

FREQUENTLY ASKED QUESTIONS ABOUT ABORIGINAL PEOPLES

Each year, Indian and Northern Affairs Canada (INAC) receive thousands of questions from the general public about Aboriginal peoples. Here are the answers to some of the most frequently asked questions:

Who are the Aboriginal peoples in Canada?

They are the descendants of the original inhabitants of North America. The Canadian Constitution recognizes three groups of Aboriginal people: Indians (now known as First Nations people), Métis and Inuit. These are three distinct peoples with unique heritages, languages, cultural practices, and spiritual beliefs.

What is Aboriginal self-government?

In August 1995, the Government of Canada adopted an approach to negotiating practical and workable arrangements with Inuit and First Nation people to implement their inherent right to self-government. These arrangements recognize the rights of Inuit and First Nation people to make decisions about matters internal to their communities, integral to their unique cultures, traditions and languages, and connected with their relationship to the land and resources. Under the federal policy, Inuit and First Nation groups may negotiate self-government arrangements for different things such as government structure; land management, health care, child welfare, education, housing, and economic development. Negotiations are held between Inuit and First Nation groups, the federal government and, in areas affecting its jurisdiction and interests, the relevant provincial or territorial government. Self-government arrangements may take many forms, based on the diverse historical, cultural, political and economic circumstances of Inuit and First Nation groups, regions and communities involved.

Who are Indians?

The term “Indian” collectively describes all the Indigenous people in Canada who are not Inuit or Métis. Indian people are one of three peoples recognized as Aboriginal in the *Constitution Act, 1982*: Indian, Inuit, and Métis. In addition, three categories apply to Indians in Canada: Status Indians, Non-Status Indians, and Treaty Indians. Some people may fit into more than one of those categories. Some people find the term “Indian” outdated and offensive and prefer to identify themselves as First Nations people. Although the term “First Nation” is now widely used, there is no legal definition for it.

Who are Registered or Status Indians?

A Status or Registered Indian is a person who is listed in the Indian Register. The Indian Register is the official record identifying all Status Indians in Canada. The *Indian Act* sets out the requirements for determining who is a Status Indian.

Who is eligible for registration as a Status Indian under the Indian Act?

The eligibility rules have changed many times since the mid-1800s when the first lists of the members of the various bands who were recognized as Indians were drawn up. Bill C-31 changed the *Indian Act* in 1985, ending various forms of discrimination that had caused many people to lose their status. A person wishing to register for the first time, or to be reinstated after having lost her or his status, should complete an application. For more information about the application process, visit the [HYPERLINK "http://www.ainc-inac.gc.ca/index_e.html"](http://www.ainc-inac.gc.ca/index_e.html) [INAC website](http://www.ainc-inac.gc.ca/index_e.html).

Do Status Indians have special immigration benefits to the United States (US)?

Yes. Status Indians from Canada are permitted to move to the US without going through the normal immigration process. At the border crossing, they must present satisfactory documentation showing that they have at least 50 percent Indian ancestry. The types of documents requested may include any number of the following: a letter from the band office confirming 50 percent Indian ancestry; a Certificate of Indian Status card; a birth certificate; photo identification; and if the person is Haudenosaunee, a Haudenosaunee Iroquois Confederacy identification card.

How many Status Indians are there in Canada?

According to INAC's Indian Registry System, there were 704,851 Status Indians as of December 31, 2002. Of these, 13,184 were living outside of Canada.

Who are Non-Status Indians?

A Non-Status Indian is an Indian person who is not registered as an Indian under the *Indian Act*. This may be because she or he never applied to be registered. This may also be because she or he, although a descendant of persons who are or were registered or entitled to be registered under the *Indian Act*, is not entitled to be registered under the terms of the *Indian Act*.

Who are Inuit?

Inuit are the Aboriginal people of Arctic Canada. They live primarily in Nunavut, the Northwest Territories, Labrador, and Northern Quebec. Inuit means "the people" in Inuktitut, the Inuit language.

Who are Treaty Indians?

Treaty Indians are Indians who are registered or affiliated with a treaty band and are descendants of Indians who signed treaties with the Crown.

What are treaty rights?

First Nations signed treaties with various British and Canadian governments before and after Confederation in 1867. No two treaties are identical, but they

usually provide for certain rights, including reserve lands, annuities (a small sum of money paid each year), and hunting and fishing rights. Several treaties also have certain allowances for Chiefs and Councilors such as salary instead of annual payments, as well as a clothing allowance of a suit of clothing every three years. Treaty rights are collective rights that provide for payments to individual Treaty Indians. The payments depend on the precise terms and conditions of the treaty signed by her or his First Nation.

Are maps available showing areas covered by treaties?

Yes. Contact [HYPERLINK "http://atlas.gc.ca/site/english/sitemap/index.html"](http://atlas.gc.ca/site/english/sitemap/index.html) \o "Natural Resources Canada - A new browser window will open." \t "_blank" [Natural Resources Canada](http://www.ainc-inac.gc.ca/tbxINET/images/nw_goc.gif) INCLUDEPICTURE "http://www.ainc-inac.gc.ca/tbxINET/images/nw_goc.gif" * MERGEFORMATINET

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"http://atlas.gc.ca/site/english/maps/historical/indiantreaties/historicaltreaties" \o "Historical treaty map - A new browser window will open." \t "_blank" [historical treaty map](http://www.ainc-inac.gc.ca/tbxINET/images/nw_goc.gif) INCLUDEPICTURE "http://www.ainc-inac.gc.ca/tbxINET/images/nw_goc.gif" * MERGEFORMATINET is available at the Natural Resources Canada web site.

What are claims?

The federal government recognizes two broad classes of claims: comprehensive and specific claims. Comprehensive claims are based on the recognition that there are continuing Aboriginal rights to lands and natural resources. These kinds of claims arise in those parts of Canada where Aboriginal title has not been dealt with by treaty or other legal means. The claims are called “comprehensive” because of their wide scope. They include such things as land title, fishing and trapping rights, and financial compensation.

Specific claims arise when there is an outstanding historical grievance between a First Nation and the Crown that relates to an unfulfilled obligation of a treaty or another agreement, or a breach of statutory responsibilities by the Crown. Canada is committed to honouring its lawful obligations to First Nations.

Canada’s Specific Claims Policy was established to allow First Nations to have their claims appropriately addressed through negotiations by the government without having to go to court. Claims are accepted when it is determined that Canada has breached its lawful obligation to a First Nation.

Who are Métis people?

The word “Métis” is French for “mixed blood.” The Canadian Constitution recognizes Métis people as one of the three groups of Aboriginal people living in Canada. Historically, the term “Métis” applied to the children of French fur traders and Cree women in the Prairies, and of English and Scottish traders and Dene women in the north. Today, the term is used broadly to describe people with

mixed First Nation and European ancestry who identify themselves as Métis, distinct from First Nation people, Inuit or non-Aboriginal people. Many Canadians have mixed Aboriginal and non-Aboriginal ancestry, but not all identify themselves as Métis. Note that Métis organizations in Canada have differing criteria about who qualifies as a Métis person.

What is a First Nation?

□ Although the term First Nation is widely used, no legal definition of it exists. Among its uses, the terms “First Nations people” refers to the Indian people in Canada, both Status and Non-Status. Some Indian people also use the term First Nation to replace the word “band” in the name of their community.

What is an Indian band?

□ A band is a group of First Nation people for whom lands have been set apart and for whom the Crown holds money in trust. A band can also be a group or band of Indians that the Governor in Council has declared to be a band under the *Indian Act*. Each band has its own governing band council, usually consisting of one or more Chiefs and several Councilors who are either elected or chosen through traditional custom. The members of a band generally share common values, traditions and practices rooted in their ancestral heritage. Today, some bands prefer to be known as First Nations.

How many bands are there?

There are currently 614 bands.

Who can call the reserve their home?

□ A reserve is land set apart and designated as a reserve for the use and occupancy of an Indian group or band. Some bands now prefer the term “First Nation community,” and no longer use the term “reserve.” Individual First Nation members do not have the right to individually possess reserve land except by applying the *Indian Act*. First Nation councils may enact residency by-laws that regulate on-reserve residency, but these by-laws cannot infringe on individual residency rights arising from the *Indian Act*.

Who are members of a First Nation?

□ Most Status Indians are members of a First Nation. However, it is important to note that not all Status Indians are members of a First Nation. If a Status Indian is a descendant of members of one of the 253 First Nations that control their membership, that person has to apply directly to her or his First Nation for membership.

Do Status Indians pay taxes?

□ In general, Aboriginal people in Canada are required to pay taxes on the same basis as other people in Canada, except where the limited exemption under Section 87 of the *Indian Act* applies. Section 87 says that the “personal property of an Indian or a band situated on a reserve” is tax exempt. Inuit and Métis

people are not eligible for this exemption and generally do not live on reserves. The exemption in Section 87 of the *Indian Act* has existed since before Confederation. It reflects the unique constitutional and historic place of Aboriginal people in Canada. The courts have held that the exemption is intended to preserve the entitlements of Indian people to their reserve lands, and to ensure that the use of their property on their reserve lands is not eroded by taxes.

Employment income earned by a Status Indian working on a reserve is considered tax-exempt. The courts have stated that factors such as the location of the duties and residence of the employee and employer must be considered to determine whether the income will be considered tax-exempt.

The Goods and Services Tax (GST) or Harmonized Sales Tax (HST) generally do not apply to purchases by Status Indians if the purchase is made on a reserve or is delivered to a reserve by the vendor or the vendor's agent.

For answers to particular questions, please refer to the relevant statute or appropriate regulations, or contact any Canada Customs and Revenue Agency office for publications and more information.

What federal programs and services are available to Aboriginal people?

Aboriginal people living in Canada enjoy the same fundamental benefits as all Canadian citizens, including the Child Tax Benefit, Old Age Security, and Employment Insurance. The federal government provides other programs that are designed to raise their standard of living to the level enjoyed by other Canadians.

Refer to the guide [HYPERLINK "http://www.ainc-inac.gc.ca/sg/index_e.html"](http://www.ainc-inac.gc.ca/sg/index_e.html) [Services for First Nations People – A Government of Canada Guide](#) for more information about programs and services available to Status Indians.

What health coverage is available to Aboriginal people?

Aboriginal people living in Canada are covered by the health care programs in the province or territory in which they live. In addition, Health Canada supports many First Nation and Inuit communities by providing other services such as health and nutrition education, communicable disease control, primary nursing care, addiction counseling and treatment, and environmental health programs. Health Canada also provides members of these communities with goods and services not covered by provincial or territorial health care programs, such as prescription drugs, medical supplies and equipment, dental and vision care, and transportation to needed medical services.

TERMINOLOGY

Aboriginal title: A legal term that recognizes an Aboriginal interest in the land. It is based on the long-standing use and occupancy of the land as descendants of

the original inhabitants of Canada.

Custom: A traditional Aboriginal practice. For example, First Nation people sometimes adopt children according to custom, rather than under Canadian family law. Band councils chosen “by custom” are elected or selected by traditional means, rather than by the election rules contained in the *Indian Act*.

Indian Act: Canadian federal legislation first passed in 1876 and changed several times since. It sets out certain federal government obligations and regulates the management of Indian reserve lands, Indian moneys and other resources. Among its many terms, the *Indian Act* currently requires the Minister of Indian Affairs and Northern Development to manage certain moneys belonging to First Nations and Indian lands and to approve or disallow First Nations by-laws. In 2001, the national initiative *Communities First: First Nations Governance* was launched, to consult with First Nations people on the issues of governance under the Indian Act.

This general information is provided as a brief overview only. The terms of the Indian Act, its regulations, other federal statutes and their interpretation by the courts take precedence over the content of this information sheet.

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