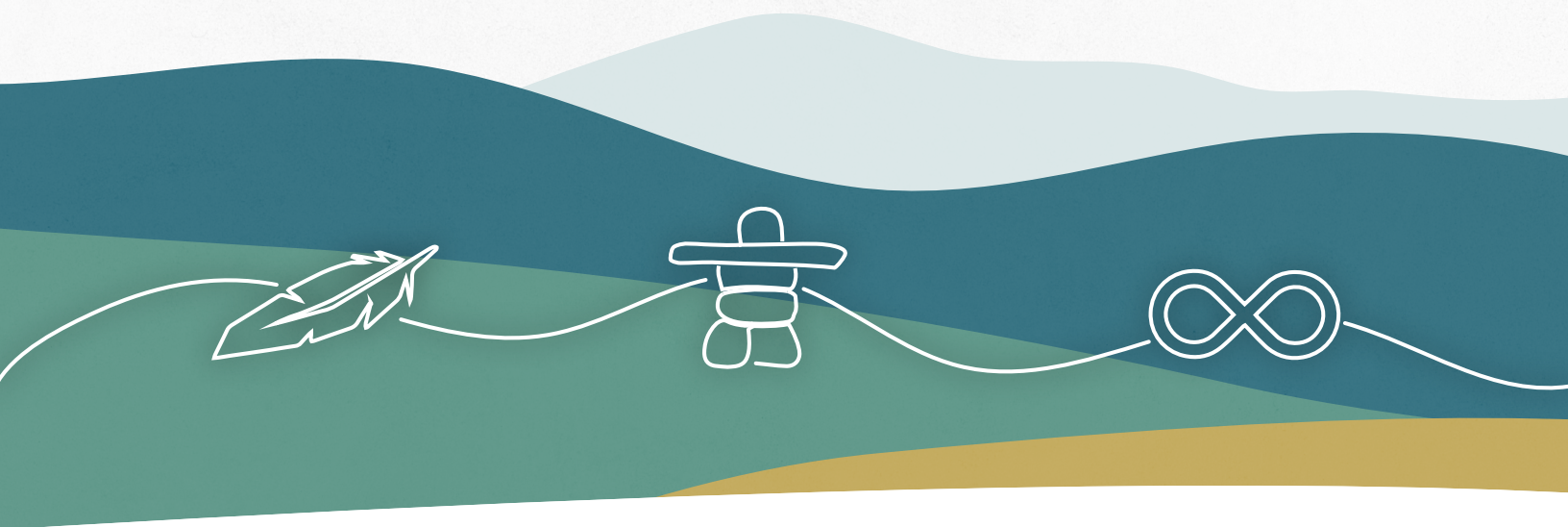


Indigenous Mobility and Canada's International Borders:

Reflecting back and looking forward



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Acknowledgement

Immigration, Refugees, and Citizenship Canada (IRCC) and the Canada Border Services Agency (CBSA) would like to thank First Nations, Inuit, and Métis Partners who took the time to share their stories, ideas, perspectives, and concerns related to Indigenous mobility into Canada, and look forward to continuing these important discussions and relationships as the work progresses. The openness and consideration provided in these many conversations has helped to further shape our understanding of the issues. IRCC and CBSA acknowledge the challenges faced in sharing information that, at times, was personal or sensitive. It is hoped that this report reflects the discussions to date, and demonstrates that what we heard was taken into account when considering new directions.

We also extend our thanks and gratitude to the Elders who welcomed us to their territories, and whose unique and vital knowledge has helped guide and support Indigenous and government partners along our journey to the understandings outlined in this report.

The following report has been developed as part of the process of consultation and cooperation carried out by IRCC and CBSA on a path to implementing *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) Action Plan Measure Shared Priority 52 (APM SP52). The report is a snapshot in time, capturing the comments and feedback received to date. It is intended to summarize what has been shared with the Government of Canada by Indigenous Partners on the issue, and to provide information on possible directions as we consider next steps in advancing this important priority. The report in no way precludes further discussion of the issue with Partners or development of additional ideas as work proceeds towards the objectives outlined within APM SP52.



Executive Summary

The introduction of international borders has had profound impacts on First Nations, Inuit, and Métis communities, with ripple effects across many aspects of their lives – families, governance, traditional practices, language preservation, kinship, cultural ties, and economic opportunities.

Concerns with respect to Indigenous mobility across Canada’s international borders with the United States (U.S.) and Greenland, and the right to remain in Canada, have long been expressed by Indigenous partners. Discussions at varying levels have happened, including the work carried out by a [Minister’s Special Representative to publish a report](#) on findings of many of these discussions in 2017. This work gained momentum with the Royal Assent of the [United Nation Declaration on the Rights of Indigenous Peoples Act \(UNDA\)](#) in 2021, and the subsequent release on the [UNDA Action Plan](#) in June 2023. This Plan provides a roadmap of actions Canada needs to take in partnership with Indigenous Peoples to implement the principles and rights set out in the UN Declaration and to further advance reconciliation in a tangible way.

Among the Plan’s 181 measures, APM SP52 committed the Government of Canada to: pursuing legislative amendments to the *Immigration and Refugee Protection Act* (IRPA), amendments to relevant Regulations, and revisions to policies in order to address these complex border crossing and migration challenges faced by Indigenous peoples.

Acknowledging the work to come, IRCC and CBSA began developing a plan that would describe and guide the process of consultation and cooperation on APM SP52. Between July 2023 and February 2024, IRCC and CBSA carried out discussions with Indigenous partners across Canada with a view to advancing this Action Plan Measure. The process included a series of Roundtable meetings and bilateral discussions through existing mechanisms or as requested by interested parties.

This report marks the launch of the next phase of this work. It reflects back on the input provided by partners and participants, and looks forward to what potential new directions might be taken in amending the legislative right to enter and remain in Canada under the *Immigration and Refugee Protection Act (IRPA)*. It outlines the many, and often shared, comments and concerns of First Nations, Inuit, and Métis partners and participants related to barriers faced as a result of the international border, and presents ideas that have emerged for consideration and feedback with a view to working towards solutions.

In addition to this report, a website was created to provide background and additional context to support discussions: [Consulting and cooperating with Indigenous Peoples on border mobility – Canada.ca](#). The site includes background information on Indigenous border mobility, how to participate in the discussions, and contact information to provide input or contact IRCC and CBSA.





Introduction

“My grandparents, my parents, myself, and my children have lived with the harm of the 49th parallel.”

The introduction of colonial borders has seriously affected First Nations, Inuit and Métis living on their traditional territories. Legislation and policy related to borders and mobility rights have an important impact on:

- families
- governance
- traditional practices
- language preservation
- kinship
- cultural ties
- economic opportunities

This is especially true for those in communities near, or divided by, these borders, such as Akwesasne on the Ontario/Quebec/New York border, White River First Nation and Vuntut Gwitchin First Nation on the Yukon/Alaska border, and Métis communities at the Manitoba/North Dakota border. Indigenous peoples rely on the ability to move across the border for temporary visits, and occasionally longer term or more permanent stays, in order to maintain and build relationships within their families and communities. Indigenous voices have long called for the expansion of the legislative right to enter and remain in Canada.

Frequently, this issue is framed in relation to an inherent right to cross the border and the Jay Treaty of 1794. Signed by the U.S. and Great Britain, the Jay Treaty included a provision for free passage by First Nations Peoples and their personal goods across what is now the Canada-U.S. border. In 1965, the Supreme Court of Canada determined that the Jay Treaty is currently not in force in Canada. In June 2016, the Standing Senate Committee on Aboriginal Peoples issued a report entitled “[Border Crossing Issues and the Jay Treaty](#)” which looked at challenges with respect to Indigenous border crossing.

Acting on the Committee’s report, in December 2016, the Minister of Indigenous and Northern Affairs appointed Fred Caron as a Minister’s Special Representative (MSR) on First Nation border crossing issues with a mandate to:

- obtain a comprehensive picture of concerned First Nations’ Canada-United States border crossing challenges
- hear about the impacts on their communities
- collect their views on potential solutions

The [2017 MSR Report on First Nation border crossing issues](#) underscored the need to bring forth changes, prompting the Government of Canada in 2018 to commit to a “...longer-term process with concerned First Nations, Inuit and Métis communities to discuss potential solutions to a number of more complex border-crossing issues.”



In 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) received Royal Assent for it to come into force, and Canada began a process of consultation and cooperation with Indigenous Peoples to develop an Action Plan that would be a roadmap of actions to take in partnership with Indigenous Peoples to implement the principles and rights set out in the UN Declaration, and to further advance reconciliation in a tangible way.

The UNDA Action Plan was launched in June 2023 and included Action Plan Measure Shared Priority 52:

“The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

Pursue legislative amendments to the Immigration and Refugee Protection Act, amendments to relevant Regulations and revisions to policies in order to address complex border crossing and migration challenges faced by Indigenous peoples divided by Canada’s international borders, including options to amend Canada’s right of entry provision, and work and study permit requirements.

Engagement with Indigenous peoples and their representative organizations to implement the action plan measure is being initiated in 2023, with a view to advancing amendments and policy reforms in 2024. In parallel, the Government of Canada will continue discussions with international partners on Indigenous border crossing issues.

(Canada Border Services Agency; Immigration, Refugees and Citizenship Canada)”

Challenge: Existing *IRPA* Legislative Framework

Together, IRCC and CBSA manage the legislative right to enter and remain in Canada, which is set out under *IRPA*:

- Canadian citizens, people registered under the *Indian Act* and permanent residents have **the right to enter and stay** in Canada
- people registered under the *Indian Act* are also exempt from needing a work and/or study permit (if they are not otherwise Canadian citizens or permanent residents)

19(1) *Every Canadian citizen within the meaning of the Citizenship Act and every person registered as an Indian under the Indian Act has the right to enter and remain in Canada in accordance with this Act, and an officer shall allow the person to enter Canada if satisfied following an examination on their entry that the person is a citizen or registered Indian.*

— Immigration and Refugee Protection Act

Currently, *IRPA* does not reference a specific right to enter and stay for “Aboriginal Peoples of Canada.” For members of First Nations, Inuit and Métis in Canada, however, the right to enter and stay in Canada is based on the person being:

- a Canadian citizen, and/or
- registered under the *Indian Act*, or
- a permanent resident



IRPA currently views Indigenous Peoples outside Canada as “foreign nationals”. For the purposes of entering and staying in Canada, this means that they do not have the status (rights, obligations, and privileges) afforded to an individual that falls into any one of the three above categories. Remaining in Canada for any length of time, particularly if an Indigenous person from outside Canada wishes to be in Canada for the purposes of work or studying, would require additional steps.

Objective: Consultation and Cooperation towards implementation of APM SP52

The process of consultation and cooperation towards realizing the objective outlined in APM SP52 has centered on better understanding the issues and exploring possible solutions to address barriers faced by communities at the border. The discussions focused heavily on the scope and way forward on the legislative right to enter and remain in Canada under *IRPA*, and an exploration of possible policy solutions to related issues.

To support this objective, and with a view to understanding the necessary actions to move forward, the IRCC and CBSA are taking into account several key considerations:

- ensuring due consideration for, and understanding of, Indigenous rights in Canada;
- demonstrating respect for the views, perspectives, and ideas we have heard;
- approaching new directions with consideration for what is implementable, without creating new challenges or hurdles to Indigenous Peoples;
- addressing issues in a way that creates clarity; and,
- providing flexibility to evolve.

To improve mobility across borders for Indigenous Peoples, IRCC and CBSA engaged in nation-to-nation, Inuit-Crown, and government-to-government discussions. Building on discussions prior to 2023, the process launched in a more formal way in Fall 2023, with a series of Regional Roundtables across Canada, which ran from October 2023 to February 2024, and the expansion of bilateral discussions with First Nations, Inuit, and Métis partners.

IRCC and CBSA held discussions with a number of Indigenous groups and collectives related to these issues. In particular, these bilateral, parallel discussions were ongoing through the Jay Treaty Border Alliance-Collaboration Initiative (JTBA-CI), the Haudenosaunee External Relations Committee Working Group (HERC Working Group), the Inuit-Crown Partnership Committee (ICPC), the Assembly of First Nations (AFN), the Manitoba Métis Federation (MMF) and the Métis National Council (MNC). IRCC and CBSA also met with a number of groups that requested one-on-one discussions. These regular discussion tables, and other discussions as the requests emerge, are ongoing and will continue along with the various stages of reaching the objectives of APM SP52.

Additional information on the process of consultation and cooperation, including further details on participation in discussions related to the Action Plan Measure can be found in *Annex A: Consultation and Cooperation on APM SP52*.



What We Heard

The following section highlights the key themes that emerged during these discussions. It includes consolidated feedback or ideas, as well as quotations to help illustrate the issues from the voices of those who raised them. While it is not a transcript of the discussions, it strives to capture the range of views expressed, and suggestions posed.

During the process of consultation and cooperation across the country, discussions were often organized into five topics in an attempt to gather input across a range of issues to be addressed through this process. In some cases, input received reflected things conveyed in earlier discussions, such as through the work of the Minister's Special Representative in 2017, while in other cases, we heard stories and ideas that further shaped our understanding of the issues.

For ease of review, the information has been grouped under these themes in this report. Please note that in some circumstances, feedback may be relevant across multiple themes. Any feedback received will be taken into consideration throughout this work, regardless of the category in which it is presented.

Discussion Topic: Right to Enter Canada

Currently three groups have a right of entry to Canada under *IRPA*: Persons registered under the *Indian Act*, Canadian citizens and permanent residents. This discussion sought views on which Indigenous Peoples outside Canada should have a right to enter and remain in Canada (i.e. federally recognized Tribes in the U.S., connections to Canada, proximity to Canada), and whether it is enough that *IRPA* refers to persons registered under the *Indian Act*, or if there should be additional or other references to Indigenous Peoples.

Many expressed strong support for a distinctions-based approach for mobility, noting that all distinctions (First Nations, Inuit, and Métis) should have the right, and that determination of identity/citizenship/membership should rest with the Indigenous government/organization/community. Overall there was strong support voiced for being able to cross the border into Canada more easily for temporary reasons such as family, ceremony, business needs, economic activities, and short term work, etc.. There were also calls for longer term stays such as living in Canada with family members and opportunities for work or study. Additionally, there was interest expressed in learning more about how the right of entry is determined at the border by an officer. The discussion was focused on land and marine Ports of Entry as there are [additional requirements for air travel](#) which are not being addressed at this point.

Through the discussion, examples were shared to demonstrate why the issue of border mobility should be addressed:

- It was stated that often family members are living in the U.S. This means frequent need to cross the border into Canada to visit family; for events and ceremonies (e.g. namings, funerals, dances, powwows, etc.); to access hunting & harvesting grounds; for work; etc.
- It was also noted that some communities are physically divided by the border. Specific mention was made of Sault Ste. Marie where there is a large Métis community who traditionally moved back and forth across the border at different times of the year (sugaring in early spring on Michigan side, harvesting in the fall on Ontario side).



More on what we heard regarding mobility for those *inside Canada*.

On recognition of all distinctions (First Nations, Inuit, and Métis):

- Many participants voiced support for a distinctions-based approach with respect to the language of s.19 (1) *IRPA*. Many participants wanted to ensure that the scope would include all Indigenous groups, and that consequently, Inuit, and Métis should also be explicitly referenced. However some felt that distinctions based approach could still result in some ambiguity.
- Some participants advocated for an inclusive approach to ensure *all* Indigenous Peoples are included in any conversation around right to enter.

“Basing a definition of Indigenous peoples on what’s in the Indian Act is not reconcilable with the spirit of the UN Declaration.”

“I’d like to see the separation of First Nations, Inuit, and Métis in the documentation. That identifies us as individual groups with individual needs and participation. If this is a language that will be taught to people at the borders, it’s better they learn properly the first time.”

“Not differentiating between First Nations, Inuit, and Métis in legislation is problematic.”

“Who gets to define who’s Indigenous? The government? [No, the people.] Once we answer that question, then we can talk about who gets to go back and forth.”

On identity/citizenship/membership:

- Many participants expressed the view that, in line with self-determination, there should be a recognition of members of First Nations communities even if they do not have status under the *Indian Act*, although it was noted that communities are at varying stages of self-determination and some are still developing membership rules.
- It was further noted that the current wording of s.19 (1) does not reflect the reality that many Indigenous governments, including many with modern treaty of self-government agreements, determine their own citizenship and memberships by their own laws.

“We need to be able to work within our own lands, with our own people.”

“We are tribes of people based on a land, based on a language.”

“‘Who is allowed into Canada?’ is perhaps the wrong question. Rather, it should be: ‘Who is allowed into our ancestral territories?’”

Other:

- Concerns were expressed that expansion of the right to enter could still unjustly exclude some individuals who do not have status due to adoption, enfranchisement, forcible relocations, etc.
- Participants added that although discussions were focused on land travel, the air travel border needs to be considered as well, especially for people in the North who have to fly.



More on what we heard regarding expanding the right to enter for those *outside Canada*.

On widening the scope:

- In multiple cases, participants raised the issue of “abbreviated identity”, and community members being cut off from their broader kinship networks by the border. Inuit circumpolar identity was mentioned as well in this context.
- There was a concern that expanding right of entry only to U.S. states within close proximity to the border would be too limited. Many participants noted that there are significant populations and communities across the U.S. border that include their families and relations, and that these go beyond border adjacent states. Forced relocation of relatives to southern states was also mentioned. The idea of expanding to also include Mexico also surfaced given the familial ties and trading relations between some Indigenous communities.
- Many participants emphasized the enormity of the issues being discussed regarding which Indigenous Peoples in the U.S. or Greenland should be included in a widened scope of those having a right to enter Canada. Concerns were voiced with respect to speaking on behalf of peoples whom participants do not know and cannot represent; and on the prospect of Canada making pronouncements on which peoples it chooses to recognize/legitimize as Indigenous. It was suggested that U.S. tribes should be invited to the table. Questions around the difference between federally and State recognized tribes were raised.
- It was pointed out that a benefit of expanding entry to Tribes in the U.S. is the facilitation of emergency management, especially in the north or more remote areas (e.g. flood, evacuation, wildfire response). The issue of communities divided by the border was raised a number of times – one example is White River First Nation which falls on the Yukon/Alaska border and would benefit from calling in surge resources to help in emergency situations.
- It was noted that expanding right of entry to include members of federally recognized Tribes in the U.S. might not capture Indigenous peoples who may have lost status (enfranchisement) under the *Indian Act* in the past (e.g. due to military service) or adoption.

“The Nation-to-Nation relationship between American Reservations and First Nations communities needs to be recognized in all this in some way. We’re not just Canada and America, we’re Nations too.”

“We are afraid to cross the border, and afraid to have our relatives come to see us.”

“There are family on both sides of the border. They have ceremonies on either side. They frequently cross the border. It’s a truly embedded cross-border community of Métis citizens.”

“We are relearning how to be a family. Colonization has separated us from our responsibilities. It takes a village to raise a child. Back in the day, everybody had a role in parenting and raising children.”

“Treaty People have a right to decide who comes to Canada.”

Other:

- The issue of how to address mobility of Greenland Inuit was discussed with acknowledgement this may take additional time to develop solutions.
- There were some calls for Canada to implement the Jay Treaty (1794) and Treaty of Ghent (1814), however others expressed that Canada needs to recognize the principles of the Jay Treaty, not implement the Jay Treaty itself.



- Freedom of mobility was emphasized as a right that pre-existed colonies in North America and which extends to movement of people and goods. It was noted that although the Supreme Court decision on [Desautel](#) does not directly address mobility, it is inherent.
- Some participants suggested it might be worth considering stand-alone legislation with regard to border mobility.
- Concerns about the definition of who is Métis and the legitimacy of certain groups that declare themselves to be Métis was also raised.
- A view was expressed that, as First Nations are not immigrants, there is preference for a new legislation outside of the *Immigration and Refugee Protection Act*.

"I am not an immigrant, this is my homeland."

"There has to be recognition of that large non-status population that is currently excluded from everything in Canada."

Discussion Topic: The Right to Remain in Canada

Currently, under section 19(1) of *IRPA*, Canadian citizens and persons registered under the *Indian Act* have the right to enter and remain in Canada (i.e. cannot be refused entry or be removed from Canada). Persons without a right to remain can be found to be inadmissible, and may be removed (such as for criminal inadmissibility).

The consultation and cooperation discussions with First Nations, Inuit, Métis, including Modern Treaty Partners on the "right to remain" in Canada included the complex question of whether everyone (Indigenous) should be able to stay in Canada as long as they like, and what it means to have the right to remain in Canada (i.e. should this mean a right to work or study, should it grant access to services and, if yes, which ones?).

Many participants shared the view that, if people have the right to enter then they also have the right to remain, which includes accessing services provincially, territorially and, federally; however others thought the issue required more thought and exploration.

The need for a crosswalk between federal and provincial/territorial responsibilities was discussed, and it was stated that there is a need to look at the practicality of a wide range of issues including accessing health care, documentation like driver's licences, as well as the ability to work and study.

More on what we heard on right to remain in Canada.

On complexity of the issue:

- It was noted that questions around the right to remain are very complex and that the right to remain relates to deeper and foundational aspects of history, identity and culture.
- Some participants expressed that, given that the action of remaining in Canada is consistent with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), then these conversations, and the approach taken, must also relate to the implementation of UNDRIP.
- There were some who agreed generally with the principles in Jay Treaty (Indigenous peoples in U.S. should be able to live and work freely in Canada), but recognized challenges reconciling an operational "wish list" with the existing legal frameworks.



- In terms of any potential legislative amendments, participants felt that the law should remain flexible and evergreen in the sense that as Nations evolve and move toward self-governance, the law too should evolve.
- Participants strongly felt the terms “foreign nationals” and “immigration” should always be avoided when talking about Indigenous people and added that there should be policy-specific terminology for Indigenous people.

On a right to work and a right to access services:

- Many participants felt that all the services available to people on one side of the border should be afforded to those on the other side of the border. Some added that while visiting is the most important aspect of cross-border connection, the right to work and study on the Canadian side should also be included.
- Several participants also shared the view that the threshold for what services would be available should be no less than what is offered to asylum seekers.
- Some participants suggested that there may be a distinction in access requirements or conditions between a community member and a kinship group or broader cultural group. They expressed that, in the former instance, there may be interest in allowing members the same access as a Canadian citizen; however there could be conditions placed on those who are not as closely associated with the organization.
- It was suggested that, if an American Tribal Member has a child/children with Indian status under the *Indian Act*, then they should have the right to come work and support their kids; otherwise, the border continues to fragment families.
- Participants expressed a general recognition of the practicality of having access to Canadian services such as health care and ability to get a driver’s licence. It was noted that there should be special considerations for remote communities, where there are no alternative places to receive those services.
- Concerns were also raised however, around the potential financial burden of service delivery as falling on the Nations themselves, many of whom do not have the capacity to support their own current members/citizens.

“Anyone recognized as Indigenous right across Turtle Island should be able to enter, work, study.”

“Is it also a concern that folks without adequate healthcare in the U.S. will come into Canada to access healthcare?”

“For me, Entry to Canada is different. It’s one thing to come visit and drive with an American licence, but living here and needing health care is another question. Is there a companion document where someone would include whether they intended to stay in the country?”

Other:

During the discussions, some asked if the right to remain could include dual citizenship of U.S. and Canada.



Admissibility issues due to criminality.

Canada has specific requirements for who can and cannot enter Canada but, only in certain cases for the type of identification they require. At the border, the Canada Border Services Agency (CBSA) determines the admissibility of individuals by asking questions, verifying identification and checking systems for possible flags concerning previous examinations or criminality.

Views expressed at the discussions regarding criminal inadmissibility focussed primarily on the right to enter Canada if someone has a criminal record. The issue, however, also touches on the right to remain in Canada as, currently, under section 19(1) of *IRPA*, Canadian citizens and persons registered under the *Indian Act* have the right to enter and remain in Canada regardless of any history of criminality (i.e. cannot be refused entry or be removed from Canada), while permanent residents can lose their status (and be removed) if inadmissible.

More on what we heard on admissibility/inadmissibility.

On a right to remain and community safety:

- Many participants felt that all Indigenous people should be able to enter or remain in Canada and not be removed for any reason (i.e. no barrier to enter or remain if a person has a criminal record or commits an offence in Canada).
- It was also stated that it is the Community that should be responsible for community safety and for any process for exclusion orders.
- Some concerns were noted about expanding right of entry to Tribes in the U.S. including those who have committed a criminal offence, but also noted that traditional practices like banishment and removing people from tribal membership lists in the U.S. are a means to mitigate this concern.

“First Nations – we were the original border security on Turtle Island.”

On additional considerations:

- Many participants expressed support for a tiered treatment – based on severity of offence, timeframe, any pardons, etc. Participants expressed that there should be some classification of admissibility prohibitions (major vs minor).
- Participants noted some concerns about individuals who may have committed a serious criminal act, but there was also acknowledgement that people make mistakes, and a person should not be denied access for that.
- Participants expressed some concerns around security – e.g. would members who had been banished from their home community be able to cross the border and enter a sister community?
- One group discussed criminal admissibility and concluded that while they did not want Canada setting admissibility checks, they did want Canada’s assistance to enforce banishment laws within First Nations.
- Some shared that there is a need to balance mobility with concerns of community safety – specifically with respect to human trafficking.
- It was noted that, while crossing the borders without documentation/passport should be a right (not a privilege), consideration must be given to also protect women, children and 2S+ community.



Other:

- Participants expressed a general need to keep Indigenous communities in Canada safe.
- The view was expressed that any changes should not allow Canada to increase criminality concerns at the border.
- Some participants shared the view that consideration should be given to people with records owing to criminalized activities that communities may in fact support, such as political activism, or the exercise of Aboriginal rights, including economic rights. One participant gave the example of transport and sale of tobacco, referencing the recent Quebec Superior Court decision in [*R v White and Montour*](#). It was stated that protest should not be a cause for removal.

Discussion Topic: Documentation

Currently, *IRPA* does not have specific document requirements for persons with a right of entry. *IRPA* states that *“Every Canadian citizen within the meaning of the Citizenship Act and every person registered as an Indian under the Indian Act has the right to enter and remain in Canada in accordance with this Act, and an officer shall allow the person to enter Canada if satisfied following an examination on their entry that the person is a citizen or registered Indian.”*

In this part of the discussion, participants shared views on what an individual could show to a Border Services Officer to facilitate assessment of whether the individual has a right to enter Canada. Some examples discussed were Treaty and/or First Nations citizenship/membership cards, U.S. Tribal cards and enhanced Tribal cards.

Generally, participants agreed that there is a need for documentation that can be used to support mobility, with the emphasis on Indigenous government-issued documents, and ensuring the Indigenous government-issued documents are recognized. There was recognition that border officers need to have sufficient information to facilitate the entry process. There was also a suggestion for a separate Indigenous passport, either for all Indigenous Peoples in Canada, or the entire Turtle Island. Overall, there was general support for making things simpler, requiring fewer pieces of identification, and having more clarity and consistency as to which documents would be accepted at the borders.

More on what we heard about documentation requirements.

On Indigenous government-issued documents:

- Participants underlined the fact that not many Indigenous government-issued documentation options exist. Many also felt that existing Indigenous documentation should be more widely recognized at borders. They wondered if it might be possible to update and modify that documentation to ensure its validity.
- It was also noted that an option of consistent, secure cards would require federal government support for capacity building and technology.
- There was a recommendation to provide lists of citizenship/enrollment at both points of entry, so that if a person is on that list, they can cross.

“I’d prefer it be one of our own organizations providing documentation, rather than the Canadian government.”



“Community documents are community responsibility, and need to be issued first, to support National documentation...I don’t think we can require the Federal government to do that work for us. Nothing for us, without us.”

“If people take over their own membership, through self-government agreements, they should have the right to decide what kind of documentation they will issue and what they will need.”

“On that topic, I don’t want to be ‘Indian.’ My status card says I’m Indian. I’m not Indian, I’m Mi’kmaq. It should say registered Mi’kmaq.”

On barriers to accessing documents, or use of existing documents:

- Many participants, but particularly youth, shared that some particular issues relate to the upfront cost, access to travel documents, and risks this can create in homes, communities and societies at large. Others noted the cost of passports is a barrier to many First Nations people, and access to services (including passport photo services or issuance of birth certificates) may not be readily available.
- Participants expressed many frustrations with the Secure Certificate of Indian Status (SCIS) cards in general, and being required to use documentation controlled by Canada that purports to determine their Indigeneity. Expiry dates on the cards create confusion, both for card holders and at the border as status does not expire.
- There was discussion of the practicality of the documents at the border. It was noted that the less Canada Border Services Agency officers have to input/write, the better. One participant explained that *“Border Guards don’t like us using our status cards, because they have to type in all the information for each traveler.”* Another participant noted that they are being refused at some Border Crossings (e.g. Sault Ste. Marie) on the basis of potential fraud.
- It was noted that certain communities face additional hurdles in obtaining passports and other secure documentation. One participant explained that due to errors and inconsistencies in how names were spelled in government records, many Inuit have great difficulty in obtaining birth certificates and other documents that are required for issuing passports.
- It was noted that many people are choosing to use Indigenous names, instead of their English names, and that traditional names are beginning to be accepted on documents.

“We have our own citizenship cards, but do they hold merit? If not, what do we need to do to bring it up to code, so that citizens aren’t feeling that anxiety when crossing to and from?”

“I like the idea of having a card we can use, instead of a passport. But that might come with some requirements to provide more information.”

“I’d like to see the separation of Inuit, Métis, and First Nation in the documentation. That identifies us as individual groups with individual needs and participation.”



On exploring the idea of a Nexus-type card/lane:

- There were some calls for Canada and the U.S. to create a Nexus-type card for Indigenous Peoples or other models for prioritization (e.g., Trusted Traveler program). Some participants felt that, in the short-term, status cards issued under the *Indian Act*, including Certificate of Indian Status (CIS) or SCIS cards could be used, but longer term there should be a Nexus-type card developed.
- There was recognition that the quality of documentation could vary and the need for Indigenous governments/organizations to do the necessary ground work to support efforts towards developing a document that could be issued for the purpose of Indigenous border mobility (similar to Nexus).

“We should be exploring First Nations Nexus cards, or something similar, with our own line at Customs.”

“Major issue is the onerous background checks, etc. Many people may not want to sign up for an invasive process to get an Indigenous Nexus card... But since the infrastructure exists, perhaps the policy around it could be significantly loosened and tweaked.”

Other:

- Some noted that different approaches and a phased approach to implementation may also be required.
- Some felt that for those who are non-status or off-reserve but members of representative organizations, options to use other types of documentation, like those issued by Provincial or Territorial Organizations (PTOs), should be explored.
- The issue of balancing mobility and safety concerns around human trafficking was raised: *“We are in the golden triangle for trafficking women and children. While crossing the borders without documentation/passport is a right (that shouldn’t be a privilege), we also need to consider what we want and expect at our borders, in order to protect our women, children and 2S+ community.”*
- There was some discussion about U.S. models and how they might work in Canada – e.g. the U.S. has a list of acceptable documents, including letters issued by U.S. Tribes.
- Participants expressed a desire for “border fluidity”, for example needing a passport to travel to events such as the Arctic Games.
- Some participants wondered if there could be a document that First Nations people could use for air travel as well.

“A dream would be to have a North American Indigenous Passport, so we could go anywhere on Turtle Island.”

“If we’re visiting family and participating in games among our relatives [e.g. Arctic Games], we shouldn’t have to go through the colonial process of having a passport to go back and forth.”



Discussion Topic: Accompanying Issues

There are a number of accompanying issues that impact the border crossing experience for Indigenous Peoples. Building on commitments made in December 2018 and further addressed later in this report, these issues include training on culture and history for Border Services Officers, the movement of sacred and ceremonial cultural items and medicines, trade, and technology-based solutions. The Canada Border Services Agency sought feedback on these issues through breakout sessions and a question and answer platform.

A recurring theme is the need for enhanced cultural awareness training and culturally safe implementation of policies and procedures at the border, including the movement of sacred goods, and improving and easing trade. The need to remove barriers to cultural trade was highlighted across the country. Participants across regions underscored the inconsistency and unpredictability of how they are treated when they are crossing the border. They expressed frustration with the wide discretion of Border Services Officers, whose treatment of travelers may vary.

More on what we heard.

On training for Border Services Officers:

- Some participants noted that cultural awareness training needs to involve local First Nations, Inuit, and Métis from beginning to end, while others felt that it should not be the job of Indigenous People to educate Border Services Officers. Examples of community-developed educational materials and community-led cultural training were noted at most sessions.
- There were suggestions for Canada and U.S. to be better aligned on cultural competency training for border officers; not just distinctions-based training, but training on regional customs as well, underscoring the need for the U.S. Customs and Border Patrol to be included in these conversations.
- It was noted that Border Services Officers should have connections with Indigenous communities located close to the respective Points of Entry so that Border Services Officers could reach out to communities with questions. There was also the suggestion that the front line needs to be staffed with more Indigenous employees.
- Some participants raised specific training needs including training on how to interact with Elders as they face a lot of racial discrimination at the border, training to recognize what human trafficking looks like, as well as training in addressing 2SLGBTQI+ when they are crossing the border.
- There was a desire expressed to be able to notify Border Services Officers of ceremonies and events to decrease challenges of crossing the border. This includes working with local communities when larger events are being planned to ease the border crossing experience.
- There was a call to put together a one-pager on Métis travel rights, along with further clarification regarding pre-travel preparation.
- Participants across regions underscored the inconsistency and unpredictability of how they are treated at the border, including being subjected to different levels of scrutiny, and different views on what documentation is accepted. They expressed frustration with the wide discretion of Border Services Officers.



“Border Services Officer discretion is a concern. There needs to be a consistent understanding of what documentation can be used, that is agreed upon by all, and information needs to be accessible online.”

*“If increasing security means adding more border officers, will they also be trained properly?
Will additional security measures lead to additional problems for Indigenous folks crossing?”*

On barriers of bringing sacred and ceremonial cultural items and medicines across the border:

- Participants placed an emphasis on the need for Border Services Officers to have training on cultural and ceremonial items, and we heard of the importance of ensuring Indigenous Peoples are not criminalized for importing cultural and ceremonial items.
- Participants across the Regional Roundtables stressed that their priority is facilitating their members’ ability to cross the border with medicines and harvested goods for food, economic, spiritual and other cultural uses without the fear of confiscation.
- The handling of cultural and ceremonial items was cited as a main priority for many participants, and additionally that Border Services Officers need to understand the diversity amongst Indigenous Nations as each Nation has different cultural and ceremonial items. Some examples of this issue included bringing fish across the border to restore populations or gift as food, as well items such as moose and caribou, and that Pow Wow vendors often face complications crossing borders with their items for events.
- With regard to sacred, ceremonial and cultural items, participants stressed the indignity of having two colonial states place restrictions on Métis rights to practice their culture, especially in a post-[Daniels](#) context.

“It’s not just about respecting the items, but also respectfully communicating.”

“It would be very valuable if we could sit down with border guards and educate them on our ceremonial items – with feathers, regalia, medicines and other cultural items.”

“We have members living on the other side of the border who can receive fish and other traditional foods, but we often run into difficulties in transporting these items.”

On trade:

- Trade was considered a critical priority for participants across all sessions. Many saw this issue as indivisible from the movement of people, and expressed their disapproval that APM SP52 is primarily focused on the latter. Along with the need to consider trade and commerce along with the right of entry, many cited that the right of entry needs to include duty and tax-free provisions for Indigenous Peoples.
- Trade and duty/tariff-free sale and transport of goods, within one’s own homeland, or throughout Turtle Island, was flagged repeatedly as a major priority throughout the sessions.
- It was felt that there needs to be a mechanism to return goods; some businesses require this, but there are always issues at the border.
- It was stressed that the Canada Border Services Agency needs to recognize and facilitate Nation-to-Nation trade. Further, participants underlined the central significance of trade and the movement of cultural goods to Indigenous identity and cultural well-being.



“Economic impacts of the border are real.”

“We have many holdings in many American institutions we need to reclaim. But there are so many laws to doing that – it can take decades to go through all the paperwork and bring them back.”

“Charging people duties and taxes at point of entry is a violation of the Jay Treaty. If Canada is going to recognize UNDRIP and implement it, that necessarily means also recognizing and honouring the existing treaties, including the Jay Treaty...Being taxed and charged duties carrying out our daily business, including livelihood, is a violation. It’s important that this come from us and be written down and sent back exactly as we said it.”

On interest in having further discussions on technology-based solutions to facilitate travel across Canada’s international borders.

- There was a general desire to hear more about what technological solutions the CBSA plans to implement. Some participants expressed interest in the prospect that these could make things easier for Indigenous travelers.
- Others flagged potential concerns including ensuring that people don’t get left behind.
- Many do not have reliable access to internet connectivity and some may not read or speak English or French as it is not their primary language.

Other:

- Suggestion for Indigenous-specific lanes – Border Services Officers that are stationed there should be particularly knowledgeable regarding local communities, cultural safety and cross-cultural awareness.
- Many first-hand and second-hand accounts were shared of Border Services Officers subjecting travelers to unacceptable questioning, search and seizure.
- The border also creates barriers with regards to Nation elections. Nation members may not be able to vote due to discomfort crossing the border.
- Many expressed the priority of getting Indigenous women, girls and Two-Spirited people who are victims of human trafficking home.
- There was a lot of interest regarding repatriation. Participants were interested in knowing the best way to reach out to the CBSA on this.

“One issue we often deal with is the challenge of bringing dead back from the US. There are certain timelines and burial rites you must adhere to, it’s often very challenging.”

“We have many band members on the other side of the border. Family members need to cross when a death occurs in the family. The deceased sometimes need to be moved across too.”



Discussion Topic: Putting Changes in Place

The CBSA seeks to put changes in place that improve the border crossing experience for Indigenous Peoples. Through the Regional Roundtables, the CBSA shared information about the Indigenous Affairs Secretariat and the role of CBSA Regional Indigenous Advisors, and asked participants how services could be delivered and the best way to engage regarding the programs, policies and laws the Canada Border Services Agency implements.

Though there was strong support for the capacity that it offers to the CBSA, a recurring theme throughout the Regional Roundtables was that participants were not aware of the Indigenous Affairs Secretariat nor the services that are being offered.

More on what we heard.

On CBSA's work on border mobility:

- There is a need for greater outreach and cooperation with Indigenous Nations to raise awareness of the CBSA's work on border mobility and for Indigenous Peoples' awareness on how to seek support for border crossing concerns.
- Canada Border Services Agency's Border Services regional staff need to have a dialogue with Indigenous Nations, not just individual communities, as there is no one-size-fits-all approach to resolving border crossing challenges.
- One individual expressed that the work of Indigenous Affairs Secretariat would be better carried out as a stand-alone organization, rather than a secretariat within CBSA and the federal government.

"Whenever I've had to work with Canadian government agencies, it's impossible to set up meetings and effectively communicate with people."

"If we're taking this work seriously, you have to get out of the government and form your own organization."

On need to better understand the process of what happens at the border:

- Participants requested outreach to urban Indigenous communities in city centres and student centres at universities to spread the word about the Indigenous Affairs Secretariat and Regional Indigenous Affairs Advisors.
- Suggestion for CBSA to create brochures outlining what programs and services they offer, as well as communications and contact information, so that travelers can find answers to specific questions in advance of arriving at the border.
- There is an interest in learning more about the training and technologies currently in place in order to have a better understanding of the current process.

"I think it's IRCC and CBSA's job to better promote the services they offer. But what could we [as communities] be doing to help promote that too?"



Turning information into Action: Potential New Directions

“We don’t want to leave a mess for the next generation. I’m a great-grandmother, things should be different for the little train that goes behind me.”

Now is a pivotal time in this process for you to provide your input on some of the concrete suggestions for change that were put forward during discussions with Indigenous partners and participants. Decisions have not yet been made on any of the ideas below, and this does not mark the end of discussions on these issues. Based on what we heard, the ideas and directions that follow represent a range of possible directions that could help realize APM SP52 – toward expanding the right to enter and remain in Canada under the *Immigration and Refugee Protection Act (IRPA)*.

As we consider these possible directions, it is important to recognize that the complexity of making some of these changes may take some time. As you review the possible solutions below, we request your feedback, both on the ideas themselves, and the following questions:

- What ideas do you think should be prioritized, and why?
- Are there changes that should be made immediately?
- Are there changes that could take time?

Scope: How do we define Indigenous peoples of Canada in IRPA?

- Change legislation to refer to First Nations, Inuit, and Métis (in addition to reference to people registered under the *Indian Act*).
- Amend the legislation to include a recognition of Modern Treaties and Self-Government agreements, as they have authority to define their members/citizens/beneficiaries, including individuals who may reside outside of Canada.
- Expand the legislative right to enter and remain in Canada to non-citizen and non-resident Aboriginal Peoples of Canada.
- Ensure that legislation and policies provide that Canadian Inuit have a statutory right and documentation to enter Canada as Inuit.
- Ensure legislation is expanded in a way that is inclusive of all Indigenous Peoples in Canada, regardless of distinction, and considers those who are non-status and off-reserve.

Scope outside Canada: Who should be included in the right to enter and remain in Canada?

- Expand the right to enter and remain in Canada initially to federally recognized Tribes in the U.S. that are located in states adjacent to the Canada-U.S. border, as they are most likely impacted by border mobility issues.
- Expand the right to enter and remain in Canada to all members of federally recognized Tribes in the U.S., acknowledging the impact of forced relocation on communities that may have historical and cultural connections to communities and land inside Canada (but are currently located away from Canada-U.S. border) as well as families impacted by the border with members of Tribes in the U.S. located away from the Canada-U.S. border.
- Ensure legislation makes direct reference to “Indigenous Nations with whom the Crown has treaty relations” as peoples entitled to the rights to enter, reside, work, study, and receive services in Canada.



- Explore changes to legislation to enable Greenland Inuit to enter, work, study, and reside in Canada, recognizing the challenges this presents.
- Amend *IRPA* to establish a new Indigenous Peoples permanent residency class. The new permanent residency class would enable Alaska and Greenland Inuit to apply for permanent residency on the basis of their status as Indigenous peoples.

Considerations: How do we make these changes in legislation?

- Amend the current *IRPA*.
- Develop new stand-alone legislation outside of *IRPA* to address Indigenous border mobility.
- Ensure flexibility to add additional Indigenous populations in the future.

Documentation: What could you show to provide greater clarity and consistency at the border?

- Develop documentation regulations to ensure that Indigenous people with right to enter Canada have certainty with respect to documents presented at Ports of Entry, enabling the ability to consistently and conveniently exercise these rights.

Right to remain in Canada: Should there be restrictions?

- Eliminate admissibility requirements for Indigenous peoples with an expanded right to enter and remain.
- Retain admissibility requirements for most serious offences and to ensure territorial security for both Indigenous peoples and Canada.

Implementation

Following the immediate work towards a legislative amendment for entry of people, consultation and cooperation will continue as increased attention will be placed on the work to implement any forthcoming legislative changes. As CBSA holds the responsibility for managing and enforcing more than 100 Acts of Parliament regarding Canada's international borders, the Agency will be responsible for implementation of any amendments to the legislation, regulations and policies resulting from consultation and cooperation on APM SP52. Through a phased approach, the implementation process will be longer and ongoing, aiming to continuously address challenges faced by Indigenous Peoples crossing Canada's international borders.

Future discussions with Indigenous partners and work on implementation will be led by the Indigenous Affairs Secretariat within CBSA. The Indigenous Affairs Secretariat was established in 2018 with a specific objective of addressing border crossing issues for Indigenous Peoples, including facilitation of Indigenous travellers and their sacred goods. In terms of moving forward, implementation will aim to address concerns and recommendations that Indigenous partners have raised thus far and ongoing, which can potentially include, but is not limited to:

- guiding documents and training for Border Services Officers specific to the communities they serve, in proximity to their given ports of entry;
- public education of identification requirements, and what can be expected while interacting with a Border Services Officer during the border crossing process;
- creation of new programs to facilitate strong relationships between Canada Border Services Agency and the Indigenous Peoples it serves;
- modernization of infrastructure and processes at ports of entry, including new technology;
- creation of new programs and policies to facilitate more positive and expeditious border crossing experiences for Indigenous Peoples;



- support from Regional Indigenous Affairs Advisors;
- internal working groups to help coordinate efforts between implicated branches and other federal departments; and,
- increased collaboration with counterparts in the United States.

Next Steps

At this time, we are requesting your feedback on the content of this report. In particular we welcome your views on the ideas outlined in the potential new directions section. To ensure that your views are captured for the legislative amendment stage of this work, **we encourage you to provide feedback no later than April 22, 2024**. Information received after that time will be taken into account in future stages of this work.

In order to provide your feedback, we encourage you to reach out to IRCC and CBSA through the following email addresses:

IRCC: IRCC.IndigenousMobility-MobiliteAutochtone.IRCC@cic.gc.ca

CBSA: CBSA.Indigenous_Affairs_Secretariat-Secretariat_aux_affaires_autochtones.ASFC@cbsa-asfc.gc.ca

A sincere thank you to everyone who joined IRCC and CBSA in these important discussions. We clearly heard your expectation to have your views reflected in this report and we understand your expectations on action. We acknowledge that some of these discussions reflected the position of an individual not an organization, and we were encouraged as well to hear from many organizations and communities. We heard you on the important principle of “Nothing about us, without us” and this continues to shape our approach on this work going forward.



Annex A – Consultation and Cooperation Plan

The *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) both affirms the Declaration as a universal international human rights instrument with application in Canadian law, and provides a framework for the Government of Canada's implementation of the Declaration. UNDA includes a statutory obligation under s.5 which states:

"The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration."

Under s.6, the UNDA Action Plan was also developed in consultation and cooperation with Indigenous peoples and released on June 21, 2023.

In order to action the commitment under Action Plan Measure SP52, IRCC and CBSA developed a plan to guide "consultation and cooperation" with Indigenous Peoples. There were three phases of the consultation and cooperation plan:

Phase 1 – Getting the word out in Spring/Summer 2023. This phase included the finalization of the UNDA Action Plan measure SP52 in June 2023 and sharing messaging from the Prime Minister and U.S. White House signaling commitment to improving Indigenous border mobility.

Phase 2 – Deeper Discussions Summer/Fall/Winter 2023 – Winter 2024. Discussions took place through Regional Roundtables across Canada, Permanent bilateral mechanisms, existing working groups and collaborative initiatives, Nation to Nation meetings and online submissions.

Phase 3 – Reflecting Back Winter 2024. The publishing of this public report will provide an opportunity to reflect on what was heard and to continue discussions with Indigenous partners on potential legislative directions and improving border mobility.

As part of the Consultation and Cooperation Plan, IRCC and CBSA engaged in nation-to-nation, Inuit-Crown, and government-to-government discussions about border mobility. These discussions included, but were not limited to:

1. scope of Indigenous people who may be facilitated by an expanded right to enter and remain;
2. status in Canada and associated abilities (work/study etc.);
3. identity documentation that could be used at Ports of Entry to show that an individual has a right of entry as an Indigenous person; and,
4. issues related to implementation, including issues that accompany having a right to remain in Canada and border crossing experience of Indigenous travellers (including matters related to the importation of cultural items and the facilitation of Indigenous trade).

This process of consultation and cooperation respects that Indigenous border crossing issues affect First Nations, Inuit, and Métis differently. It also takes into consideration that Indigenous border crossing issues affect non-status and urban Indigenous Peoples, Indigenous Peoples outside Canada, as well as diverse groups (i.e. women, 2SLGBTQI+ youth, elders, persons with disabilities).



IRCC and CBSA worked with other federal departments (CIRNA, Indigenous Services (ISC) and Global Affairs Canada (GAC)) and with Indigenous Partners to leverage existing forums to sharing information with Indigenous partners about the Government of Canada's commitments on Indigenous border crossing issues.

This included the **Jay Treaty Border Alliance-Collaboration Initiative (JTBA-CI)**, a joint process established between the JTBA and Government of Canada to “convene in partnership to address unique First Nations border crossing issues related to the mobility of First Nations and their goods.” This Initiative is separate from, but parallel to, the government's UNDA process. Discussions were also held with the **Inuit-Crown Partnership Committee**, established for the purpose of facilitating a whole-of-government approach to complex issues impacting Inuit; and the **Haudenosaunee External Relations Committee Working Group**, established to address matters arising from the creation and operation of the Canada-U.S. border.

In addition, between October 2023 to February 2024, IRCC and CBSA held nine in-person Regional Roundtables (across five provinces and one territory) and three virtual Roundtables. The Regional Roundtables were not the sole opportunity for Indigenous partners to consult and cooperate with the Government of Canada on these issues.

The Roundtables were attended by **First Nations** participants, many of whom have expressed interest in border mobility with IRCC and CBSA through bilateral channels or through the process of developing APM SP52. All First Nations in each region were invited to the Roundtables. All **Modern Treaty Partners** were invited both to the Roundtables in their respective regions, and to the Modern Treaty Partner Roundtable, except those represented by Inuit Treaty organisations who are being consulted through the ICPC sub working group on Inuit mobility.

The **Métis National Council (MNC)** participated in a Roundtable including MNC representation and its governing members. Separate discussions were also held with the **Manitoba Métis Federation (MMF)**.

There was an in-person regional Roundtable for **Indigenous women, 2SLGBTQI+ and youth**, as well as a virtual Roundtable focused on **youth**.

A virtual Roundtable was held with the **Congress of Aboriginal Peoples** and their provincial/territorial affiliates.

Following the series of roundtables, an additional roundtable discussion was held with Indigenous and non-Indigenous academics and lawyers with knowledge and experience with Indigenous border crossing issues. This discussion was convened to bring new perspectives to the ideas and technical issues surrounding possible legislative amendments.

Where interest was raised, further discussions were held with Nations, Indigenous representative organizations, or groups in addition to the processes or discussions noted above.

IRCC also created a website to support the Roundtables: [Consulting and cooperating with Indigenous Peoples on border mobility – Canada.ca](https://www.canada.ca/en/ircc/services/consulting-cooperating-with-indigenous-peoples-on-border-mobility.html). The site includes background information on Indigenous border mobility and how to participate in the discussions, and contact information to provide input or contact IRCC and CBSA.

The release of this report also invites partners (and all readers) to review the report and provide direct feedback to IRCC and CBSA.



Roundtable Participation

Invitation lists for the roundtables with First Nations and Modern Treaty Partners were developed based on the lists maintained by CIRNA and ISC such as the [First Nations Profiles](#) found on the CIRNA website. Contact information was reviewed and verified, and all efforts were made to communicate the invitation through email and by phone. For the additional non-distinctions based roundtables, such as the one with Indigenous women, 2SLGBTQI+ and youth, and the virtual youth roundtable, efforts were made to identify contacts and to raise awareness of these events through discussions with Indigenous partners. On the distinctions based roundtables with the Métis National Council and its Governing Members and the Congress of Aboriginal Peoples, they provided the invitation lists for their membership to be included in the discussions. In lieu of roundtables, both Inuit Tapiriit Kanatami, along with the Inuit Treaty Organizations in Canada, and the Manitoba Métis Federation chose to work through bilateral mechanisms with the Government of Canada.

The chart below provides an overview of the participation in the roundtable discussions, as well as a list of those Indigenous partners engaged through other mechanisms.

	# of Organizations	# of Indigenous Participants
Atlantic Regional Roundtable October 17, 2023 – Fredericton NB	6	13
Quebec Regional Roundtable November 21, 2024 – Quebec City	4	8
Ontario Regional Roundtable November 28, 2023 – Ottawa ON	10	14
Women, Youth, and 2SLGBTQ+ Roundtable November 29, 2023 – Ottawa ON	7	9
Prairies Regional Roundtable January 10, 2024 – Saskatoon SK	9	25
Métis National Council Roundtable January 11, 2024 – Saskatoon SK	6	22
Western Arctic Regional Roundtable January 16, 2024 – Whitehorse YK	8	11
British Columbia Regional Roundtable January 23, 2024 – Vancouver BC	27	42
Modern Treaty Partner Roundtable January 24, 2024 – Vancouver BC	11	20

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	# of Organizations	# of Indigenous Participants
First Nations Roundtable (National) January 29, 2024 – virtual	38	48
Youth Roundtable January 30, 2024 – virtual	5	6
Congress of Aboriginal Peoples Roundtable February 14, 2024 – virtual	10	15
Those engaged through other bilateral mechanisms: <ul style="list-style-type: none">• Arctic Council Advisory Committee• Assembly of First Nations• Congress of Aboriginal Peoples• Gwich'in Council International• Haudenosaunee External Relations Committee• Inuit Tapiriit Kanatami and Inuit Treaty Organizations, via the Inuit-Crown Partnership Committee• Jay Treaty Border Alliance (separate but parallel)• Manitoba Métis Federation – National Government of the Red River Métis• Métis National Council and Governing Members• National Indigenous Economic Development Board• Sinixt/Colville Confederated Tribes		



Annex B – Terminology

Action Plan: In keeping with the *UN Declaration Act*, the Government of Canada worked in consultation and cooperation with Indigenous peoples to identify the measures necessary to ensure federal laws are consistent with the UN Declaration, and to co-develop an action plan to achieve the objectives of the UN Declaration. In December 2021, Justice Canada launched a two-phased broad, inclusive and distinctions-based consultation and cooperation process with Indigenous peoples to advance the implementation of the *UN Declaration Act*. On June 21, 2023, the UNDA Action Plan, was tabled in Parliament.

Action Plan Measures: The Action Plan includes 181 important Action Plan Measures that: reflect priorities and proposals identified by First Nations, Inuit and Métis; contribute to achieving the objectives of the UN Declaration; and align with specific topics covered by the *UN Declaration Act*.

Criminally Inadmissible: This term describes people who are not allowed to enter or stay in Canada because they have committed or been convicted of a crime. That crime may have occurred in or outside Canada.

Enfranchisement: Prior to the Bill C-31 amendments in 1985, enfranchisement resulted in an individual no longer being considered an Indian under federal government legislation. Indians who were enfranchised were removed from their band lists before September 4, 1951, or lost Indian status if enfranchised after September 4, 1951. When an individual was no longer considered an Indian, the individual lost all associated benefits that resulted from being on a band list (pre-1951) or a status Indian (post-1951). It also meant all their descendants were not considered Indian and could not obtain any related benefits.

Jay Treaty: *The Treaty of Amity, Commerce and Navigation Between His Britannic Majesty and the United States of America*, was concluded by Great Britain and the United States in 1794 to settle outstanding issues dating from the end of the American War of Independence. The treaty is commonly known as the Jay Treaty, in reference to the name of the US negotiator, John Jay. Article III of the treaty includes the following commitment that “It is agreed that it shall at all Times be free to His Majesty’s Subjects, and to the Citizens of the United States, and also to the Indians dwelling on either side of the said Boundary Line freely to pass and repass by Land, or Inland Navigation, into the respective Territories and Countries of the Two Parties on the Continent of America (the Country within the Limits of the Hudson’s Bay Company only excepted) and to navigate all the Lakes, Rivers, and waters thereof, and freely to carry on trade and commerce with each other.”

Non-citizen and Non-resident Aboriginal Peoples of Canada: In *R. v. Desautel* (2021), the SCC declared that people who are not Canadian citizens, and who do not reside in Canada, can exercise an Aboriginal right that is protected under section 35 of the Canadian Constitution.

Modern Treaty Partners: Indigenous peoples who entered into Modern Treaties (“Indigenous Modern Treaty Partners”) defined some or all of their Aboriginal rights as treaty rights which, by their very nature, are legally distinct and were painstakingly negotiated and agreed to by both Canada and the Indigenous people in question. Indigenous Modern Treaty Partners are therefore a distinct element within the distinctions-based approach that includes First Nations, Inuit, and Métis peoples, as recognized within Canada’s Collaborative Modern Treaty Implementation Policy.



Regional Indigenous Affairs Advisors: Develop, builds and fosters positive relationships with local Indigenous communities to promote interrelationships and mutual understanding while supporting CBSA legislation. They assist and participate in a variety of outreach activities with the Indigenous communities. They also assist Indigenous communities to enhance their understanding of CBSA, and promote the recruitment of Indigenous people. Further, they provide assistance and guidance to CBSA staff in how to address issues with the Indigenous communities while also assisting at Ports of Entry to ensure the admissibility of persons and goods and that policy and procedures are applied in a culturally appropriate manner.

Right to Enter and Remain: Under the *Immigration and Refugee Protection Act*, persons registered under the *Indian Act*; Canadian citizens; and, permanent residents have a right to enter and remain in Canada. Officers must allow a person to enter Canada if the officer is satisfied, following an examination on the person's entry, that the individual is registered under the *Indian Act*, a Canadian citizen or a permanent resident.

Study Permit: Foreign nationals are required to obtain a study permit (unless exempted) for engaging in academic, professional, vocational or other education or training that is more than 6 months in duration at a designated learning institution in Canada. Persons registered under the *Indian Act* are exempt from requiring a study permit.

UNDA: In 2016, the Government of Canada endorsed the UN Declaration without qualification and committed to its full and effective implementation. On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act (UN Declaration Act)* received Royal Assent and immediately came into force. It creates a lasting framework to advance the implementation of the UN Declaration at the federal level.

Work Permit: A work permit or authorization to work without a permit is required in order for a foreign national to be allowed to work in Canada. Persons who are registered under the *Indian Act* are exempt from requiring a work permit.