

Indian Registration and Membership/Citizenship

Projected Population Changes Among First Nations in the British Columbia Region

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The 2010 and 2017 Indian Act Amendments

In response to Superior Court rulings (re “Mclvor” and “Descheneaux”), the Government of Canada amended various provisions of the *Indian Act* affecting Indian registration entitlement.

The 2010 Amendments (in response to the “Mclvor” Decision)

Provided registration upgrades (from Section 6(2) to Section 6(1)) to the *children* of women who lost their registration pursuant to marriage to a non-Indian (i.e. the “cousins” issue), provided they were born on or after September 4, 1951 and before April 17, 1985).

The 2017 Amendments (in response to the “Descheneaux” Decision)

Provided registration under Section 6(1) to some grand-children and great-grand-children of women who lost registration pursuant to marriage to a non-Indian (i.e. the “cousins” issue).

Also provided registration under Section 6(1) to descendants of individuals affected by:

the “*siblings*” issue (i.e. females born out of wedlock to Indian males);

The 2010 and 2017 Indian Act Amendments

The 2017 Amendments (in response to the “Descheneaux” Decision) (Continued)

the “*double mother clause*” issue (children whose mother and paternal grandmother were both non-Indian at birth; and

the “*omitted minors*” issue (i.e. individuals who lost registration as a result of their mother’s marriage to a non-Indian (or to protested non-Indian paternity).

Like the 2010 amendments, remedy under the 2017 amendments was limited to those born during the 1951-1985 period.

Other Issues Addressed in the 2017 Amendments

The 2017 amendments also:

clarified the procedures to be used by the “*Registrar*” for determining the registration entitlement of children with unstated fathers (i.e. the “unstated paternity” issue); and

required the Government of Canada to conduct consultations concerning how and when the removal of the “1951 cut-off” should be implemented.

Impacts of The 2010 and 2017 Indian Act Amendments

Population impacts reported in this presentation do not include those which may result from removal of the “1951 cut-off”.

National Estimates (as of July 2016)

Roughly 91,000 individuals may become entitled to Indian registration under these amendments at the national level (an increase of about 10%). This includes about:

62,000 individuals under the 2010 amendments (35,300 already registered and a further 26,800 eligible but not yet registered); and

29,000 individuals under the 2017 amendments.

British Columbia Estimates (as of July 2016)

Roughly 13,240 individuals are expected to become entitled to Indian registration with British Columbia First Nations under these amendments (an increase of about 9%). This includes about:

9,435 individuals under the 2010 amendments (3,355 already registered and a further 4,080 eligible but not yet registered); and

3,805 individuals under the 2017 amendments.

As the population acquiring registration entitlement under these amendments is relatively young, population impacts are expected to increase in the future.

Rules Governing Indian Registration and First Nation Membership/Citizenship

Prior to the 1985 Indian Act, no distinctions existed between Indian registration and First Nations membership/citizenship.

Section 10 of the 1985 Indian Act created the opportunity for First Nations to adopt their own rules for determining membership/citizenship.

As of October, 2018, 232 First Nations were applying membership/citizenship rules adopted under Section 10.

An additional 41 First Nations, operating under self-government legislation, had also established their own citizenship rules.

Most membership/citizenship rules adopted by First Nations differ significantly from those used to determine Indian registration entitlement.

Why is the Distinction Between Indian Registration and Membership/Citizenship Important?

Membership/citizenship and Indian registration embody different sets of rights, entitlements and benefits.

Registration under the Indian Act provides eligibility for services and benefits delivered through federal departments.

Membership/citizenship defines a collective (i.e. a sense of belonging to a recognized group). It often conveys political rights (to vote and run for council), and in many First Nations is a condition of access to programs and services administered by the First Nation.

For many First Nations populations, “class” distinctions can emerge not only on the basis of one’s registration status but also on the basis of one’s membership/citizenship status.

Types of Membership Rules

Indian Act Rules

First Nations which did not adopt their own rules under Section 10 of the *Indian Act* have membership determined by Section 11 of the *Indian Act*. Section 11 describes membership rules for band lists that are maintained by the Indian “Registrar”. Inclusion on these lists is dependent upon an individual’s eligibility for registration as an Indian under Section 6 of the Indian Act. Individuals entered on a band list maintained by the Indian Registrar automatically become members of the band.

Individuals can qualify for Indian registration under one of two sub-sections of the Indian Act.

Section 6(1), where both of the individual’s parents are (or are entitled to be) registered; and

Section 6(2), where one of the individual’s parents is entitled to be registered under Section 6(1) and the other parent is not entitled to registration.

As of October 2018, a majority (roughly two thirds) of First Nations in Canada had not adopted rules under Section 10 (or self-governing legislation) and have membership based on Indian Act rules. For these First Nations the “band member list” is maintained by Crown Indigenous Relations and Northern Affairs Canada..

Types of Membership Rules

Four general types of membership rules have been adopted by First Nations under Section 10 of the 1985 Indian Act.

Limited One Parent (or Indian Act Equivalent) rules, where eligibility for membership requires that a person have at least one parent who is a member and that the person also be entitled to Indian registration;

Unlimited One Parent rules, where eligibility for membership requires that a person have at least one parent who is a member, regardless of that person's entitlement to Indian registration;

Two Parent rules, where eligibility for membership requires that both parents of the person be members; and

Blood Quantum rules, where a person's eligibility for membership is determined by the amount of "Indian" blood that person possesses in relation to a minimum standard.

Each type of rule contains inheritance provisions (i.e. eligibility is transmitted from one's parents). As such, membership/citizenship eligibility, like Indian registration, will be greatly affected by parenting patterns.

British Columbia First Nations by Type of Membership Rule

All four types of membership/citizenship rules have been adopted by British Columbia First Nations.

Membership/Citizenship Rule	First Nations	%	Population Entitled to Registration	%
Indian Act (or Act Equivalent) Rules	130	65.7	93,724	50.1
One Parent Rules	42	21.2	36,513	23.3
Two Parent Rules	23	11.6	7,605	4.9
50% Blood Quantum Rules	2	1.0	9,827	6.3
25% Blood Quantum Rules	1	0.5	24,133	15.4
Total	47	100.0	156,517	100.0

First Nations using Indian Act (or Act Equivalent) rules include 20 First Nations that adopted rules under Section 10, 1 First Nation operating under self-government legislation and 109 First Nations where membership/citizenship is determined under Section 11 of *Indian Act*.

First Nations using One Parent rules include 12 First Nations operating under self-government legislation and 30 First Nations that adopted rules under Section 10.

Citizen “Classes” by Type of Membership Code

Collectively, the membership rules used by British Columbia First Nations are expected to produce up to four population groups with differing rights, entitlements and benefits. These groups include: *Registered Members/Citizens, Registered Non-Members/Non-Citizens, Non-Registered Members/Citizens and Non-Registered Non-Members/Non-Citizens.*

Type of Membership Rule	Registered Indian		Not Registered	
	Member	Non-Member	Member	Non-Member
Indian Act (or Act Equivalent) Rules	Yes			Yes
One Parent Rules	Yes		Yes	
Two Parent Rules	Yes	Yes		Yes
50% Blood Quantum Rules	Yes	Yes		Yes
25% Blood Quantum Rules	Yes	Yes	Yes	Yes

The relative size of each population sub-group in the future will depend largely upon two factors: the rate of exogamous parenting (i.e. Indian/non-Indian parenting) and the type of membership rule being applied.

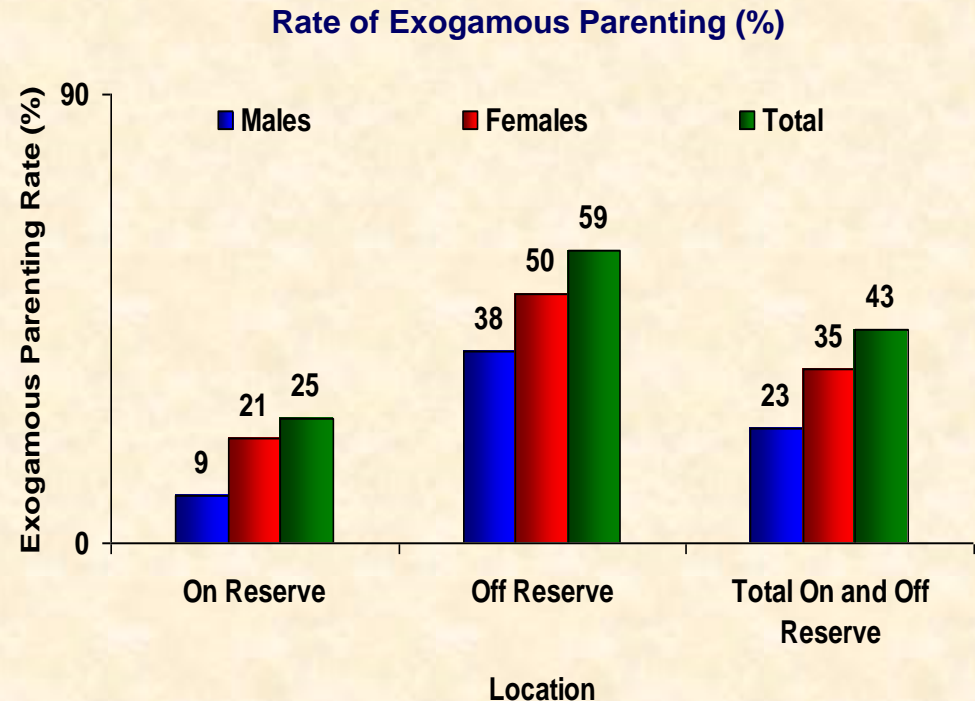
Prevalence of Exogamous Parenting Among British Columbia First Nations

Exogamous parenting accounted for about 43% of all children born to Registered Indians in the British Columbia region during the 2006 to 2011 time period.

Exogamous parenting rates were about 25% on reserve and 59% off reserve.

Rates were higher among females than males both on and off reserve.

Rates among Registered Indians in British Columbia are of similar scale to those observed at the national level, both on and off reserve.



Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Kwaw-Kwaw-A-Pilt	---	---	---
New Westminster	---	---	---
Lake Cowichan First Nation	---	---	---
Aitchelitz	25.0	0.0	11.1
Burns Lake	0.0	33.3	12.5
Alexandria	0.0	25.0	12.5
Nicomien	5.3	27.3	13.3
Penelakut	8.5	59.1	16.4
Stz'uminus	9.8	41.5	17.2
Stone	10.6	31.0	18.4
Cowichan	9.8	34.8	18.7
Tseycum	5.6	38.5	19.4
Chawathil	16.1	32.5	20.4
Gitsegukla	9.5	30.5	20.7
Tlatlasikwala	6.7	44.4	20.8

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Douglas	8.7	36.8	21.4
Pauquachin	15.3	63.6	21.7
Lil'Wat Nation	11.0	56.2	21.8
Esquimalt	15.8	53.8	22.9
Mowachaht	6.5	37.3	23.8
Kwadacha	16.2	37.8	23.8
Gwa'Sala-Nakwaxda'xw	17.0	42.3	24.1
Nisga'a Village of New Aiyansh	13.0	36.4	24.3
Yekooche	18.5	30.8	24.5
Songhees	18.1	48.4	25.0
Gwawaenuk Tribe	0.0	33.3	25.0
Nisga'a Village of Gitwinksihlkw	17.1	41.2	25.0
Tzeachten	13.2	54.5	25.3
Shxw'ow'hamel First Nation	16.7	40.0	25.6
Ehattesaht	2.9	34.0	26.0

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Tsawout	12.8	60.0	26.0
Kitkatla	8.3	32.8	26.5
Toosey	7.4	42.4	26.7
Kitselas	16.7	57.7	27.6
Ulkatcho	15.7	44.4	27.6
Snuneymuxw First Nation	15.4	41.4	28.0
Kwantien	13.0	47.4	28.6
Kwkwetlem First Nation	40.0	0.0	28.6
Tsartlip	17.4	66.7	28.7
Squiala	23.5	44.4	29.0
Iskut	18.6	41.7	29.1
Ts'kw'aylaxw First Nation	7.3	51.2	29.3
Nanoose	27.5	50.0	29.5
T'it'q'et	10.3	61.1	29.8
Kitasoo	13.0	64.3	30.5

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Seabird Island	18.2	65.4	30.5
Nazko	9.4	44.2	31.0
Nuchatlaht	22.2	34.6	31.4
Heiltsuk	9.5	66.4	31.6
Gitanyow	9.0	53.4	32.1
Lax-kw'alaams	16.7	36.1	32.2
Tla-O-Qui-Aht First Nations	14.6	49.1	32.4
Alexis Creek	12.5	50.0	33.0
Gitanmaax	8.1	49.5	33.0
Nisga'a Village of Laxgalt'sap	7.0	64.5	33.1
Halalt	6.7	66.7	33.3
Lower Similkameen	23.8	83.3	33.3
Wet'suwet'en First Nation	22.2	41.7	33.3
Chehalis	17.5	72.1	33.6
Nuxalk	18.6	56.9	33.8

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Musqueam	18.6	63.1	33.9
Ahousaht	13.9	51.4	34.1
Lake Babine Nation	18.8	59.4	34.3
Coldwater	21.3	51.0	34.5
Gitwangak	9.0	55.3	35.0
Kitsumkalum	15.6	60.0	35.0
Malahat First Nation	16.7	55.3	35.0
Sheshaht	21.6	46.8	35.5
Skowkale	25.0	61.5	35.6
Adams Lake	19.1	61.4	35.7
Taswataineuk	24.0	44.4	36.1
West Moberly First Nations	20.5	75.0	36.4
Upper Similkameen	18.2	87.5	36.7
Fountain	21.7	47.4	36.7
Huu-ay-aht First Nations	11.5	43.4	37.1

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Esketemc	12.1	67.3	37.2
St. Mary's	27.9	57.1	37.5
Soda Creek	20.0	58.1	37.9
Ditidaht	17.3	49.5	37.9
Kisiopx	23.0	54.3	38.1
Kyoquot	15.2	50.8	38.3
Tsay Keh Dene	21.9	69.2	38.4
Canim Lake	35.7	42.1	38.8
Tl'azt'en Nation	7.2	53.6	39.0
Tseil-Waututh Nation	22.2	75.8	39.0
Skidegate	26.4	59.0	39.2
Little Shuswap Lake	25.7	68.8	39.2
Nisga'a Village of Gingolx	10.3	54.5	39.4
N'Quatqua	21.4	73.3	39.5
Seton Lake	25.4	66.7	40.4

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Xeni Gwet'in First Nations Government	25.8	51.2	40.5
Ucluelet	15.2	55.0	40.9
Skeetchestn	31.4	63.6	41.1
Quatsino	22.2	56.4	41.1
Kluskus	33.3	44.4	41.7
Bridge River	22.5	64.7	41.9
Glen Vowell	26.3	65.4	42.2
Cayoose Creek	18.2	60.0	42.3
Penticton	34.1	71.8	42.4
Tl'etinqox-t'in Government	11.7	57.2	42.4
Moricetown	12.5	62.0	42.4
Homalco	21.1	60.9	42.9
Kanaka Bar	8.3	65.0	43.8
Kwakiutl	17.5	70.2	43.9
Red Bluff	15.4	75.0	44.0

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Kamloops	27.3	70.4	44.0
Matsqui	25.9	72.2	44.4
Namgis First Nation	24.3	78.3	44.7
Canoe Creek	14.5	72.1	44.8
Osoyooos	35.8	79.3	45.2
Cheslatta Carrier Nation	47.4	44.4	45.5
Yakweawkwoose	33.3	60.0	45.5
Upper Nicola	18.2	71.2	45.6
Katzie	36.8	70.8	45.7
Nadleh Whuten	22.6	75.6	45.7
Lheidli T'enneh	43.5	48.5	46.4
Saik'uz First Nation	10.5	64.1	46.6
Nak'azdli	24.4	63.1	46.6
Soowahlie	27.6	81.3	46.7
Lytton	24.1	80.4	47.1

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Squamish	29.6	69.0	47.3
Haisla Nation	23.1	60.0	48.4
Halfway River First Nation	25.0	67.6	48.4
Kwicksutaineuk-ah-kwaw-ah-mish	27.8	73.3	48.5
Samahquam	3.8	76.2	48.5
Scowlitz	34.8	66.7	48.8
Old Massett Village Council	15.3	60.7	49.1
Stellat'en First Nation	24.3	65.5	49.5
Gitga'at	27.6	57.9	49.5
Lower Nicola	15.9	84.5	49.8
Leq'a:mel	31.3	68.8	50.0
Hesquiaht	23.8	55.3	50.0
Sliammon	32.0	74.6	50.0
Metlakatla	15.8	57.6	50.0
Shackan	28.6	80.0	50.0

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Fort Nelson	28.9	69.4	50.3
Williams Lake	25.0	76.8	50.9
Pacheenaht	28.6	77.8	51.3
Siska	31.8	76.5	51.3
Skatin Nations	15.0	70.0	51.7
Skway	40.9	58.8	51.8
Blueberry River First Nations	43.4	60.0	51.9
Beecher Bay	45.0	71.4	51.9
Hagwilget Village	17.4	77.8	52.3
Boothroyd	23.5	72.0	52.4
Campbell River	45.3	66.7	52.4
Skwah	41.8	78.3	52.6
Doig River	33.3	70.3	52.9
Sumas First Nation	44.4	66.7	53.3
McLeod Lake	29.0	63.9	53.4

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Okanagan	35.3	73.1	53.5
Cheam	36.7	75.0	53.7
Opetchesaht	50.0	58.1	54.4
Columbia Lake	44.4	66.7	54.5
Da'naxda'xw First Nation	33.3	60.0	54.5
Ashcroft	26.7	85.7	55.2
Takla Lake First Nation	39.3	60.0	55.3
Union Bar	0.0	71.4	55.6
Tobacco Plains	47.4	83.3	56.0
Tahltan	17.3	68.3	56.0
Cape Mudge	50.9	59.4	56.2
Saulteau	30.6	80.3	56.3
Semiahmoo	50.0	100.0	56.3
Yale First Nation	47.1	66.7	56.3
Toquaht	50.0	58.6	57.6

Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Nooaitch	47.8	73.3	57.9
Lyackson	33.3	68.2	58.1
Sechelt	45.7	76.1	58.4
Oweekeno	22.2	72.0	58.8
Westbank First Nation	44.2	78.1	58.9
North Thompson	30.0	79.5	59.5
Spuzzum	16.7	78.6	60.0
Spallumcheen	30.9	83.1	60.4
Shuswap	41.7	84.2	60.5
Nee-Tahi-Buhn	33.3	70.6	60.9
Peters	58.3	66.7	61.1
Lower Kootenay	50.0	78.6	62.5
Oregon Jack Creek	37.5	87.5	62.5
Tsawwassen	50.0	75.8	63.5
Skawahlook	0.0	69.2	64.3

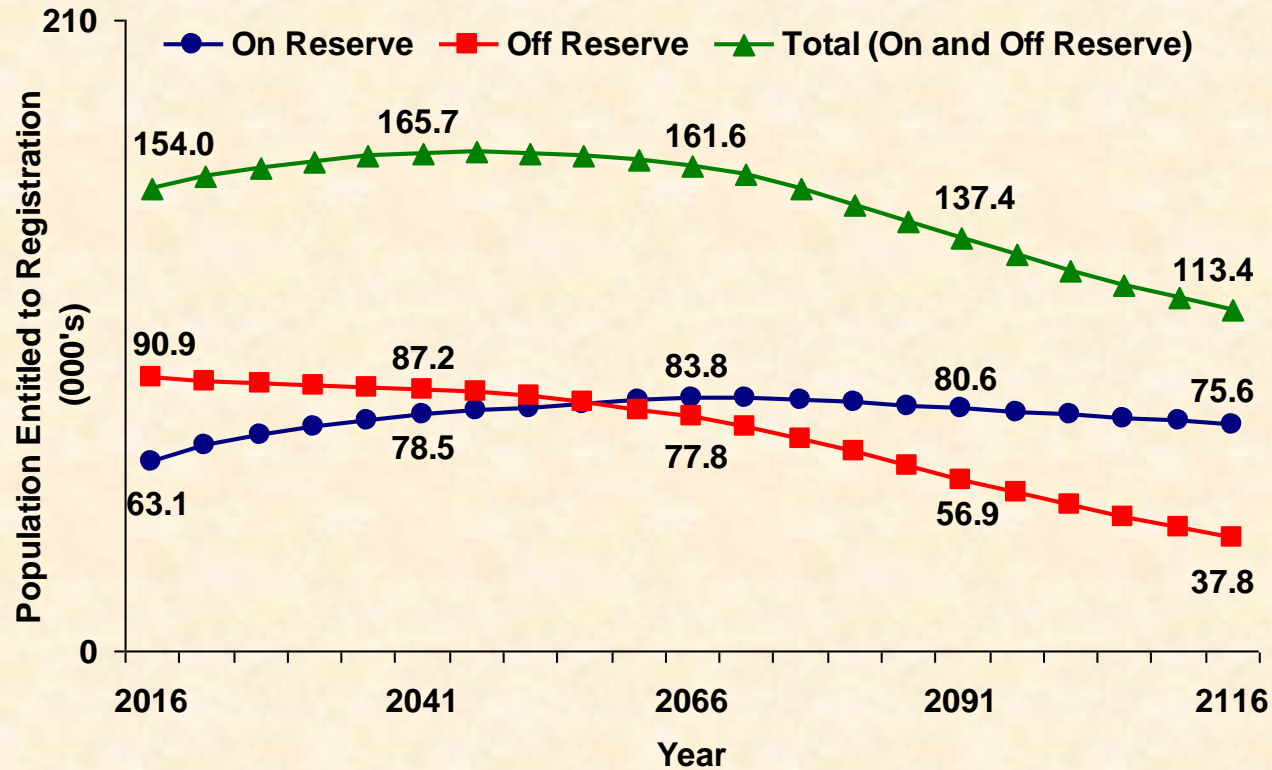
Exogamous Parenting Rates: British Columbia First Nations

First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
T'Sou-ke First Nation	36.4	100.0	65.0
Neskonlith	51.7	80.4	66.1
Uchucklesaht	50.0	71.0	67.6
Prophet River Band, Dene Tsaa	48.0	79.6	68.9
Boston Bar	45.5	87.5	70.4
Bonaparte	34.5	87.1	71.7
Klahoose First Nation	8.3	90.5	72.2
High Bar	---	75.0	75.0
Kwiakah	---	75.0	75.0
Cook's Ferry	60.0	81.4	77.4
Qualicum	66.7	83.3	77.8
Skin Tyee	33.3	94.9	80.4
Tlowitsis Tribe	50.0	85.7	80.7
Whispering Pines/Clinton	63.6	100.0	81.0
Skuppah	50.0	100.0	83.3

Exogamous Parenting Rates: British Columbia First Nations

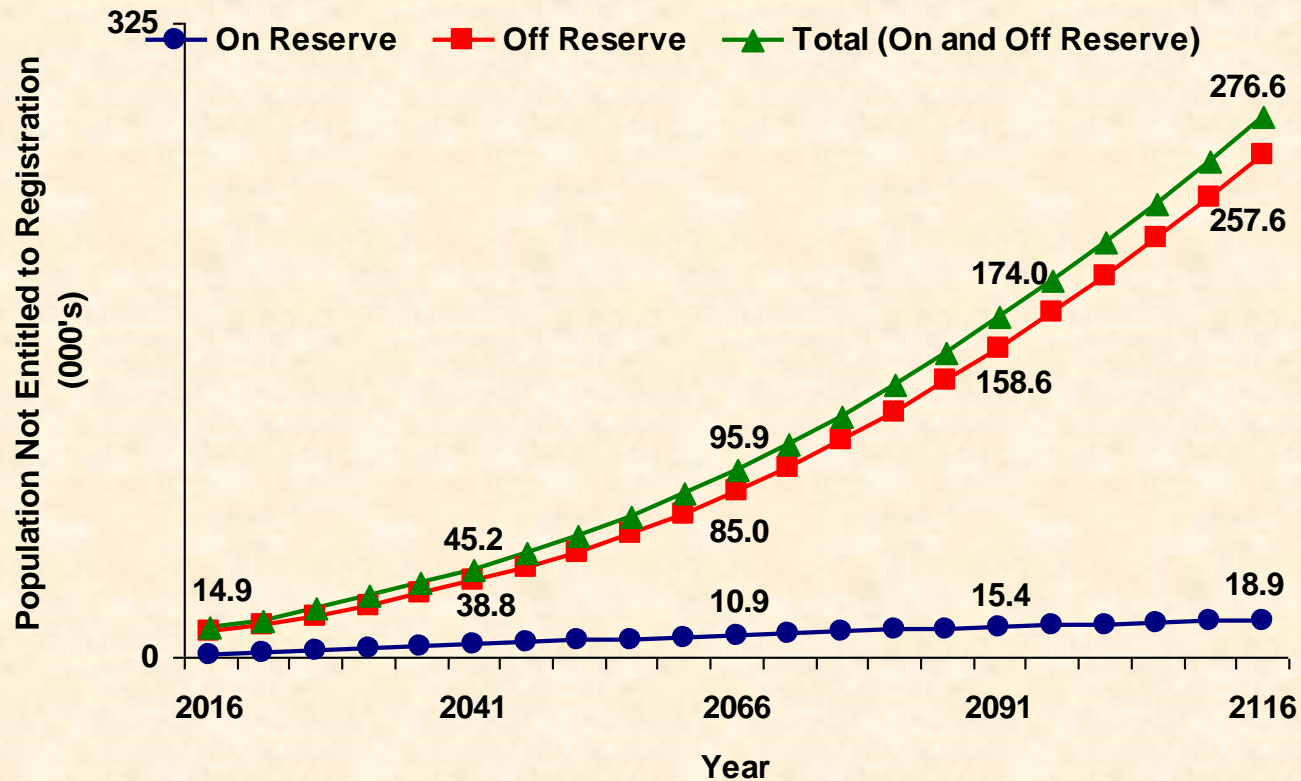
First Nation	Rate of Exogamous Parenting (%)		
	On Reserve	Off Reserve	Total On and Off Reserve
Mamalilikulla-Qwe'Qwa'Sot'Em	60.0	94.7	87.5
Comox	75.0	95.0	89.3
Popkum	---	100.0	100.0

Projected Population Entitled to Registration: British Columbia First Nations



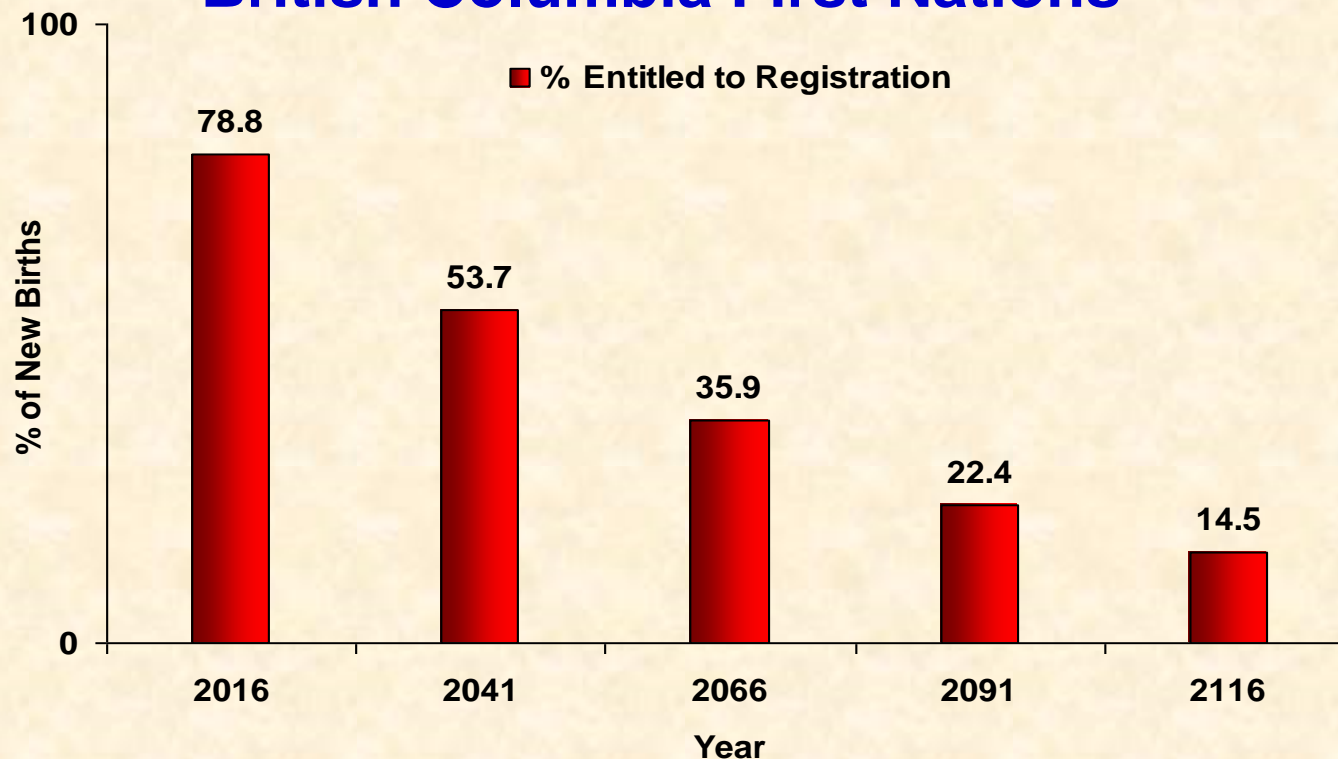
The population of British Columbia First Nations that is entitled to Indian registration is projected to rise for about 30 years from about 154,000 (in 2016) to about 165,900 (year 2046). Increases in the population entitled to registration on reserve are expected to occur for about 50 years. The off-reserve population entitled to registration is projected to decline throughout the entire projection period.

Descendant Population Not Entitled to Registration: British Columbia First Nations



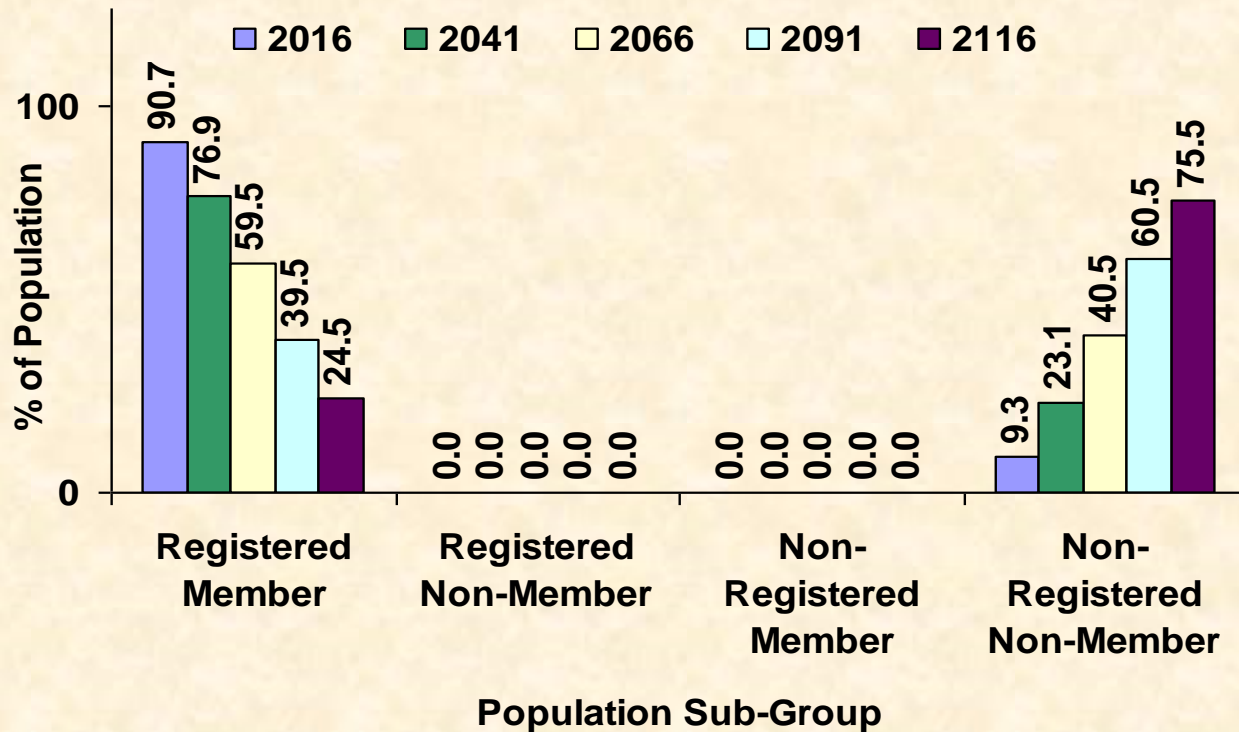
The population of British Columbia First Nation descendants that will *not* be entitled to Indian registration is projected to increase very rapidly from about 14,900 (in 2016) to 276,600 within four generations (year 2116). Most of the growth in the size of the non-entitled population of descendants is projected to occur off reserve. Non-entitled descendants are expected to form a majority of the total population within about 70 years (three generations).

Share (%) of New Born Children Entitled to Registration: British Columbia First Nations



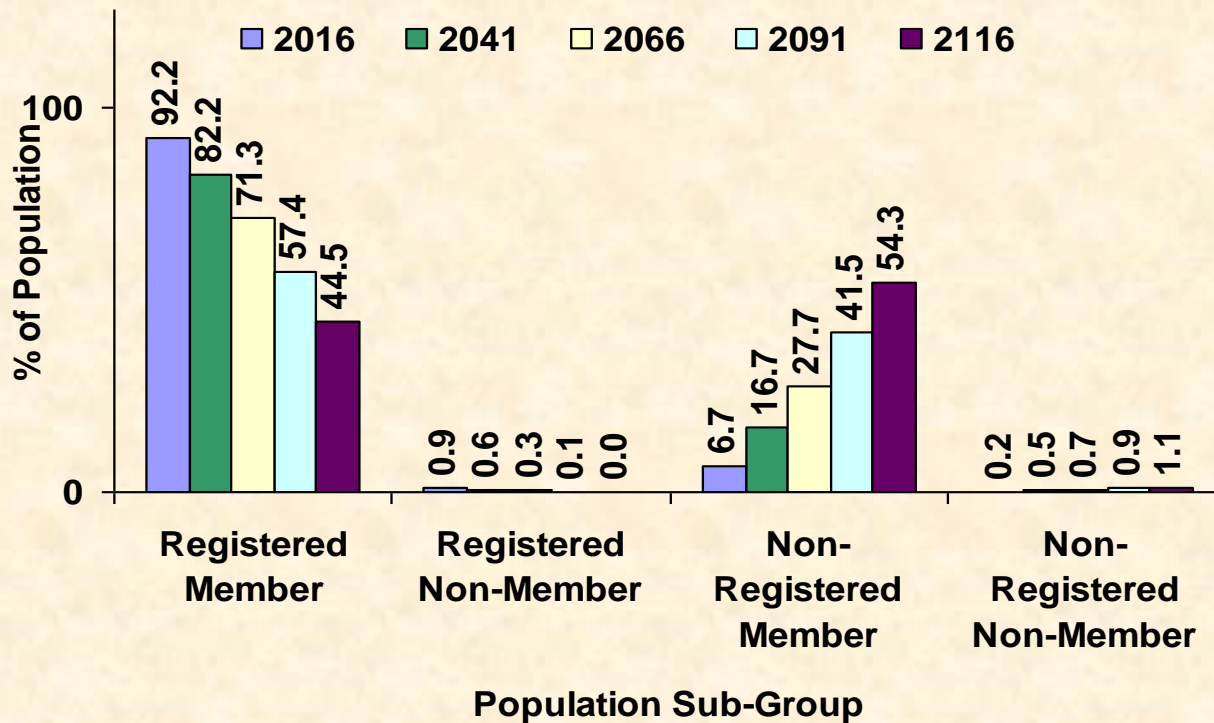
Many British Columbia First Nations are expected to experience a sharp decline in the share of newly born children that qualify for registration. Within about one and a half generations (35 years), most children born to British Columbia First Nation parents are expected to lack entitlement to registration. Within four generations about 6 in every 7 newly born children are expected to *lack* entitlement to registration.

Projected Population Changes: British Columbia First Nations Using Indian Act (or Act Equivalent) Rules



Among British Columbia First Nations that use Indian Act (or Act Equivalent) rules for membership/citizenship, the share of the population entitled to registration and membership/citizenship is projected to decline steadily. Within about two and half generations, those entitled to registration and membership/citizenship are projected to form a minority.

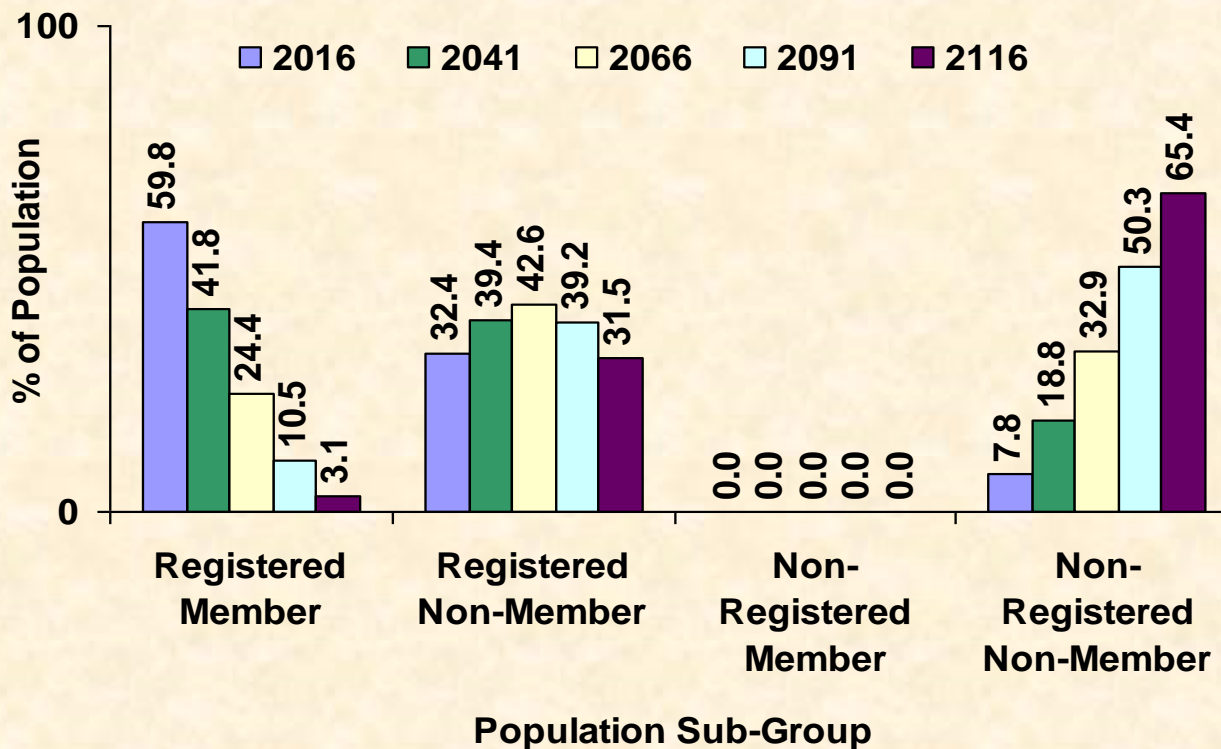
Projected Population Changes: British Columbia First Nations Using One Parent Rules



Four of the 42 British Columbia First Nations that use one parent rules excluded individuals whose rights were not protected under Section 11 of 1985 Indian Act from initial membership. This results in small populations of non-members.

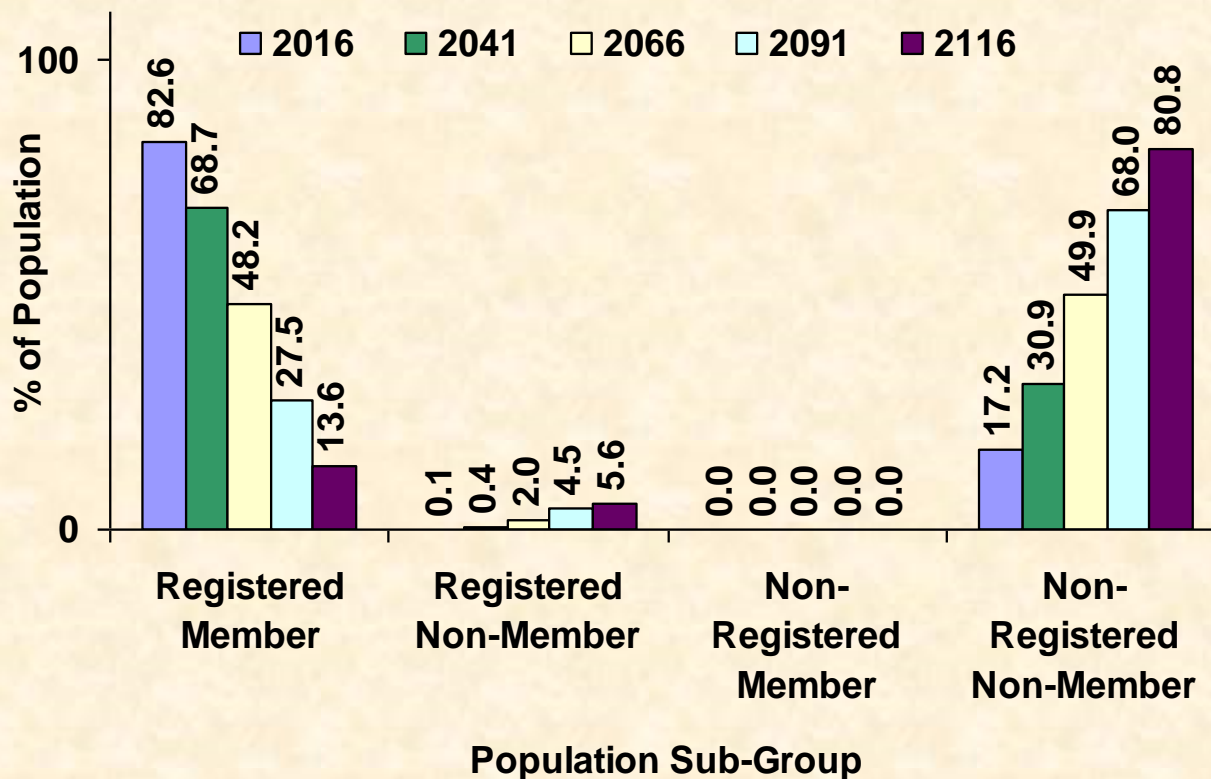
Among British Columbia First Nations that adopted one parent rules, nearly all future descendants are expected to be eligible for membership/citizenship. The share of the future population entitled to Indian registration is, however, projected to decline throughout the period and become a minority of the total population within four generations.

Projected Population Changes: British Columbia First Nations using Two Parent Rules



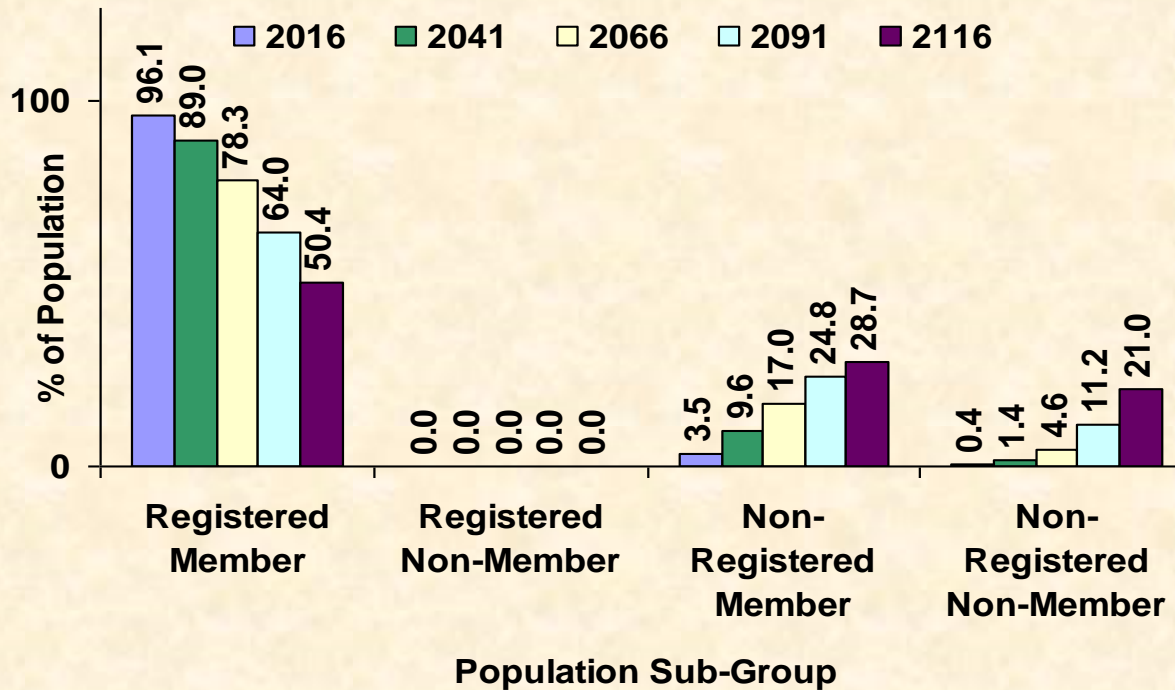
The share of the population that is eligible for membership/citizenship among First Nations using two parent rules is projected to decline rapidly throughout the period, and form a minority of the total population within one generation. Within four generations, only 3% of the descendant population is expected to be eligible for membership/citizenship. A majority of those entitled to registration is expected to lack eligibility for membership/citizenship within two generations.

Projected Population Changes: British Columbia First Nations using 50% Blood Quantum Rules



The share of the population that is eligible for membership/citizenship among First Nations using 50% blood quantum rules is projected to decline steadily throughout the period and form a minority within two generations. Within four generations, only about 1 in every 7 survivors/descendants is expected to be eligible for membership/citizenship.

Projected Population Changes: British Columbia First Nations using 25% Blood Quantum Rules



British Columbia First Nations that use 25% blood quantum rules are expected to see a decline in the share of the population that is entitled to registration from about 96% (in 2016) to about 50% within four generations. The population share eligible for membership/citizenship is projected to fall from nearly 100% (in 2016) to about 80% after four generations. An increasing share of those eligible for membership is projected to lack entitlement to registration.

Summary of Projected Population Changes

The populations of most British Columbia First Nations are expected to undergo significant change over the course of the next couple of generations.

The nature of change involves transition away from a context where most individuals meet the requirements for both Indian registration and First Nations membership/citizenship to a context where large and growing numbers of individuals lack Indian registration and/or lack eligibility for membership/citizenship.

The process will affect both on- and off-reserve populations, although short-term impacts will be most pronounced off reserve.

Changes will occur most quickly (both on and off reserve) among First Nations with high rates of exogamous parenting and among those which use membership rules that differ from those governing Indian registration.

Populations in which groups of individuals have different rights, benefits and entitlements are expected to become the norm in many Alberta First Nations communities. These differences raise many issues related to governance and to program and service access and funding.