Indian - Indien inscrit <input type="checkbox"/> Yes <input type="checkbox"/> No	Band No - N° de bande	Name of Band - Nom de la bande



White Copy / Copie blanc

MAIL TO: The Registrar, Membership Division, Reserves and Trusts, Ottawa, Ontario, K1A 0H4

ENVOYER À: Le registraire, Division de l'affectif des bandes, Réserves et des Fidélités, Ottawa (Ontario), K1A 0H4

Yellow Copy / Copie jaune

Band/District/Region / Bande/District/Région

Pink Copy / Copie rose

Applicant / Demandeur

IA 1391 (11-85) 7507-11 0/6-84/96

3.7

**PERSONS REQUIRED TO MAKE APPLICATION UNDER
BILL C-31**

Listed are persons who lost status and band membership by virtue of former application of the Indian Act. In order to have their rights restored they will be required to complete the "Application for Registration".

- 12(1) (b) - women who married non-Indians
- 109(2) - persons who were enfranchised as a result of mother's marriage to non-Indian
- 12(1) (a) (iv) - double mother rule
- 12(2) - persons who were protested and removed on the basis of non-Indian paternity.
- 11(1) (e) - illegitimate persons born between Sept. 4, 1951 and Aug. 14, 1956.
- 109(1) - Voluntary enfranchisements.
- 111-prior - Enfranchised -
to 1920 Professional or educational
Indian Act reasons.
- 13-prior - Five years outside country.
to 1951
Indian Act
- 1st generation children born before April 17, 1985 of above groups.
- Female children born before April 17, 1985 of an Indian Man and Non-Indian Woman, parents not married.

EXERCISE 2 - 1

THE INDIAN ACT

DIRECTIONS TO THE PARTICIPANTS

TIME: 15 minutes

PURPOSE:

To confirm that you are able to apply the appropriate sections of the Indian Act to Indian registrations.

DIRECTIONS:

1. Complete the exercise on your own, in writing.

EXERCISE 2 - 1

THE INDIAN ACT

- Q1. James Arrow, #382 Arrowhead Band, married Jacqueline Harold, a non-Indian, on June 5, 1950. They had two children:

Samuel - born May 3, 1952
Dayna - born Feb. 21, 1954

Samuel, at the age of 21 years, had a child, Johnathan born on March 10, 1973. The mother of Johnathan is non-Indian. Parents are not married.

Dayna married William Jones, a non-Indian on July 1, 1985. She had a child, Andrew, born Jan. 3, 1987.

Under what sections of the Indian Act would the following be entitled?

Samuel _____
Dayna _____
Johnathan _____
William _____
Andrew _____

- Q2. Frederick Bear, #500 Arrowhead Band, married June Isaac, non-Indian, on Nov. 3, 1953. They had two children:

Jeannie born Feb. 10, 1955
Leonard born July 15, 1957

The family voluntarily enfranchized in August 1958. Since the enfranchisement, a third child was born, Eric, on Nov. 20, 1960.

The family are requesting to apply for registration under the amended Indian Act. Name the sections under which they would be entitled.

Frederick _____
June _____
Jeannie _____
Leonard _____
Eric _____

Q3. Mary Fox, #95 Arrowhead Band, had a child, Jarod, born on Aug. 30, 1975. The father of the child was not named.

Mary later married Jack Turnor, non-Indian, on Sept. 10, 1980. The marriage was never recorded in the Department. Two children were born in this marriage:

Leanne - D.O.B. April 15, 1984
Jason - D.O.B. Oct. 18, 1986

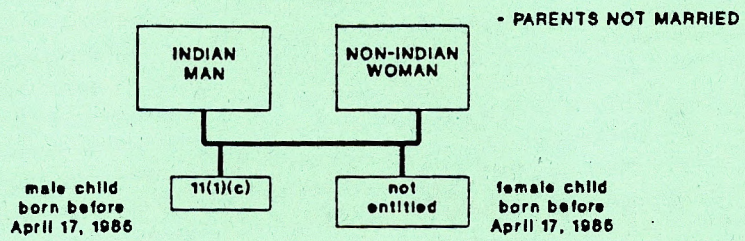
Determine the entitlements of Mary's three children and give an explanation of how their events are to be reported.

TRANSPARENCIES

T2 - 1 TO T2 - 8

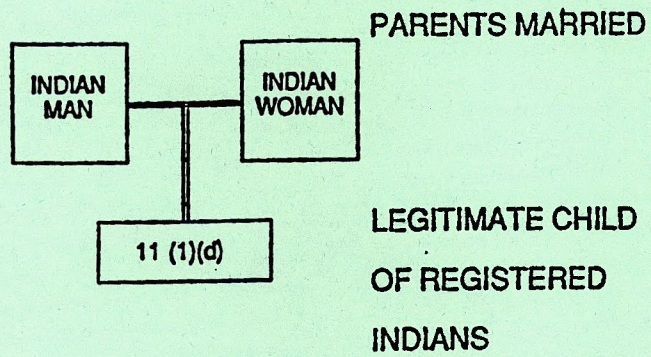
SECTION 11(1)(c) - 1951 INDIAN ACT

MARTIN DECISION



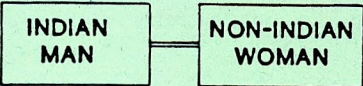
Notes: _____

SECTION 11(1)(d) - 1951 INDIAN ACT



Notes: _____

SECTION 11(1)(f) - 1951 INDIAN ACT



11(1)(f)

Woman gains status
on marriage

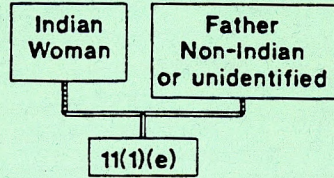
Notes: _____

SECTION 11(e) - 1951 INDIAN ACT

September 4, 1951

- an illegitimate child of an Indian woman was not registered if it was determined that the child's father was not an Indian

Between August 14, 1956 & April 17, 1985



- child registered, however pursuant to Section 12(2) was required to survive a one-year protest period.
- removed if protested on basis of non-Indian paternity.

Notes :

ENTITLEMENTS THE INDIAN ACT

THE FOLLOWING PERSONS ARE ENTITLED
TO BE REGISTERED:

SECTION 6(1)

(a) THOSE REGISTERED OR ENTITLED TO BE
REGISTERED PRIOR TO APRIL 17, 1985

(b) MEMBERS OF NEW BANDS

Notes: _____

ENTITLED TO BE REGISTERED:

(c) PERSONS WHO WERE REMOVED PRIOR TO
APRIL 17, 1985

- 12(1)(b) I. WOMEN WHO MARRIED NON-INDIANS
- 109(2) I. WOMEN AND CHILDREN ENFRANCHISED
UPON MOTHER'S MARRIAGE TO
NON-INDIAN
- 12(2) ILLEGITIMATE CHILDREN PROTESTED
ON PATERNITY
- 12(1)(a)(iv) DOUBLE MOTHER CLAUSE

Notes : _____

ENTITLED TO BE REGISTERED:

(d) PERSONS WHO HAD VOLUNTARILY ENFRANCHISED

(e) PERSONS WHO ENFRANCHISED OR LOST STATUS

- VOCATIONAL REASONS
- OUTSIDE OF COUNTRY FOR FIVE YEARS

(f) PERSONS *BOTH* OF WHOSE PARENTS ARE ENTITLED TO BE REGISTERED UNDER SECTION 6

Notes: _____

ENTITLED TO BE REGISTERED:

SECTION 6(2)

ONE PARENT REGISTERED IN 6(1)

Notes : _____

SESSION 3
DOCUMENTATION

1. STANDARDS OF EVIDENCE

The Indian Act sets out criteria by which a person may be registered as an Indian. In order to confirm entitlement to Indian status, the applicant must supply sufficient information to permit the Registrar to establish a right of registration. Basically, this requires the establishment of a linkage with a person who is, or was, recognized as a member of a band or body of Indians in Canada. This linkage must be verified through birth, death and marriage documents. The evidence must be the best that is available. Documentation will be considered from the following sources only, and in the following priority:

- i) provincial vital statistics offices,
- ii) court orders or court documents,
- iii) church records,
- iv) school or census boards,
- v) band offices or department district offices,
and
- vi) affidavits.

1.1 PROVINCIAL VITAL STATISTICS OFFICES

The following documents are available from provincial vital statistics offices:

- i) long form birth registrations showing the names of parents;
- ii) marriage certificates;
- iii) death certificates;
- iv) change of name documents (to supplement the long form birth registration when the name by which the applicant wishes to appear in the Indian Registry is different from that on the birth document).

As the province of Quebec uses a somewhat different registration system, baptismal certificates are acceptable for events that took place in that province.

1.2 COURT ORDERS OR COURT DOCUMENTS

When applicable, court orders and documents may provide evidence of:

- i) court orders deciding paternity;
- ii) adoption orders;
- iii) divorce decrees (Absolute or Decree Nisi) or Certificate of Divorce;
- iv) civil annulment orders (annulments granted by a religious denomination are not acceptable for registration purposes).

1.3 CHURCH RECORDS

Births, deaths and marriages that are documented by church records will be considered if it is demonstrated that the Division of Vital Statistics documents are not available.

1.4 SCHOOL OR CENSUS RECORDS

Births, deaths and marriages that are documented by other sources, such as school or census records, will be considered if it is demonstrated that the Division of Vital Statistics and church documents are not available.

1.5 BAND OFFICES OR DISTRICT OFFICES OF THE DEPARTMENT

When no other documentation is available the following may be considered:

- i) old family records,
- ii) old lists of band members,
- iii) records of band meetings, or
- iv) old documents concerning band business.

1.6 AFFIDAVITS

Sworn affidavits will be considered to establish relationships and Indian ancestry if no documentation from the period of the birth of the applicant is available. Normally, there should be affidavits from two or more persons who have a personal and specific knowledge of the event. The affidavits should include the relationship of the individual to the applicant or the applicant's family, and indicate the circumstances under which the deponent acquired the specific knowledge of the event.

EXERCISE 3 - 1

DOCUMENTATION

DIRECTIONS TO THE PARTICIPANTS

TIME: 5 minutes

PURPOSE:

To confirm that you are able to identify the correct sources of documentation.

DIRECTIONS:

1. Complete the exercise on your own, in writing.

EXERCISE 3 - 1

DOCUMENTATION

Q1. What is the purpose of documentation?

Q2. Which documentation source is viewed as the most acceptable?

Q3. When would affidavits be considered as adequate documentation?

Q4. When would church records be acceptable?

SESSION 4

THE INDIAN REGISTRY REPORTING SYSTEM

This session examines the structure of the Indian Register page and the process involved in maintaining an up-to-date Indian Register. For easier reference throughout the following chapters, the term "Indian Register" will be used to denote entitlements applicable under Sections 6 and 11 of the Indian Act.

1. MAINTAINING THE INDIAN REGISTER

The official Indian Register is maintained on a central computer at Headquarters. An exact copy of the Indian Register is held at the local reporting office. Headquarters and field offices each have responsibility for certain aspects of the process involved in maintaining the Indian Register.

1.1 REGION, DISTRICT OR BAND LEVEL

The field office: i) reports the verified event on the appropriate Data Entry form.
ii) forwards the original Data Entry forms and a covering Events Reporting Summary form to the Registrar/Region. Copies are retained on file.

1.2 HEADQUARTERS

Headquarters/
Region: i) updates the official Indian Register and presents the field office with a series of update reports:
a) New register pages,
b) "A" List,
c) Change reports.

(These reports are printed and distributed from Regional offices.)

2. FILING PROCEDURES

When the official Indian Register is updated with event information, the changes are printed in a series of reports which are forwarded to reporting offices on a regular basis.

This manual does not attempt to provide detailed instructions with regard to the filing of reports, documents or Indian Register pages. The minimum filing requirements noted below are included only as a recommendation. Please consult your Regional office for further guidelines.

2.1 INDEX

The index is updated by headquarters on a periodic basis. Information contained in the index includes new assigned registry numbers and names, and inactivate numbers no longer in use as a result of death or transfer to a new number.

2.2 REGISTER PAGES

Maintain the Indian Register in your particular region's order of preference:

- i) alphabetical,
- ii) numerical,
- iii) family grouping.

Enter updated Register pages and destroy the old pages that initiated the event. DO NOT discard "Inactivated" Register Pages. (i.e. death or transfer to another number.)

2.3 CHANGE REPORTS

Copies of change reports should be kept in a separate file for each registry group (band) maintained by the reporting office. Band change reports must be submitted to Bands for posting for a three year period. "Register Only" change reports do not require posting.

2.4 "A" LIST

This is a listing of registered Indians adopted by non-Indians. Only the updated list is to be retained on file in a locking cabinet. Any previous copies should be destroyed.

An updated list is provided only when a change occurs.

3. EVENT LOGS

The local reporting office should maintain a complete record of events affecting the registered Indian population from the time that the events are first discovered until they appear in the Indian Register. This will ensure that events are not lost between the time of discovery and reporting.

An event log or checklist method should be used to track an event from the point of event notification to the return of the updated record page from Headquarters.

An example of an event log is shown below:

Event Type	Name	Verified	Field Register Updated	Sent	Received	Re-Submitted
Birth	Eagle, R.	X	1982 09 15	1982 10 11		
Marriage	Raven, H.	X	1982 09 22	1982 10 11	1982 11 03	
Birth	Hawk, A.		1982 10 10			
Marriage	Amos, R.		1982 09 08	1982 10 11	1982 11 03	1982 11 12

4. ADMINISTRATION CODE

Each Band, District and Regional office involved in registry reporting has an administrator code. This code is used as an identifier when submitting information to Headquarters. The code is composed of a letter "R", "D", or "B" followed by a three digit Band, District or Regional code. For example, the administrator code for bands administered for the North Central District office is D672.

5. REGISTRY NUMBER

The Registry number is a ten digit number used to identify a registered Indian. The first three digits represent the individual's affiliation to a particular band or group. The next five digits consist of the family number and the last two digits are referred to as the member number. The member number is used to identify the individual by order in the family unit. For example: Registry No. 0990058501

099 - Band/Group code
00585 - Individual's family number
01 - Member no.

6. THE REGISTERED INDIAN RECORD FORM
(also referred to as "Register Page")

Each Register page contains information on a registered individual and may also include information regarding his/her children.

There are five main areas on the page:

- i) the record's general header information;
- ii) the individual's general information including notations on marriage;
- iii) parental information;
- iv) children information;
- v) the remarks section.

The use of these five areas and the areas within them are outlined below:

- 1) Responsibility Centre - the name of the responsibility centre (usually district) where the band is located.
- 2) Registry Group - the code and name of the registry groups with which the individual is affiliated.
- 3) Registry No. - the registry number of the individual.
- 4) Date Created - this is the date that the page was first filled in. It will be entered by the computer. **The date is in the format YYYY MM DD. For example August 20, 1988 would appear 1988 08 20.**
- 5) On Band List - Band Members - "Y" indicates that the individual is also on a departmental band list. "N" indicates individual is not on such a list.
- 6) Surname - Surname of individual.
- 7) Given Name - Given name(s) of individual.
- 8) Alias - Alias name of individual, if applicable.
- 9) Marital Status - Marital status e.g. 1 - single, 2 - married.
- 10) Date Married - marriage date (if applicable).
- 11) Maiden Name - maiden name (if applicable).

- 12) Birth Date - birth date of individual. (The date is in the format YYYY MM DD e.g. August 20, 1988 would be 1988 08 20).
- 13) Sex - either "M" of "F" as the case may be.
- 14) & Province and Residence - appropriate code to be
15) entered.
- 16) Spouse's Registry No. - registry no. of spouse, if applicable.
- 17) Register Category No. - the paragraph or subsection of the Indian Act under which the person is registered e.g. 6(1) (a)
- 18) Under Protest - This value will be "N" for "No" unless a protest has been lodged and a decision rendered. In this case one of the values listed in the Reference Manual will appear.
- 19) Parental Information - the registry number and surname of the parents will appear. If a person is unidentified or is confirmed to be a non-Indian, 9's will appear.
- 20) Child Information - The registry number, surname, given names, sex, birthdate of each child will appear.
- 21) Remarks - Most remarks will explain the addition of information to, or its deletion from, the Indian Register. However, at the discretion of the Registrar, other notations can be added.

PROG NO.: IMZ2607SDEPARTMENT OF INDIAN AFFAIRS
DATE: 88/08/09 AND NORTHERN DEVELOPMENT
MINISTÈRE DES AFFAIRES
INDIENNES ET DU NORD

PAGE: 1
2240014202

INDIAN MEMBERSHIP SYSTEM - SYSTÈME DE L'EFFECTIF INDIEN
REGISTERED INDIAN RECORD - FICHE D'INDIEN INSCRIT

RESP. CENTRE/CENTRE DE RESP.
411 - SUDBURY
SUDBURY

GROUP/GROUPE
224 - WHITEFISH LAKE
WHITEFISH LAKE

INDIVIDUAL INFORMATION/INFORMATIONS PERSONNELLES

Registry No./
No. de registre: 2240014202

Date Created/
Date de création: 88/01/01

Surname/Nom: NOOTCHTAI

Given Names/Prénoms: EDNA CAROLYN

Alias/Nom d'emprunt:

Marital Status/
État civil: 2 Married/
Marie

Date Married/
Date de marriage: 1964/04/07

Maiden name/Nom de fille: PETAHTEGOOSE

Birth date/Date de
naissance: 1946/07/18 Sex/Sexe: F

Prov.: 05 Res./Res.: 1

Spouse's Registry No./No.
de registre du conjoint: 2240014201

Register Category No./
Catégorie d'inscription: 6(1)()

Under Protest/En
contestation: N

PARENTAL INFORMATION/INFORMATION SUR LES PARENTS

Father/Père:
Mother/Mère:

PROG NO.: IMZ2607S DEPARTMENT OF INDIAN AFFAIRS
DATE: 88/08/09 AND NORTHERN DEVELOPMENT
MINISTÈRE DES AFFAIRES
INDIENNES ET DU NORD

PAGE: 2
2240014202
NOOTCHTAI

INDIAN MEMBERSHIP SYSTEM - SYSTÈME DE L'EFFECTIF INDIEN

REGISTERED INDIAN RECORD - FICHE D'INDIEN INSCRIT

RESP. CENTRE/CENTRE DE RESP.

411 - SUDBURY
SUDBURY

GROUP/GROUPE

224 - WHITEFISH LAKE
WHITEFISH LAKE

CHILD INFORMATION/RENSEIGNEMENTS SUR LES ENFANTS

Registry No. No. d'inscr.	Surname Nom	Given Names Prenoms	Sex Sexe	Birthdate Date de naissance
------------------------------	----------------	------------------------	-------------	--------------------------------

2240028901	NOOTCHTAI	ROBERT NELSON	M	1966/10/04
2240029201	NOOTCHTAI	CONSTANCE ANITA	F	1967/10/29
2240034401	NOOTCHTAI	ANDREW GEORGE	M	1969/02/24

REMARKS/REMARQUES

Amalgamation - Transfer From 601 to 161

6.1 INACTIVE STATUS INDICATOR

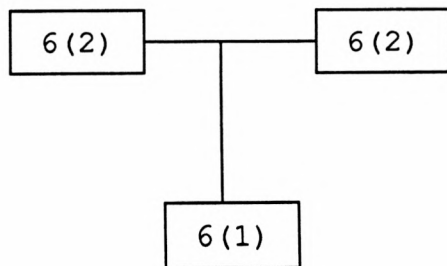
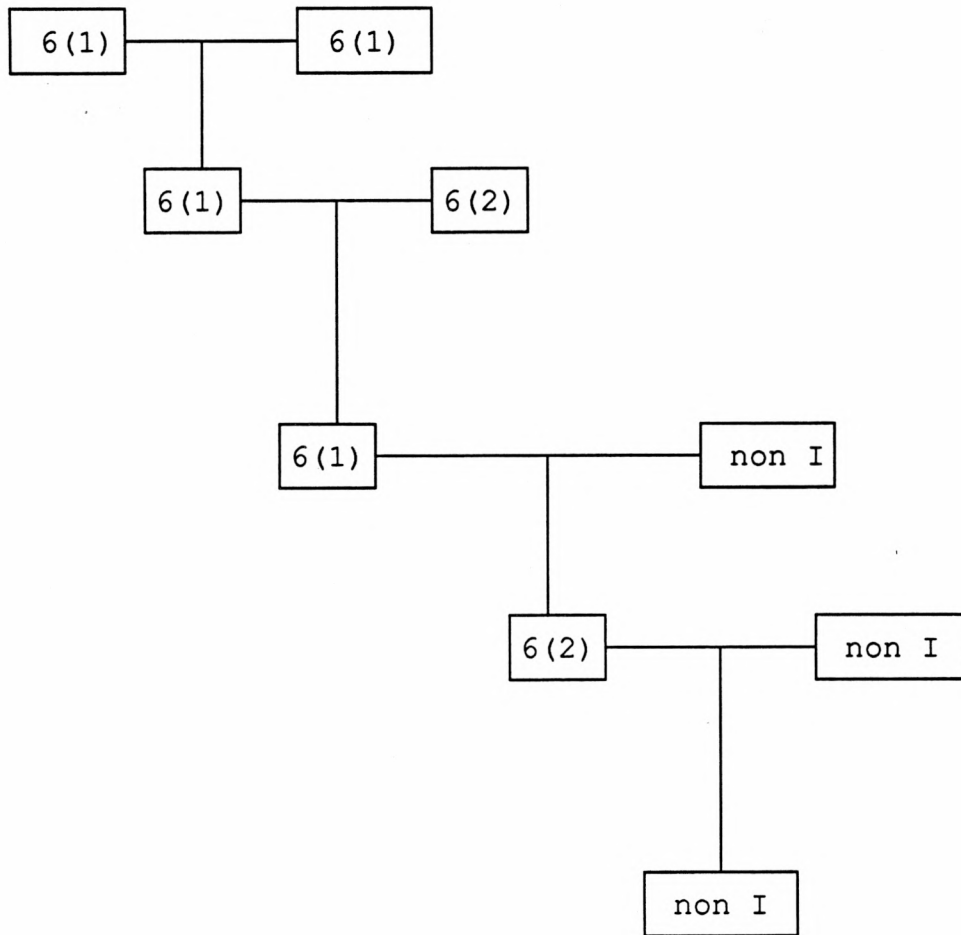
If a person ceases, for any reason, to be recorded on a particular Register page, an asterisk will appear before the person's registry number. eg:
"*0990058501"

7. CATEGORY

Eligibility to Indian status is subdivided into those eligible under subsections 6(1) and 6(2) of the Act.

- Category No. for all persons registered prior to the 1989 conversion will be reflected as 6(1)() or 6(2). A complete 6(1) category identity will be made for post conversion events.
- The category of persons registered or entitled to registration prior to April 17, 1985 is 6(1)(a).
- Categories for post April 17, 1985 events may be identified using the chart illustrated on the page opposite.

CHART FOR DETERMINATION OF CATEGORY



8.

SUBMITTING EVENTS TO HEADQUARTERS

All events, recorded on Data Entry forms, are required to be submitted with a covering form Events Reporting Summary form (see Figure 4-A). It is important to provide the registry group code and name, and ensure that the appropriate officer has signed the letter.

Group code Code de groupe

INDIAN REGISTER EVENTS REPORTING SUMMARY SOMMAIRE DES ÉVÉNEMENTS RAPORTÉS DU REGISTRE DES INDIENS

District /	
Group name - Nom du groupe	Number of entry forms Nombre de formulaires d'entrée

Signature of District or Band Manager - Signature du gérant de district ou de bande	Date

EXERCISE 4 - 1

INDIAN REGISTRY REPORTING SYSTEM

DIRECTIONS TO THE PARTICIPANTS

TIME: 10 minutes

PURPOSE: To confirm that you are able to maintain the Indian Register.

DIRECTIONS:

1. Complete the exercise on your own and in writing.

EXERCISE 4 - 1

INDIAN REGISTRY REPORTING SYSTEM

Q1. What is the purpose of an inactive status indicator?
Explain how it is used.

Q2. What types of reports are available on an update?

Q3. In registry number 0990893703:

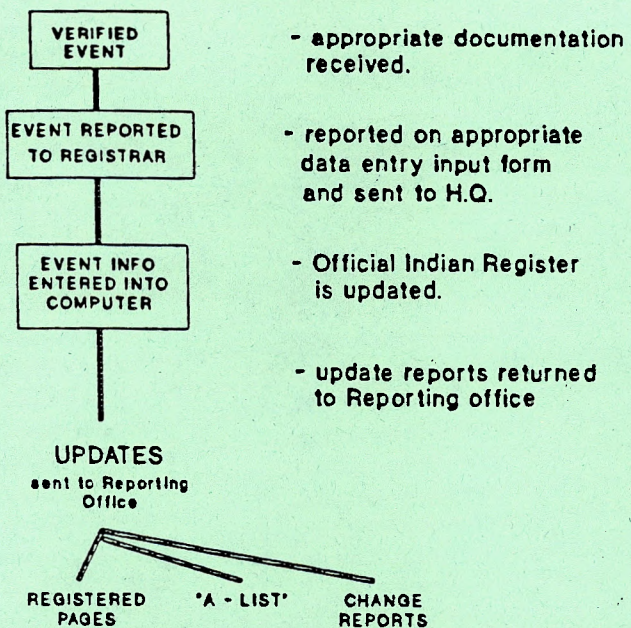
- i) What is the Band/Group code? _____
- ii) What is the individuals' family number? _____
- iii) What is the member number? _____

Q4. What must be sent to Headquarters along with the Data Entry forms?

TRANSPARENCIES

T4 - 1

EVENT REPORTING PROCESS



Notes: _____

SESSION 5
REPORTING EVENTS

1. EVENTS

Field offices have the full responsibility for reporting certain events to Headquarters or Regional Office after the necessary supporting documentation has been received. These events and the reporting instructions will be illustrated in the following order:

- i) Births
- ii) Deaths
 - Registered Indian
 - Non-Indian spouse of registered Indian
 - Member only
- iii) Miscellaneous changes
- iv) Marriages
 - Two Indians
 - Indian male to non-Indian (before April 17, 1985)
 - Indian male to non-Indian
 - Indian female to non-Indian
- v) Divorces
 - Between Indians
 - Indian and non-Indian
 - Transfer of children

1.1 POINTS TO REMEMBER

When dealing with any of these events there are certain points to remember:

- i) Events reported must always be typewritten or clearly printed on the Data Entry forms and must be sent in together with a covering Event Reporting Summary form.
- ii) All dates on event reporting must be in the format of year, month and date. e.g. for the date January 1, 1988 indicate 1988-01-01.

- iii) Ensure that all event information being reported is accurate and the event reporting summary is signed before forwarding to headquarters/Regional Office.
- iv) Before reporting an event which affects another band (e.g. marriage, birth of child to parents of different registry groups), verify all particulars with the office administering the Indian Register for the band concerned.
- v) Ensure that the Indian Register is kept in a locked cabinet at all times when not in use.
- vi) Access to the Indian Register by other individuals should be restricted due to the confidential nature of the information it contains. Any individual requesting information should be shown only the portion which applies to their own family, unless they are band employees requiring information for band purposes.

2. BIRTH EVENTS

Birth events that occurred on or after September 4, 1951, can be reported unless they are entitled under the 1985 amendments.

Where a child is born to Indian parents from different bands/registry groups, the child can be recorded with either the father or the mother in accordance with the wishes of the parents. A signed statement should be obtained to validate their decision. (see sample on following page).

This could mean that the child is registered in the Indian Registry only, and does not necessarily have band membership. Band membership is subject to the Band's decision.

Conduct a category check of the parent to ensure child is entitled for registration.

Children born to a woman who acquired status through marriage and subsequently lost it through marriage prior to April 17, 1985 are not entitled to be registered. These events should not be reported.

FIGURE 5 - 1

SAMPLE STATEMENT

Registrar
Indian and Northern Affairs Canada
Ottawa, Ontario
K1A 0H4

We, _____
Mother

Band _____, Number _____

and _____
Father

Band _____, Number _____

wish our child _____ born _____
_____, 19 _____

to be registered with

Mother/Father

Mother (signature)

Father (signature)

Band and Number

Band and Number

Witness

Witness

Date

Date

2.1 EVENT TYPE

This distinction is required primarily for statistical purposes:

- i) Birth - Current Year (01), OR
- ii) Birth - Prior to Current Year (02).

2.2 DOCUMENTS REQUIRED

The following documents are required:

- i) Birth registration or extended birth certificate identifying parents; or failing this
- ii) Baptismal Certificate for those births that occurred in the Province of Quebec.

2.3 REPORTING INSTRUCTIONS

Using the "Birth - Data Entry Form":

- i) indicate type of birth by checking (01) or (02),
- ii) enters father's registry number and birthdate,
- iii) enters mother's registry number and birthdate,
- iv) identify primary parent with which the child will be registered. Retain signed statement of consent on file. (see figure 5-1).

Under Child's Information, enter:

- i) Child's surname,
- ii) Child's given name(s),
- iii) Child's alias, if applicable,
- iv) Sex - "M" for male,
- "F" for female,
- v) Birthdate (YY-MM-DD),
- vi) Province (enter province code only if different from primary parent),
- vii) Residence (enter residence code only if different from primary parent).



INDIAN REGISTER DATA ENTRY - BIRTH

ENTRÉE DE DONNÉE DU REGISTRE DES INDIENS - NAISSANCE

Current year
Année courante

Prior to current year
Antérieure à l'année courante

Parental information - Information sur les parents

Father Père	* Registry no. - N° de registre | | | | | | | | | | | | | | | | | | | | | |	Complete name - Nom complet | | | | | | | | | | | | | | | | | | | | | |	Birth date - Date de naissance Y-A M D-J| | | | | | |
Mother Mère	* Registry no. - N° de registre | | | | | | | | | | | | | | | | | | | | | |	Complete name - Nom complet | | | | | | | | | | | | | | | | | | | | | |	Birth date - Date de naissance Y-A M D-J| | | | | | |

* If one parent is non-Indian, enter 999 and full name - If parent is not identified, enter "Unknown".
Si l'un des parents est non-Indien, inscrire 999 et son nom complet - Si le parent n'est pas identifié, inscrire "Inconnu".

Primary parent
Parent primaire Father
Père Mother
Mère

Child information - Information sur l'enfant

Surname (Optional) - Nom de famille (Optionnel)		Given name - Prénom	
Alias (Optional) - Autres noms (Optionnel)		Sex - Sexe <input type="checkbox"/> M <input type="checkbox"/> F	Birth date - Date de naissance Y-A M D-J| | | | | | |
Residence (Optional) - Résidence (Optionnel)			
Indian registry category - Catégorie du registre indien			

3. AGE OF MAJORITY

This event requires that a person be given his/her own number before reaching the age of majority;
example: birth to a minor or a marriage to a minor.

Normally all other age of majority events are processed automatically by Headquarters. Occasionally these events are not captured, however, Headquarters/Region should be advised accordingly.

3.1.1 DOCUMENTS REQUIRED

As appropriate for the event.

ie: Birth certificate of a child whose parent is a minor at the time of birth.

3.1.2 REPORTING INSTRUCTIONS

On the "Age of Majority Data Entry Form":

- i) enter registry number of minor parent
- ii) enter name of minor parent
- iii) enter date of birth of the minor parent
- iv) enter a date that precedes the birth event to allow for the minor parent to be removed from the parents registry page and assigned own number before the birth of the child is reported.

Now to report the birth of the child complete the Birth Data Entry form following the same procedures as set out on page 5-4.

NOTE: The "Age of Majority" counts as one event and the "Birth of the Child" counts as a second event.



INDIAN REGISTER DATA ENTRY - AGE OF MAJORITY
 ENTRÉE DE DONNÉE DU REGISTRE DES INDIENS - AGE DE MAJORITÉ

Registry no. - N° de registre			Complete name - Nom complet						
Birth date - Date de naissance			Effective date of age of majority Date effective de l'âge de majorité						
Y-A	M	D-J		Y-A	M	D-J			

4. DEATH EVENT

4.1 REGISTERED INDIAN

This process reports the confirmed death of a registered Indian.

4.1.1 DOCUMENTS REQUIRED

A confirmed death must be documented with:

- i) Vital Statistics Death Registration, or
- ii) Church Death Registration/Certificate.

4.1.2 REPORTING INSTRUCTIONS:

On the "Confirmed Death Data Entry Form":

- i) enter registry number of deceased,
- ii) enter full name of deceased,
- iii) enter date of birth,
- iv) enter date of death.

4.2 CONFIRMED DEATH - NON-INDIAN

This process reports the death of a non-Indian who is married to a registered Indian. This event changes the marital status of the registered Indian to widowed.

4.2.1 DOCUMENTS REQUIRED

Documentation could be achieved with:

- i) Vital Statistics Death Registration, or
- ii) Church Death Certificate/Registration.

4.2.2 REPORTING INSTRUCTIONS

On the "Death Non-Indian Data Entry Form":

- i) enter full name of registered Indian,
- ii) enter registry number of Indian,
- iii) enter birth date of Indian,
- iv) enter spouse's full name,
- v) enter spouse's date of death.

4.3 Section 10 of the Indian Act provides for a band to assume control of its own membership by establishing membership rules for itself and providing for a mechanism for reviewing decisions on membership.

Section 10(10) also stipulates that "a band may at any time add to or delete from a Band List maintained by it the name of any person who, in accordance with the membership rules of the band, is entitled or not entitled, as the case may be, to have his name included in that list."

Also, according to Section 13.2 of the Act, a band may decide to return control of the Band List to the Department and the maintenance of the Band List becomes the responsibility of the Department. Persons who are not registered Indians but who became band members during the band regime will continue to be recognized as band members by the Department. Descendants of these persons are not entitled to band membership unless they are entitled under Section 11 of the Act.

13.3 A person is entitled to have his name in a Band List maintained in the Department pursuant to section 13.2 if that person was entitled to have his name entered, and his name was entered, in the Band List immediately before a copy of it was provided to the Minister under subsection 13.2(2), whether or not that person is also entitled to have his name entered in the Band List under section 11, 1985, c. 27, s.4.

4.3.1 CONFIRMED DEATH - MEMBER ONLY

This process reports the death of a person who is registered in the Department as a band member only. This situation would occur where a non-Indian became a band member of a band who controlled its own membership. The Band later returns control of its membership to the Department. (Section 13.3 Indian Act)

4.3.2 DOCUMENTS REQUIRED

One of the following is required:

- i) Vital Statistics Death Registration, or
- ii) Church Death Certificate/Registration.

4.3.3 REPORTING INSTRUCTIONS

Using "Death - Member Only Data Entry Form":

- i) enter full name of the Band Member,
- ii) enter Member number,
- iii) enter date of birth,
- iv) enter date of death.



INDIAN REGISTER DATA ENTRY – CONFIRMED DEATH MEMBER ONLY
ENTRÉE DE DONNÉE DU REGISTRE DES INDIENS – DÉCÈS CONFIRMÉ MEMBRE SEULEMENT

Member no. – N° du membre			Complete name – Nom complet					
Birth date – Date de naissance			Death date – Date du décès					
Y-A	M	D-J	Y-A	M	D-J			

5. MISCELLANEOUS CHANGES

Amendments to names and dates already recorded in the Indian Register can only be made after the supporting document (e.g. birth, death or marriage registration or certificate) has been obtained. In Quebec, Baptismal Certificates are also acceptable.

When changing the surname of the head of a family on the Registered Indian Record Sheet, the children's surname should not be changed unless a Change of Name Certificate includes their names or unless their own birth certificates or birth registrations are on hand to prove that their surnames should also be amended.

Marital status can be changed from married to separated and vice versa using this procedure.

Changes can be made to the following fields:

Sex	Residence Code
Surname	Marital Status
Given name	Marriage Date
Birth Date	*Indian Register Category
Province Code	

* Must be supported with documentary evidence.

Once amendments have been recorded:

i) ensure register page is in proper order in the Indian Register;

5.1 DOCUMENTS REQUIRED

Documents must be provided as appropriate for the specific event.

5.2 REPORTING INSTRUCTIONS

On the "Miscellaneous Amendments Data Entry Form:"

- i) enter registry number of individual,
- ii) enter full name as it currently appears in the Indian Register,
- iii) enter date of birth as it currently appears in the Indian Register,
- iv) indicate the information to be amended on the Data Entry form.



INDIAN REGISTER DATA ENTRY - MISCELLANEOUS AMENDMENTS

ENTRÉE DE DONNÉE DU REGISTRE DES INDIENS - CHANGEMENTS DIVERS

Registry no. of person affected N° de registre de la personne affectée	Complete name of person affected - Nom complet de la personne affectée
---	--

- Complete following boxes only where data is to be changed.
- Compléter les cases suivantes seulement là où l'information doit être changée.
- Enter new data only.
- Inscrire nouvelle information seulement.

Family name - Nom de famille		Maiden name - Nom de fille	
Given names - Prénoms		Alias - Autre nom	
Birth date - Date de naissance Y-A M D-J	Marital status - État civil	Province	Residence - Résidence
Sex - Sexe <input type="checkbox"/> M <input type="checkbox"/> F	Marriage date - Date du mariage Y-A M D-J	* Indian registry category Catégorie du registre indien	* Any request for a change to the category must be accompanied by a supporting letter clearly indicating why the change is requested. Toute demande pour un changement à la catégorie doit être accompagnée d'une lettre de support indiquant clairement la raison pour laquelle le changement est demandé.

<input type="checkbox"/> Father Père	<input type="checkbox"/> Mother Mère	Registry no. - N° de registre	Complete name - Nom complet
---	---	-------------------------------	-----------------------------

- Complete following section for all miscellaneous amendments.
- Compléter la section suivante pour tous les changements divers.
- New data will appear on Registered Indian Record Sheet.
- Nouvelle information apparaîtra sur fiche d'indien.

Remarks to be Added Deleted Changed
Remarque à être Ajoutée Retranchée Changée

New or changed remark - Remarque nouvelle ou changée

6. MARRIAGES

6.1 TWO INDIANS

This process is used to report the marriage of two registered Indians. With the exceptions noted below, no change in registry numbers or bands will occur as a result of the marriage. These changes are the result of the 1985 amendments to the Indian Act.

6.1.1 EXCEPTIONS

There are two notable exceptions:

- i) Where a minor or widow has married, the individual will be removed from the parents/husbands registry number and assigned a new number in the same band/group.
- ii) If the marriage occurred prior to April 17, 1985 the Indian woman may transfer to her husband's band, however, a written request to transfer must first be obtained.

The marriage is to be reported on the "Marriage - Two Indians" Data Entry form with a notation that the woman has requested to transfer.

6.1.2 DOCUMENTS REQUIRED

The following are necessary:

- i) Marriage Registration or Certificate, or
- ii) Church Registration/Certificate of Marriage.

6.1.3 REPORTING INSTRUCTIONS

Using the "Marriage - Two Indians Data Entry Form":

- i) enter registry number of primary spouse,
- ii) enter full name of primary spouse,
- iii) enter birthdate of primary spouse (YY MM DD),
- iv) enter registry number of other spouse,
- v) enter full name of OTHER spouse,
- vi) enter birth date (YY MM DD),
- vii) enter date of marriage (YY MM DD),
- viii) enter "Y" for yes or "N" for no to indicate change of surname to husband's.

* NOTE: Primary spouse may be male or female.

6.2 INDIAN MALE TO NON-INDIAN (STATUS GAINED)

This process reports a marriage of an Indian male to a non-Indian that occurred prior to April 17, 1985. The woman is eligible to be registered as an Indian by virtue of Section 11(1)(f) of the 1951 Indian Act and will be registered in her husband's band/group under her own registry number.

6.2.1 DOCUMENTS REGISTERED

The following documents are required:

- i) Marriage Certificate or Registration, or
- ii) Church Certificate/Registration, and
- iii) Birth Certificate of the woman.

6.2.2 REPORTING INSTRUCTIONS

Using the "Marriage Indian Male to Non-Indian Data Entry Form":

- i) enter registry number of husband,
- ii) enter full name of husband,
- iii) enter birth date of husband (YY MM DD),
- iv) enter marriage date (YY MM DD),
- v) enter maiden name of wife,
- vi) enter given name of wife,
- vii) enter date of birth (YY MM DD),
- viii) enter "Y" yes or "N" no to indicate change of surname.



**INDIAN REGISTER DATA ENTRY - MARRIAGE
INDIAN MALE TO NON-INDIAN FEMALE ACQUIRED STATUS**

**ENTRÉE DE DONNÉE DU REGISTRE DES INDIENS - MARIAGE
HOMME INDIEN ET NON-INDIENNE STATUT ACQUIS PAR LA FEMME**

Husband information - Information sur l'époux

Registry no. - N° de registre			Complete name - Nom complet					
Birth date - Date de naissance			Marriage date - Date du mariage					
Y-A	M	D-J	Y-A	M	D-J			

Wife information - Information sur l'épouse

Maiden name - Nom de fille			Given name - Prénom					
Birth date - Date de naissance			Change surname to husband's Adopte le nom de l'époux			Enter only if different from husband's À inscrire si différent de celui de l'époux		
Y-A	M	D-J	<input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non			Province code / Code de la province		Residence code / Code de résidence

6.3 INDIAN MALE TO NON-INDIAN (STATUS NOT GAINED)

This process reports a marriage that took place on or after April 17, 1985 of a registered Indian male and a non-Indian female. As a result of the 1985 amendments to the Indian Act the female will not gain status on marriage.

The same reporting process will be used to record the marriage of an Indian male who had acquired Indian status under the Indian Act amendments.

6.3.1 DOCUMENTS REQUIRED

The following documents are required:

- i) Marriage Registration or Certificate, or
- ii) Church Certificate/Registration.

6.3.2 REPORTING INSTRUCTIONS

Using the "Marriage Indian Male to Non-Indian Data Entry Form":

- i) enter registry number of Indian man,
- ii) enter full name of Indian man,
- iii) enter date of birth (YY MM DD),
- iv) enter date of marriage (YY MM DD),
- v) enter spouse's name.

6.4 INDIAN FEMALE TO NON-INDIAN

This process reports the marriage of a registered Indian female to a non-Indian, regardless of when the marriage occurred. The woman's marital status will be amended in the Indian Register and if applicable, her surname will be changed to reflect her husband's surname. The 1985 Indian Act amendments no longer permit an Indian woman to lose status on marriage.

6.4.1 DOCUMENTS REQUIRED

The following documents are required:

- i) Marriage Registration or Certificate, or
- ii) Church Registration/Certificate.

6.4.2 REPORTING INSTRUCTIONS

On the "Marriage - Indian female to Non-Indian Data Entry Form":

- i) enter registry number of Indian woman,
- ii) enter full name of Indian woman,
- iii) enter birth date of Indian woman (YY MM DD),
- iv) enter marriage date (YY MM DD),
- v) enter new surname of woman is assuming her husband's surname,
- vi) enter name of spouse.



**INDIAN REGISTER DATA ENTRY - MARRIAGE
INDIAN FEMALE AND NON-INDIAN MALE**

**ENTRÉE DE DONNÉE DU REGISTRE DES INDIENS - MARIAGE
FEMME INDIENNE ET HOMME NON-INDIEN**

Registry no. - N° de registre			Complete name - Nom complet					
Birth date - Date de naissance Y-A M D-J			Marriage date - Date du mariage Y-A M D-J					

Change surname to husband's Adopte le nom de l'époux		<input type="checkbox"/> Yes <input type="checkbox"/> Oui	<input type="checkbox"/> No <input type="checkbox"/> Non
Spouse name - Nom du conjoint			

7. DIVORCES

Canadian and United States divorces and custody of children

In Canada, divorces are covered by the Divorce Act, which is federal legislation, and they are therefore recognized in all provinces.

On February 13, 1986 an amended Act respecting divorces had been assented to. This Act may be cited as the Divorce Act, 1985. See reference manual.

For the purpose of this Act, a divorce takes effect on the thirty-first (31st) day after the day on which the judgement granting the divorce is rendered.

Where a divorce takes effect in accordance with this Act, a judge or officer of the court shall, upon request, issue to any person a certificate to certify that a divorce has been granted. Such certificate, or a copy of it, is conclusive proof of the divorce. Therefore, divorces granted in Canada after the coming into force of this Act will be reported in accordance with this certificate.

The Court may make an order concerning the custody of any or all children of the marriage.

If, however, the court has not dealt with the custody of all or any of the children born during the marriage of the couple, you should get confirmation from the parents stating with whom the children are living. If the children are living with their mother, their transfer to her new number in the band/group should be reported with the remarks that the children are residing with her. This would only apply if parents belonged to the same group.

THE DECREE ABSOLUTE AND THE DECREE NISI will be required when dealing with divorces granted before 1985.

Divorces granted outside of Canada and the United States must still be approved by the Registrar before the event can be entered to update the Register page for the persons concerned.

7.1 DIVORCE BETWEEN INDIANS

This process reports the divorce of two registered Indians and the custody of children (if any). It should be noted that:

- i) The woman will be transferred to her own registry number in her husband's band only if at the time of divorce, she was registered under her husband's number. Any children that the woman has been granted custody of may also be transferred to her new number.
- ii) There is no change in registry numbers to persons registered in different groups/bands at the time of divorce. The function of this process is to update the marital status field of the Indian Register.
- iii) Where the parents are from different bands/groups, the children are not transferred, regardless of custody. However, it is permissible to make a notation with respect to the custody in the remarks section.

7.1.1 DOCUMENTS REQUIRED

The following should be provided:

- i) Divorce Certificate, or
- ii) for divorce prior to the 1986 Divorce Act amendment, Divorce Decree Absolute, Divorce Decree Nisi (if there are children in the marriage), and
- iii) Letter stating with whom child resides if not dealt with by the Courts.

7.1.2 REPORTING INSTRUCTIONS

Using the "Divorce Between Indians Data Entry Form":

- i) enter registry number of primary spouse,
- ii) enter full name of primary spouse,
- iii) enter birth date (YY MM DD),
- iv) enter date of divorce (YY MM DD) (31st day after the Judgement),
- v) enter full name of other spouse,
- vi) enter registry number of other spouse,
- vii) enter birth date,
- viii) enter new surname,
- ix) complete "Transfer - children on Divorce Data Entry Form" if applicable.

7.2 INDIAN AND NON-INDIAN

This process reports the divorce of a registered Indian from a non-Indian. Its function is used to amend the Indian's marital status and surname, if applicable, in the Indian Register. There is no change in registry number of any persons affected by this event. (i.e. children)

7.2.1 DOCUMENTS REQUIRED

The following is necessary:

- i) Certificate of Divorce, or
- ii) for divorce prior to the 1986 Divorce Act amendment, Divorce Decree Absolute, Divorce Decree Nisi (if there are children in the marriage), and
- iii) Letter stating with whom child is residing if not dealt with by the Courts.

7.2.2 REPORTING INSTRUCTIONS

Using the "Divorce - Indian and Non-Indian Data Entry Form" enter:

- i) registry number of Indian,
- ii) full name of Indian,
- iii) birth date (YY MM DD),
- iv) date of divorce (YY MM DD),
- v) new surname if the Indian is female and she is reverting to maiden surname.

7.3 TRANSFER OF CHILDREN ON DIVORCE

This process reports the transfer of children from the registry group of one parent to the other following a divorce, and applies only if both parents are within the same registry group.

7.3.1 DOCUMENTS REQUIRED

Documents required are:

- i) Decree Nisi (divorces granted before 1985), or
- ii) Certificate of Divorce.

7.3.2 REPORTING INSTRUCTIONS

Using the "Transfer of Children on Divorce Data Entry Form" enter:

- i) the registry number,
- ii) the name of child to be transferred,
- iii) birth date of child (YY MM DD),
- iv) date of divorce of parents,
- v) name of parent child is transferring from,
- vi) registry number of that parent,
- vii) date of birth,
- viii) name of parent child is transferred to,
- ix) registry number of the parent,
- x) date of birth,
- xi) remarks (i.e. custody).

TRANSPARENCIES
T5 - 1 TO T5 - 2

MARRIAGES

1. THAT OCCURRED PRIOR TO APRIL 17, 1985

BETWEEN INDIAN MAN & NON-INDIAN WOMAN

- N.I. WOMAN GAINS STATUS
- N.I. WOMAN IS REGISTERED IN HUSBAND'S BAND/GROUP UNDER OWN REGISTRY NUMBER.

BETWEEN INDIANS-DIFFERENT BANDS/GROUPS

- NO TRANSFER ON MARRIAGE UNLESS REQUESTED. WIFE WOULD RECEIVE OWN REGISTRY NUMBER IN HUSBAND'S BAND.

BETWEEN INDIANS - SAME BAND/GROUP

- REMAIN REGISTERED UNDER OWN NUMBERS UNLESS MINOR OR WIDOW.

Notes :

MARRIAGES

2. THAT OCCURRED AFTER APRIL 17, 1985

- * NON-INDIANS DO NOT GAIN STATUS
- * INDIANS DO NOT LOSE STATUS
- * WOMEN DO NOT TRANSFER
TO HUSBAND'S BAND

Notes:



SESSION 6

PRE-AUTHORIZATION EVENTS

1. EVENTS

There are several events which cannot be reported without pre-authorization from the Registrar, and consequently will require supporting documentary evidence. This session examines the following events:

- i) Presumption of death
 - Cancellation of presumption of death
- ii) Events which occurred prior to September 1, 1951
- iii) Red Ticket Holders
- iv) Miscellaneous additions and deletions
- v) Annulments
- vi) Transfers
- vii) Adoptions

1.1 REPORTING INSTRUCTIONS

GENERAL

Where an event described above has occurred, the field office is required to obtain the documentary evidence pertinent to the event and then forward it to the Registrar with a covering letter. It is imperative that the individuals affected are properly identified by providing their full:

- i) registry number,
- ii) name, and
- iii) complete date of birth.

2. PRESUMPTION OF DEATH

A presumption of death is a case where it is believed that a person may be dead. However, since the individual's body has not been found, a death certificate or registration can not be completed. These are usually cases of drownings, of persons being lost in the woods, or other similar situations.

2.1 DOCUMENTS REQUIRED

One of the following is necessary:

- i) Court order
- ii) Other documentation at discretion of Registrar.

2.2 REPORTING INSTRUCTIONS

All documents must be forwarded to Registrar under covering letter.

3. CANCELLATION OF PRESUMPTION OF DEATH

In the event that an individual presumed dead later shows up or the body of the person has been found, then the presumption of death must be cancelled.

3.1 DOCUMENTS REQUIRED

- i) if alive - Statutory declaration - Person will be reinstated
from a close friend
or relative confirming
the person's identity
 - ii) if dead - Death certificate - Additional note will be made in the Indian
or death registration
- Register to confirm death.

3.2 REPORTING INSTRUCTIONS

Documents must be forwarded to the Registrar under covering letter.

4. EVENTS PRIOR TO SEPTEMBER 4, 1951

Events which took place prior to September 4, 1951 must be authorized by the Registrar. This includes events which are normally within the delegation of authority to local reporting offices. (i.e. births, deaths, marriages, etc.)

4.1 DOCUMENTS REQUIRED

Provide documentation as appropriate for the event.

4.2 REPORTING INSTRUCTIONS

Documentation must be sent to the Registrar under covering letter.

5. RED TICKET HOLDERS

This term denotes women who married non-Indians prior to 1951. They were not enfranchised. They lost Indian status but, however, could retain rights to per capita distribution of band funds and treaty annuity.

This file will be diminished as the reinstatement process proceeds. If the local reporting office is aware of the death or reinstatement of a person on this file, it should notify the Registrar in writing, providing a copy of the documentation as appropriate for the event.

6. MISCELLANEOUS ADDITIONS AND DELETIONS

6.1 MISCELLANEOUS ADDITIONS

The purpose of the event is to record the name of a person in the Indian Register in cases where the parents are not registered. Examples of situations where this would occur are:

- * Martin cases - the child's father is not registered.
- * Entitlements of persons who are of age and will be recorded on their own numbers.

The parent(s) will be identified by name and their group/Band affiliation.

6.1.1 DOCUMENTS REQUIRED

Provide documentation as appropriate for the event.

6.1.2 REPORTING INSTRUCTIONS

Documents to be forwarded to the Registrar with covering letter.

6.2 MISCELLANEOUS DELETIONS

This session examines the method of amending an event that was incorrectly reported and recorded in the Indian Register due to the incorrect identification of the person(s) concerned. e.g.: reporting the birth of a child to an individual other than the parent.

6.2.1 DOCUMENTS REQUIRED

- a) The consequence of this error involves individuals who have been erroneously identified. They are required to sign statutory declarations which clearly support the statement they are making (for example "I did not have a child by the name of Audrey Jones on July 13, 1977).
- b) Also required is a copy of the document originally used to support the event.

6.2.2 REPORTING INSTRUCTIONS

These documents are to be forwarded to the Registrar with a covering letter.

7. ANNULMENTS

It should be noted that the only annulments recognized for Indian registration purposes are those which are granted by the court (not by a church).

When a marriage is annulled, the wife is transferred to her own number, unless she was already registered separately from her husband.

It should also be noted that the above applies regardless of the status of the woman before her purported marriage.

Note: If the parents are on separate numbers and a child is to be transferred to the number of the other parent, use the "Transfer of Children on Divorce or Annulment function" (see section 4.2.3.5). This would apply only if the parents are registered in the same band/group.

7.1 DOCUMENTS REQUIRED

The following is necessary:

i) Decree of Nullity.

7.2 REPORTING INSTRUCTIONS

Forward document with covering letter to the Registrar.

8. TRANSFERS

This process reports transfer events (Sections 12 & 13 of the Act). Examples are provided to better explain the types of transfers that are permissible under the Act.

12. Commencing on the day that is two years after the day that an Act entitled An Act to amend the Indian Act, introduced in the House of Commons on February 28, 1985, is assented to, or on such earlier day as may be agreed to under section 13.1, any person who

(a) is entitled to be registered under section 6, but is not entitled to have his name entered in the Band List maintained in the Department under section 11, or

(b) is a member of another band, is entitled to have his name entered in the Band List maintained in the Department of a band if the council of the admitting band consents. R.S., c.I-6, s. 12; 1985, c 27, s.4.

13. Notwithstanding sections 11 and 12, no person is entitled to have his name entered at the same time in more than one Band List maintained in the Department. R.S., c. I-6, s.13; 1985, c.27, s.4.

This section, above, is taken to mean that a registered Indian who is:

a) registered on the Indian Register list only (re: Band has code in place).

OR

b) registered on a departmentally held band list may transfer to a departmentally held band list with the consent of the admitting band.

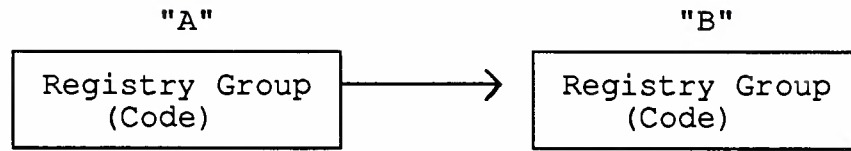
The individual wishing to transfer must make his/her request in writing. The council of the admitting band, having agreed to the transfer, is required to provide the Department with a Band Council Resolution clearly indicating their consent. No conditions on transfer will be accepted.

It is now permissible, as a result of Departmental policy, for individuals to transfer between bands who have their own membership rules under Section 10 and between Departmentally held Band Lists and Section 10 Bands.

Finally, non-Indians who have become members of a Section 10 Band may transfer to a Departmentally held Band List. However, they will not be added to the Indian Register.

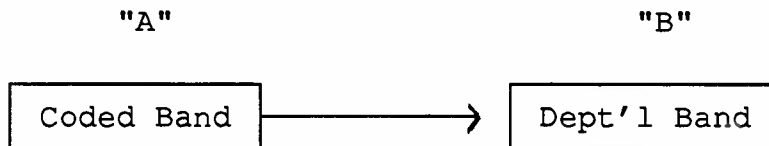
These various scenarios are provided on the following pages and include the documents required for the event.

SCENARIO 4



- Provision under Departmental Policy
- Require written request for transfer - Appendice 1
- Require consenting BCR from Band "B" - Appendice 4
- Both documents to be submitted to Registrar
- Once accepted, individual's registry affiliation will reflect Registry Group "B"

SCENARIO 5



- Non-Indians who gained membership as a result of the band's membership rules (Section 10) may transfer to a departmental band list
- Require written request to transfer
- Require consenting BCR from Band "B"
- Both documents to be submitted to Registrar for processing. Once accepted Registrar will place individual against a Member only list for Band "B"

- Statement of Consent -

Date:

File No.

Name :

Date of Birth :

Registry No. :

This is to confirm that I, _____, have been
accepted as a member of the _____ Band. I
hereby consent to the removal of my name from the _____
_____ Registry Group and the addition of my name to the
_____ Registry Group.

Signature of Requestee

- Statement of Consent -

Date:

File No.

Name :

Date of Birth :

Registry No. :

This is to confirm that I, _____, have been
accepted as a member of the _____

Band. I hereby consent to the removal of my name from the

_____ Band List and the addition of
my name to the _____ Registry Group.

Signature of Requestee

Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada
 Indian and Inuit Affairs / Affaires indiennes et inuit

Chronological No. - Numéro consécutif
 File Reference - N° de réf. du dossier

**BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "From our Band Funds", "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de notre bande", "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds de bandes.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Current Capital Balance Solde de capital	\$ _____
AGENCY	Committed - Engagé	\$ _____
DISTRICT	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	Committed - Engagé	\$ _____
PLACE NOM DE L'ENDROIT		
DATE DAY - JOUR MONTH - MOIS AD 10 YEAR - ANNEE		

DO HEREBY RESOLVE
 DÉCIDE, PAR LES PRÉSENTES:

Whereas the following person(s):

Name :
 Birthdate :
 Registry No.:


Name :
 Birthdate :
 Registry No.:

has/have been accepted into the membership of the _____ Band we, the Council of the _____ Band request that the above-noted individual(s) be removed from our band list and that all departmental records be amended to reflect his/her/their addition to the Registry Group of that band.

A quorum for this Bande
 Pour cette bande le quorum est
 consists of
 fixé à
 Council Members
 Membres du Conseil

(Chief - Chef)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act / Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds Capital - Revenu
	A. Capital \$	B. Revenue - Revenu \$			
6. Recommended - Recommandable			Approved - Approuvable		
Date	Recommending Officer - Recommandé par		Date	Approving Officer - Approuvé par	


 Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada
 Indian and Inuit Affairs / Affaires indiennes et inuit

Chronological No. - Numéro consécutif

File Reference - N° de réf. du dossier

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds de bande.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Current Capital Balance Solde de capital	\$ _____
AGENCY	Committed - Engagé	\$ _____
DISTRICT	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	Committed - Engagé	\$ _____
PLACE		
NOM DE L'ENDROIT		
DATE _____ DAY - JOUR _____ MONTH - MOIS _____ AD 19 _____ YEAR - ANNEE _____		

DO HEREBY RESOLVE
DÉCIDE, PAR LES PRÉSENTES:

To give notice to the Registrar of the acceptance of,

Name :
Birthdate :
Registry No.:

Name :
Birthdate :
Registry No.:

in the membership of the _____ Band and to request that departmental records be amended to reflect his/her/their addition to our Registry group.

A quorum for this Bande
Pour cette bande le quorum est

consists of
fixé à
Council Members
Membres du Conseil

..... (Chief - Chef)	..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE				
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	5. Source of Funds Source des fonds
	A. Capital	B. Revenue - Revenu		<input type="checkbox"/> Capital <input type="checkbox"/> Revenue <input type="checkbox"/> Revenue
\$ _____	\$ _____	\$ _____		
6. Recommended - Recommandable			Approved - Approuvable	
Date _____ Recommending Officer - Recommandé par _____			Date _____ Approving Officer - Approuvé par _____	

9.2 REPORTING INSTRUCTIONS

Upon receipt of the above-noted documents, it is advisable to contact the band of origin to verify the information of the person(s) wishing to transfer.

The documents are then submitted to the Registrar along with a covering letter providing appropriate information i.e.: registry numbers, dates of birth, etc.

9.3 EFFECTIVE DATE OF TRANSFER

All transfers requested by B.C.R. become official on the date they are approved by the Registrar.

9.4 PLACEMENT OF PERSONS UPON TRANSFER

All persons requesting a transfer are dealt with separately, by the Registrar. Each person will be removed from their former registry number and assigned their own number in the admitting band. This also applies to minor children.

Non-Indian persons who obtained Band Membership through a Section 10 Band (Band with Membership Rules) are transferred to the "Members Only" List of Band "B".

10. **PROTESTS**

10.1 **DISTRIBUTION OF BAND LISTS**

Within one month after the Indian Act was amended on June, 1985 the Registrar was required to provide each band with a copy of the band list as it stood immediately prior to that day. This was to ensure a clear starting point under the Indian Act. Section 14(1) reads:

14.(1) Within one month after the day an Act entitled An Act to amend the Indian Act, introduced in the House of Commons on February 28, 1985, is assented to, the Registrar shall provide the council of each band with a copy of the Band List for the band as it stood immediately prior to that day.

These lists were distributed directly to each band from the Registrar's office.

The Act also charges the Registrar with the responsibility of providing, to departmentally administered bands, a list of additions and deletions from a Band List at least once every two months.

14.(2) Where a Band List is maintained by the Department, the Registrar shall, at least once every two months after a copy of the Band List is provided to the council of a band under subsection (1), provide the council of the band with a list of the additions to or deletions from the Band List not included in a list previously provided under this subsection.

Normally these lists (Change Reports) are provided to bands each month unless no events have occurred to initiate an update. In such circumstances, the Registrar should be advised accordingly of a "Nil" report on the covering letter used for event reporting purposes. See figure 4-A.

Upon receipt of these change reports the council of the band must post a copy in a conspicuous place on the reserve. This would allow band members to exercise their right to protest any additions or deletions from the band list they feel are justified.

14.(3) The council of each band shall, forthwith on receiving a copy of the Band List under subsection (1), or a list of additions to and deletions from its Band List under subsection (2), post the copy or the list, as the case may be, in a conspicuous place on the reserve of the band.

R.S., c.16, s.14; 1985, c.27, s.4.

10.2 PROTESTS

10.2.1 PROTEST PERIOD

All additions or deletions from the Indian Register and departmentally held Band List are subject to a three year protest period. (See section 14.2)

IT IS THEREFORE VERY IMPORTANT TO ENSURE THAT ALL BAND CHANGE REPORTS ARE POSTED IN THE BAND OFFICE FOR THREE FULL YEARS. THE PROTEST PERIOD BEGINS ON THE RUN DATE THAT APPEARS ON THE TOP LEFT CORNER OF THE REPORT.

Register Only Change Reports should not be posted.

10.2.2 WHO IS ELIGIBLE?

WHO CAN PROTEST: The Band List
Section 14.2(2)

- The Band Council,
- Any member of the band,
- The person affected or
in the case of a
minor his or her parent or guardian.

WHO CAN PROTEST: The Indian Register Only
Section 14.2(3)

- The person affected or in the case of a
minor, his or her parent or guardian.

10.2.3 DOCUMENTARY EVIDENCE

The onus of establishing grounds for the protest lies on the person making the protest. Where the Registrar has received a protest he will investigate the matter, render a decision, and advise the protestor accordingly. (See sections 14.2(4) & (5).)

The form of evidence required will be determined by the Registrar. He may consider hearsay evidence since, in some cases, documentary evidence may not be available. Such evidence may or may not be acceptable in the courts. (Section 14.2(6)).

All protests must:

- i) be in writing,
- ii) be addressed to the Registrar,
- iii) give valid reason for protest,
- iv) be in the Registrar's office before the three year expiry date.

10.3 APPEALS - SECTION 14.3

10.3.1 APPEAL PERIOD

A protestor who is not satisfied with the Registrar's decision may, within six months, appeal to the courts. (Section 14.3(1)).

The protestor shall provide the Registrar with a copy of his/her appeal (Section 14.3(2)).

10.3.2 REFERRAL TO THE COURT

The registrar shall file appeal with the court together with all documentary evidence used in arriving at the decision (Section 14.3(3)).

The court has the power to refer the case back to the Registrar for further investigation if appropriate. (Section 14.3(4))

The court where an appeal may be heard varies between provinces. Section 14.3(5) identifies these as they apply to your region.

11. ADOPTIONS

Due to the confidentiality of adoptions, adoption events are processed exclusively by the Headquarters Adoptions Unit. Access to this information is also restricted to the Adoptions Unit. However, the reporting office will receive sufficient information and instructions to enable them to account for changes when they receive the new record/A-List pages and change reports. Reporting offices are not to disclose this information to anyone outside the Indian Registry Program.

The local reporting office should not attempt to report an adoption event but should send as much information as possible to Headquarters. The type of information required is a letter or application for registration from the adoptee, providing as much background information as possible, and a copy of the Order of Adoption. (The applicant may request a copy of the Order of Adoption from the Department of Social Services in the province where the adoption occurred).

Such correspondence should be marked 'PROTECTED' and placed in a single fully addressed envelope bearing no security classification.

11.1 PROCESSING

When the Adoptions Unit at Headquarters is made aware of an Indian adoption, the unit begins to gather additional information and documentation necessary to record the event.

Once the adoption has been verified, the information is entered into the Indian Register and the Adoption file. Specific handling of the five types of adoptions is discussed below.

11.1.1 INDIAN CHILDREN ADOPTED BY NON-INDIANS

- The member number of the child will be marked 'INACTIVE' on the register page.
- The child's name is added to the 'A' List. (This List includes the names and birthdates of all Indian children adopted by Non-Indians within the same registry group.)
- No cross reference information is provided to identify placement of the child.
- No entry will appear on the change report since there is no increase or decrease in the Band population.
- Individuals whose names appear on the 'A' List may be transferred upon application to the published Indian Register lists after they have reached the age of majority. The person is assigned a new number in the natal band/group under the adoptive name. The only further identifying information provided is the date of birth.

Individuals who have not yet attained the age of majority are not eligible to receive a status card but will be provided a letter of confirmation of Indian status.

11.1.2 CHILDREN ADOPTED BY AN INDIAN AND NON-INDIAN

The child's name is amended in the Indian Register, if necessary. The adoption is recorded, but no entry will appear on the change report.

NOTE: An Indian person who has been reinstated may request that the adopted child be registered with him/her. The parent should make this request in writing to the Registrar. The child will be transferred to his/her own number in the parent's band. (B.C.R. not required). Persons, 18 years of age or older will be assigned their own number in their natal band.

11.1.3 INDIAN CHILDREN ADOPTED BY INDIANS

The adopted child will remain a member of his/her band, or group, under a new number with the adoptive name. If the adoptive parents are from a different band/group, a transfer to the band of the adoptive parents may only be considered upon the consent of the band council of the adoptive parent's band (B.C.R. transfer process).

11.1.4 NON-INDIAN CHILDREN ADOPTED BY INDIANS

A non-Indian child can acquire Indian status through a legal/Indian custom adoption. The names would appear on the change report since there is an increase in membership.

11.1.5 INDIAN CUSTOM ADOPTION

Before a custom adoption will be considered, the band will be asked for their rules or regulations concerning their custom on Indian adoptions.

11.2 FUNDS

There are two different approaches to the handling of funds, based on the type of adoption:

- i) Indian children of adoptive Indian parents; or
- ii) Indian children adopted by non-Indians.

11.2.1 INDIAN CHILDREN OF ADOPTIVE INDIAN PARENTS

The funds are administered in the same manner as the funds of other children in their band since the maintenance of confidentiality can best be accomplished if the children are not treated differently.

11.2.2 INDIAN CHILDREN ADOPTED BY NON-INDIANS

The funds are held in trust at the Department and paid to the children on application at any time after they reach the age of majority. Withdrawals before that time may be permitted in exceptional circumstances where it can be shown that the interests of the child will suffer if assistance from his savings is not provided.

Any funds to which persons under 'A' become entitled should be deposited in savings (Acct. 924). Available funds will be paid to these persons when they apply for them. Applications for funds should be directed to the Registrar.

11.3 CONFIDENTIALITY

Adoptive parents are usually informed of their child's Indian status by the provincial agency handling the adoption proceedings. They are told that their child may have funds held in trust by this Department. Whether or not the child is told of his/her Indian status is left entirely to the adoptive parents.

It is essential that every possible precaution be taken to prevent the disclosure of the family origin of any child who is legally adopted, or even that the child is adopted. Such disclosures may violate the requirements of the provinces for confidentiality and are distressing to the natural and adoptive parents.

EXERCISE 6 - 1

PRE-AUTHORIZATION EVENTS

DIRECTIONS TO THE PARTICIPANTS

TIME: 10 minutes

PURPOSE:

To confirm that you are able to identify the proper procedure for the reporting of events.

DIRECTIONS:

1. Complete the exercise on your own, and in writing.

EXERCISE 6 - 1

PRE-AUTHORIZATION EVENTS

Q1. Who may protest against a band list, providing that the band list is departmentally maintained?

Q2. A person applies for registration as Indian and provides you with a copy of his birth registration. You note that the applicant was born in 1940. What method of reporting is used to record this event?

Q3. Band A - Band List is controlled by Band
Band B - Maintained by Department

A person registered in Band "A" wishes to transfer to Band "B". How would you advise this client to proceed with the transfer?

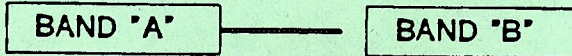
Q4. A person was incorrectly reported as being deceased, but is discovered to be living. How would you handle the situation?

Q5. An adopted individual comes into your office. He has applied for Indian status but has no information regarding his natural parents. He would like you to provide him with information in order to complete his application. What do you do?

TRANSPARENCIES
T6 - 1 TO T6 - 4

EXAMPLE I:

BOTH BAND LISTS UNDER DEPARTMENTAL CONTROL

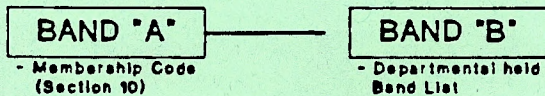


- * Transfers under Section 12(b)
- * Indian Registry & Band Membership are transferred to band "B"
- * Documents required:
 - a) Letter of Request for Transfer
 - b) Consenting B.C.R.
- Both documents are forwarded to Registrar

Notes: _____

EXAMPLE II:

INDIAN REGISTER ONLY TO DEPARTMENTAL BAND LIST

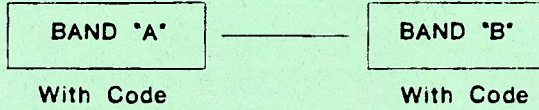


- * Transfer under Section 12(a)
- * Removed from Registry of Band "A" and added to Indian Register & Band List of Band "B".
- * Documents required:
 - a) Letter of Request to Transfer
 - b) Consenting B.C.R.
- Both documents are forwarded to the Registrar

Notes: _____

EXAMPLE III

TRANSFER BETWEEN REGISTER ONLY GROUP



- Documents required:
 - a) Letter of consent for removal from Registry Group *A*
 - b) B.C.R. request from former Band for removal from Registry Group *A*
 - c) B.C.R. from Registry Group *B* consenting to the transfer
- Person is removed from Registry Group *A* and added to Registry Group *B*
- Applicant must approach Band *B* directly to ensure that name is on Band list

Notes: _____

EXAMPLE IV TRANSFER TO THE INDIAN REGISTER ONLY



Departmental Band List

Membership Code

- Documents required:
 - a) Letter of consent for removal from Band "A"
 - b) B.C.R. request from Band "A" to remove individual from their Band list
 - c) B.C.R. from admitting Band consenting to transfer to Registry Group "B"

- Applicant is removed from Band List "A" and added to Registry Group "B".

- Applicant must approach Band "B" directly to ensure that name is on band list.

Notes : _____



SESSION 7
ACCESS TO INFORMATION
ON REGISTERED INDIANS

1. DEPARTMENTAL POLICY

There are various listings of registered Indians available in the Department. As these lists contain personal information, it is very important to restrict their distribution in view of the provisions of the Access to Information Act and Privacy Act. This session outlines departmental policy on the release of these listings.

1.1 LISTS OF BAND MEMBERS

Under the Indian Act, bands whose lists are still maintained under the Indian Act are entitled to a report of changes made to their band list. This permits both the band council and individual band members to review the changes made and to protest those which are believed to be incorrect. Listings of band members are a composite of individual change reports. Thus, all band members, as well as the band council, are entitled to receive listings, past and present, of band members. This right lies within paragraph 8(2)(a) of the Privacy Act.

1.2 LISTS OF REGISTERED INDIANS

From time to time, a band which controls its membership will ask for a list of persons registered as Indians on the basis of ancestry from that band. Commonly, the justification provided is that these persons may be eligible for membership under the band's rules. Such requests are to be refused since, unlike the situation described previously, the band has no right to this information without the consent of all persons whose names would be released. Individuals are free to choose whether they wish to associate with the band.

For the same reason, Indian Register change reports relating to bands that have assumed control of their membership should not be released outside of the department without specific authorization from the Access to Information and Privacy Secretariat.

Bands which administer local Indian Register functions on behalf of the Department are partially exempted from the foregoing. In their capacity as administrator of a departmental function, they can receive listings of registered Indians. These lists are a necessary work tool. They must understand, however, that they are subject to the same rules as departmental staff with regard to the release of information on these lists.

1.3 LISTS OF REINSTATEES

From time to time, a band will request a listing of persons who have applied for registration based on ancestry from that band. The normal justification provided is the need to assess the impact of the 1985 amendments on the band. The names of persons who have not been registered are not to be released without the specific authorization of the Access to Information and Privacy Secretariat.

The names of those registered can be released if they have also been added to a departmental band list maintained under Section 11 of the Indian Act. The normal method of release of such names is through the band change reports. Requests from bands that control their own membership will normally be refused.

As an alternative, statistics on the number of applicants, the number registered, the number refused, etc. can be offered. This information should serve the band equally well since the critical question for planning purposes is the number of potential new members and not who they are.

1.4 HEALTH AND WELFARE CANADA

Restrictions also apply to the release of personal information to organizations outside of Indian and Northern Affairs. The exception to this general statement is Health and Welfare Canada which provides medical services to Indians. Indian and Northern Affairs therefore fully shares information on registered Indians with that department and information should be exchanged with their staff.

1.5 STATISTICS

There are no restrictions on the release of statistics and other anonymous data to individuals, bands and organizations outside the Department.

1.6 APPLICATION

Persons or organizations wishing to receive personal information about registered Indians must make application, and attach a \$5.00 cheque or money order, to be referred to:

Senior Policy Advisor
Access to Information & Privacy Secretariat
Department of Indian & Northern
Affairs Canada
Hull, Quebec
K1A 04



SESSION 8

CERTIFICATION OF INDIAN STATUS CARDS

This session gives general direction with respect to the issuance of Certificates of Indian Status cards.

1. MINIMUM STANDARDS

Program Circular H-9 outlines the minimum standards for processing status cards, however, regions may have developed supplementary verification procedures to ensure that the information is consistent with the Indian Register and for their lamination and distribution. Cards will normally be issued by the regional, district or band office charged with the maintenance of the Indian Register or the band list concerned.

2. ELIGIBILITY

Certificates of Indian status cards are issued, upon request to persons registered as Indians under the Indian Act who have reached 16 years of age; and, in special circumstances, to Indian children under the age of 16.

3. CERTIFICATES

The certificates show the ten digit registry number. If the individual is not registered on a departmentally held Band List, no reference is made with respect to band membership. (Enter "N/A" - See Figure 8-1)

4. APPLICATION PROCEDURES

Persons over the age of 16 years shall complete an application (Fig. 8-2) and provide the issuing officer with a recent passport size photograph sufficiently clear to enable the person to be readily identified.

Where cards are to be issued to persons under 16 years of age, a photograph is not placed on the certificate. In its place, the word "minor" and a two-year expiry date shall be stamped.

All applicants are required to sign the cards in the space provided. The cards shall also be signed by the appropriate Band or departmental official.

All certificates shall be laminated.

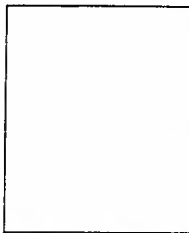
5. RECORDING

Issuing officers shall maintain a certificate register (Form IA-226 Fig. 8-3) containing the full name, Band name, Band/Registry Number, serial number of the certificate and date of issue to every person for whom a status card is issued.

6. "A" LIST PERSONS REQUESTING CARDS

Status card requests from persons registered on the "A" List must be sent directly to the Registrar.

CERTIFICATE OF INDIAN STATUS - CERTIFICAT DE STATUT INDIEN



This is to certify that - La présente atteste que
Family name - Nom de famille

Given names - Prénoms

Alias - Nom d'emprunt

Registry no. - N° de registre

is an Indian within the meaning of the Indian Act / est un indien au sens de la Loi sur les indiens
chapter 27 Statutes of Canada (1985) / chapitre 27 des Statuts du Canada (1985)

Date of birth - Date de naissance	Height - Grandeur	Weight - Poids	Eyes - Yeux
Sex - Sexe	Band - Bande		No. - N°
Holder's signature Signature du titulaire			
Issuing officer's signature Signature de l'officier émetteur			Date of issue Date d'émission

Finder, please return postage free to INAC, Ottawa / Quiconque trouve le présent est prié de la retourner franc
Ontario, Canada K1A 0H4 / de port au AINC, Ottawa (Ontario) Canada K1A 0H4
83-4 (9-89) 7530-21-023-3673

**APPLICATION FOR CERTIFICATE
OF INDIAN STATUS**

**DEMANDE DE CERTIFICAT
DE STATUT INDIEN**

For Office Use Only
Réserve au bureau

Certificate no - N° de certificat

Surname - Nom de famille		Given names - Prénoms		
Band name and number (if applicable) Nom et numéro de bande (s'il y a lieu)		Registry number (if not a band member) Numéro de registre (si non membre de la bande)		
Date of birth - Date de naissance	Sex - Sexe	Height - Hauteur	Weight - Poids	Color of eyes - Couleur des yeux
Color of hair - Couleur de cheveux		Complexion - Teint Fair Clair <input type="checkbox"/> Medium Moyen <input type="checkbox"/> Dark Fonce <input type="checkbox"/>		
Mailing address - Adresse postale				
Signature		Date	Telephone no - N° de téléphone	

Please attach to this application a photograph (approx. 1" x 1") taken within the last six months of the head and shoulders and send to the Office of the Membership Administrator for your band.

Veillez joindre à cette demande, une photographie (environ 1" x 1") prise au cours des derniers six mois et faire parvenir le tout au bureau de l'administrateur de l'effectif de votre bande.

MINORS

For Applicants 16 Years and Under

A photograph is not required. A temporary card is issued and stamped "MINOR" with an expiry date indicated on the card.

MINEURS

Requérants âgés de 16 ans et moins

Une photo n'est pas nécessaire. Une carte provisoire est délivrée et porte la mention « MINEUR ». Une date d'expiration y est indiquée.

ALL INFORMATION MUST BE COMPLETE
BEFORE CARD IS ISSUED

TOUT LES RENSEIGNEMENTS DOIVENT ÊTRE
FOURNIS POUR QU'UNE CARTE SOIT DÉLIVRÉE



SESSION 9

REPORTS

1. TYPES OF REPORTS

There are basically four types of reports (or information) available from the Indian Registry System:

i) Standard Scheduled Reports

These are standard reports that are produced automatically at pre-set times. They include all reports produced after an update, and all reports printed on a set schedule (such as annually).

ii) Standard on Demand Reports

These are standard reports that are available on request but are not produced automatically. They may be obtained by users as the need for this information arises.

iii) On-Line Reports

These reports are maintained on an on-line basis in the computer (that is, they can be accessed immediately by an office with a terminal connected to the computer). The response can be given either verbally or on paper.

iv) Ad Hoc Reports

In the case of an Ad Hoc Report, the user identifies a need for information that is not available in a standard, pre-set report format. Since this type of report will require programming, the "On-Demand Information Request" form should be completed and forwarded to Headquarters.

1.1 STANDARD SCHEDULED REPORTS

1.1.1 UPDATE REPORTS

When the official Indian Register is updated with event information at Headquarters, the changes are printed in a series of reports and forwarded to the reporting office. These update reports include:

- i) Band Change Reports - which must be posted at the band office for a full three years.
- ii) Register Only Change Reports - do not require posting, however, should be filed at the local reporting office.
- iii) New Registered Indian Record Pages - record all events which occur to a particular registered Indian.
- iv) "A" - List - an up-to-date listing of Indian children adopted by non-Indians for each registry group/band. This listing also includes Family Number, Surname, Given names, Birth date, Province, Residence and Sex.

1.1.2 FAMILY GROUP LIST

This report lists Indians alphabetically by family number within responsibility centres and registry groups or band. Other information included is: surname, given names, birth date, province, marital status, residence, and sex. This report is produced annually and is also available upon request.

1.1.3 REGISTERED INDIANS BY DATE OF BIRTH ("AGE LIST")

The "Age List" is a listing of Indians sorted by their date of birth within a responsibility centre and registry group or band. Other information included is: Family Number, surname, given names, marital status, residence code and sex. This report is produced annually and is also available upon request. Reporting offices should verify annually that all age of majority events have been generated by using the Date of Birth List. Headquarters should be notified if any age of majority events were not captured by the system.

1.1.4 REGIONAL ALPHA LIST

The Alpha List is an alphabetical listing of registered Indians by administrative region of the Department. It is produced annually and available upon request.

1.1.5 GROUPS NOT REPORTING

This is a report which indicates all the registry groups within a region having no events processed against them during the period covered by the update report.

1.1.6 POPULATION - REGISTRY GROUP OR BAND

A report on population statistics may be requested. A specific month may be requested, or the report will be produced for the current month at time of processing.

Limit of one region, or five districts or five groups may be specified within one report.

A selection must be made indicating whether the population count is to be based on sex, or residence code, or on marital status.

1.2 STANDARD ON DEMAND REPORTS

All of the reports available through the Indian Registry System are available on demand (See Fig. 9-1). However, some reports are only available on demand and not produced automatically:

- i) Voter's List;
- ii) Jury Duty List;
- iii) Members Only Report;
- iv) Event Statistics;
- v) Treaty Paylist; and
- vi) Red Ticket Holder List.

1.2.1 VOTERS LIST

This is a report listing voters by group for use at time of band elections. It contains voters names listed by band number. Space is provided on the report for tabulation of attendance and voting.

When requesting this report, the following should be specified: band list or Register Only, the minimum age for eligibility to vote, any residence limitations, and the date of the election.

1.2.2 JURY DUTY LIST

A listing of registered Indians over the age of 18 by registry number, surname, given names and birth date.

1.2.3 MEMBERS ONLY REPORT

A listing of Indians who are members of an Indian band but not on the Indian Register.

1.2.4 EVENT STATISTICS - REGISTRY GROUP OR BAND

A report based on event information may be requested for a specific time period.

One or several event types may be included.

One region, or up to five districts or five groups may be specified within one report.

1.2.5 TREATY PAYLIST

This report provides a current list of registered Indians in a format that can be used for the payment of treaty annuity and per capita distribution of band funds.

The information is sorted by bands/groups within responsibility centres. For each band/group, the information is further broken down by members on main Membership List, A-List Members, and Red Ticket Holders.

1.2.6 RED TICKET HOLDER LIST

This is a listing of women who married non-Indians before 1951 and are still in the category of persons known as Red Ticket Holders. It is sorted by responsibility centre and band code. Other information printed is band number, surname, given names, and birth date.

1.3. ON-LINE REPORTS

Three reports in the Indian Registry System are maintained on an on-line basis:

- i) Update reports (already mentioned above);
- ii) Event statistics (also mentioned above);
- iii) Parent/children reports, which is a listing of the registered parents and their children.

FIGURE 9-1

The table below lists the various reports available through the Indian Registry System, and the means through which they are available.

	<u>Standard Scheduled Reports</u>	<u>Standard on Demand</u>	<u>On-Line Reports</u>
Update Reports	X monthly	X	X
Family Grouping List	X annually	X	
Date of Birth List	X annually	X	
Regional ALPHA Listing	X annually	X	
Monitoring Report I	X annually	X	
Monitoring Report II	x annually	X	
Monitoring Report III	X annually	X	
Voter's List		X	
Jury Duty List		X	
Members Only		X	
Event Statistics		X	X
Treaty Paylist		X	
Red Ticket Holder List		X	
Groups Not Reporting	X monthly	X	
Population Statistics	X annually	X	X
Parent/Children		X	X

2. HOW TO REQUEST REPORTS/INFORMATION

Regions and Headquarters have the capability of generating "on-demand reports and on-line inquiries". Normally, districts and bands having an Administrator Code should submit their requests to their respective Regional Offices.

Instructions for requesting reports is as follows:

On an "On-Demand Informationn Request Form"

- enter the current date,
- enter the date that the report is required,
- enter the name of person requesting the report,
- enter the administrator code,
- enter a selection to indicate how the report is to be returned. (Mail is the usual method, unless information is urgently required. If telephone, telex, or fax are indicated, the appropriate telephone number, telex number or fax number must be included.)
- in the space marked "Information Required", enter the name of the report or information required as well as any additional information that may be helpful in filling the request,
- must also specify whether information required is based on Band List or Registry Group,
- enter any appropriate selection criteria,
- enter any other special requirements in the "Special Requirements" box.
- sign and date the form,
- retain the yellow copy of the form, and submit remaining copies to the processing office.



**ON DEMAND INFORMATION REQUEST
INDIAN MEMBERSHIP SYSTEM**

**REQUÊTE POUR LES RENSEIGNEMENTS
SYSTÈME DE L'EFFECTIF DE BANDE**

See Indian Membership System User Manual for details on reports available and how to complete form.
Voir le manuel de l'utilisateur pour le Système de l'Effectif de Bande pour les détails sur les rapports disponibles et la façon de compléter cette formule.

Part 1 – To be Completed by Applicant Partie 1 – A remplir par le demandeur							
Date of Request – Date de la requête			Date Required – Date requise				
Requested by – Demandé par							
Administrator Code – Code d'administrateur							
Return Information by – Livrer les renseignements par							
<input type="checkbox"/> Telephone Téléphone	<input type="checkbox"/> Telex	<input type="checkbox"/> Fax	<input type="checkbox"/> Mail Courrier	Telephone No. – N° de tél.	Telex No. – N° de télex	Fax No. – N° de fax	
Information Required – Renseignements requis							
Information Required by – Renseignements requis par							
Totals Required – Totaux requis							
Selection Criteria – Critères pour sélection							
Sorting Sequence – Séquence pour triage							
Special Requirements – Exigences spéciales							
Signature of Applicant – Signature du demandeur					Date		
Part 2 – To be Completed by Processing Office Partie 2 – A remplir par le bureau de traitement							
Date Received – Date reçu		Initials Initiales	Approved by – Approuvé par		Date	Date Sent – Date envoyée	Initials Initiales
Remarks – Remarques							
Signature					Date		

IA 1346 (01-83) 7530-21-036-8161

WHITE COPY
COPIE BLANCHE

PROCESSING OFFICE
BUREAU DE TRAITEMENT

PINK COPY
COPIE ROSE

RETURN TO ORIGINATOR
RETOURNER A L'INITIATEUR

YELLOW COPY
COPIE JAUNE

ORIGINATOR
INITIATEUR



SESSION 10

LEGITIMATIONS

1. DEFINITION AND PROCEDURE

Legitimation is a process whereby the natural parents of a child marry and the child is considered to be legitimate from the date of birth. While most provinces have provincial legislation which provides for the legitimation of a child, this concept has been removed from the Indian Registration system pursuant to the amendments to the Indian Act.

However, it has since been established that legitimation events can be recorded, provided that the event (ie: parents marriage) occurred prior to April 17, 1985. Persons wishing to legitimate their child(ren) should contact the Division of Vital Statistics where they will be required to complete Statutory declarations and amend the child's surname if so desired. A copy of the amended Birth Registration is required for reporting purposes. A letter is then forwarded to the Registrar providing the following information:

- i) the child's surname and given names,
- ii) the child's current registry number,
- iii) the child's birthdate,
- iv) the child's sex,
- v) the primary parent's registry number,
- vi) the primary parent's birth year,
- vii) the other parent's registry number,
- viii) the other parent's birth year.

The child's name is subsequently removed from the current registry number and re-entered as a birth event on the primary parent's number.

1.1 RAINVILLE DECISION

Until September 5, 1979 legitimation could also result in the deletion of a child if the father was a non-Indian. However due to a court ruling, it is no longer possible to delete these children. The department appealed the decision and the courts have now ruled that the Registrar was incorrect in deleting these children from band membership by application of the Legitimacy Acts. As a result, all persons removed from the Indian Register MUST now be re-registered.

2. **PRESUMPTION OF LEGITIMACY**

This is the presumption that a child born to a married woman is the child of her husband and is thus legitimate. It is, of course, a rebuttable presumption and would be regarded by a Court as rebutted where appropriate evidence was tendered and believed by the Court. In cases of this kind, a standard of proof generally accepted by the Court and to which we should adhere is that the evidence must be strong, distinct and conclusive so as to preclude all reasonable doubt.

Therefore, the wife, husband, and putative father should be asked to contact the Division of Vital Statistics to complete statutory declarations indicating:

Wife: that her husband is not the father of the child stating when she last co-habitated with her husband, and a second declaration to identify the natural father of the child.

Husband: stating that he is not the natural father of the child and indicating when he and his wife last co-habitated.

Natural acknowledging paternity
Father:

A covering letter providing the necessary information (See Numbers i - viii on previous page) must be forwarded to the Registrar together with the Statutory declarations and birth registration.

EXERCISE 10 - 1

LEGITIMATIONS

DIRECTIONS TO THE PARTICIPANTS

Time: 5 minutes

PURPOSE:

To confirm that you are able to describe the legitimation reporting procedure.

DIRECTIONS:

1. Answer the following questions on your own, in writing.

EXERCISE 10 - 1

LEGITIMATIONS

Q1. In your own words, define legitimation.

Q2. How would you report a legitimation to the Registrar?
