

## **FREQUENTLY ASKED QUESTIONS ON S-3**

### **Q: *What is S-3?***

On December 12, 2017, legislative amendments were made to the *Indian Act* to address sex-based inequities in Indian registration. These amendments were made in response to the Superior Court of Quebec decision in *Descheneaux c. Canada*.

In keeping with Canada's commitment to reconciliation and a renewed nation-to-nation relationship with Indigenous peoples, the government undertook the following actions under S-3:

- Implemented a first set of legislative changes on December 22, 2017;
  - Sought input from First Nations and Indigenous stakeholders between 2017-2018 to co-design a consultation and engagement process;
    - [First Report to Parliament](#) was delivered on the design of the consultation process (2018);
  - Consulted nationally through the [Collaborative Process](#) between 2018-2019;
    - [Second Report to Parliament](#) was delivered on the results of the Collaborative Process (2019);
  - Implemented a second set of legislative changes on August 15, 2019 - the [removal of the 1951 cut-off](#).
    - The [Third and Final Report to Parliament](#) was delivered on the implementation of S-3 (2020).
- 

### **Q: *What was the Collaborative Process?***

The Collaborative Process was a robust engagement process bringing together First Nations and other stakeholders as part of the second phase of the implementation of S-3, and the Government of Canada's approach to address broader issues relating to registration, band membership, and First Nation citizenship.

The Collaborative Process was co-designed with First Nations and other Indigenous groups. Crown-Indigenous and Northern Affairs Canada (CIRNAC) submitted the first Report to Parliament which summarized the design of the Collaborative Process and input received during these consultations, which was tabled in parliament on May 10, 2018.

The Collaborative Process involved consultations with First Nations, Indigenous groups, and other interested individuals. This process sought to develop an implementation plan to remove the 1951 cut-off, as well as address the broader and more complex issues related to registration, band membership and First Nation citizenship with a view to future reform.

After these consultations, CIRNAC submitted their second Report to Parliament on the Collaborative Process on Indian registration, band membership, and First Nation citizenship, and was tabled in parliament on June 12, 2019.

---

### **Q. *Now that S-3 has been fully adopted, what changes have been made to the Indian Act?***

S-3, as adopted by Parliament, addresses sex-based inequities in the registration provisions of the Indian Act. The [Final Report to Parliament](#) on the review of the implementation of S-3 was tabled in December 2020.

It means that all descendants born prior to April 17, 1985 (or of a marriage that occurred prior to that date) of women who lost status because of their marriage to a non-entitled man going back to 1869, the date of the [Gradual Enfranchisement Act](#), can apply to be registered under 6(1)(a) paragraphs.

---

## **FREQUENTLY ASKED QUESTIONS ON S-3**

### ***Q: Are individuals born after April 17, 1985 provided the same treatment under S-3?***

S-3 only addresses the known sex-based inequities in the *Indian Act*. Some applicants, regardless of year of birth, could be impacted by what is known as the second generation cut-off. The second-generation cut-off was introduced in April 17, 1985 as part of Bill C-31. This means that after two consecutive generations of parenting with a person who is not entitled to registration, the third generation is no longer entitled to registration. The second generation cut-off is gender neutral and a known inequity. The second-generation cut-off is part of ongoing discussions with First Nations.

Most applications from individuals born after 1985 are processed by ISC's Regional Offices within weeks if at least one parent is registered. Applications where the applicant is born prior to 1985, where an ancestor was not previously registered, are considered complex and usually take more time to be processed.

---

### ***Q. How many individuals are now able to pass on entitlement as a result of S-3?***

Between 2018 and 2020, the Department automatically amended the entitlement categories for over 125,000 already registered individuals. As a result, over 57,000 individuals are now able to pass on entitlement to their descendants because of the change in legislation.

To know if you have been affected by these automatic amendments, please contact the Public Enquiries Contact Centre at 1-800-567-9604 or TTY: 1-866-553-0554.

---

### ***Q. I believe I may be entitled to registration under the legislative amendments to the Indian Act. When can I apply and where can I send my application?***

You can apply by mailing your completed registration form and additional document requirements to:

Application Processing Unit  
Indigenous Services Canada  
PO Box 6700  
Winnipeg, MB  
R3C 5R5

For more information on applications, and how to apply, please visit our [website](#).

---

### ***Q: I applied for registration under S-3 prior to the date it came into force. Do I need to re-apply?***

If you submitted your application for registration prior to S-3 coming fully into force on August 15, 2019, you do not need to re-apply. However, please note that you may be contacted if additional documentation is required to complete the processing of your application.

---

### ***Q: I was previously denied entitlement to Indian status, but believe I qualify under S-3. Do I need to re-apply?***

## **FREQUENTLY ASKED QUESTIONS ON S-3**

If you were previously denied entitlement to Indian status but believe you qualify under the legislative amendments of S-3, you need to re-apply.

To get the application form and up to date information on the necessary documents required to process your application, please visit our [website](#).

---

### ***Q. I am already registered under paragraph 6(1)(a), (c), or (f), and subsection 6(2). What happens to my current status?***

All registered individuals, regardless under which category they are entitled, will continue to be able to access the services and benefits to which they have been entitled. No one will lose their entitlement to registration as a result of the amendments.

As an example, if you were entitled to 6(1)(c) or any subparagraph of 6(1)(c), for example 6(1)(c.1), your entitlement will be amended automatically. You will remain entitled under 6(1) of the *Indian Act*. If you were entitled under 6(1)(a), you will remain entitled under 6(1)(a).

**Depending on your ancestry**, if you were originally entitled under 6(1)(f) or 6(2), you **may** be entitled to a category amendment.

Please note that S-3 and the removal of the 1951 cut-off do not address the second generation cut-off. You can request to check to see if your category has been amended by contacting the Public Enquiries Contact Centre at 1-800-567-9604, TTY: 1-866-553-0554. You may be asked to validate your identity.

Should you wish to have your entitlement reviewed, you will be required to submit a signed request indicating your name and registration number, the reason you feel your entitlement should be amended and provide a supporting identity document.

These requests should be sent to:

Application Processing Unit  
Indigenous Services Canada  
PO Box 6700  
Winnipeg, MB  
R3C 5R5

---

### ***Q: Why would I want to have my category amended?***

The ability to pass Indian status onto children may differ depending on whether a parent is registered under subsection 6(1) or 6(2). A category amendment from 6(2) to 6(1) may allow for the transmission of Indian status to your descendants.

---

### ***Q: What documents do I need to apply?***

For a complete list of relevant forms and document requirements, visit our [website](#). Please ensure that you keep your contact information up to date so that we are able to communicate with you if follow-up is required. If you change your address, please contact: 1-800-567-9604 or TTY: 1-866-553-0554.

---

## **FREQUENTLY ASKED QUESTIONS ON S-3**

### ***Q: What is the service standard for applications related to S-3?***

While the Office of the Indian Registrar makes every effort to respond to applications within the 6 month service standard, the COVID-19 pandemic has increased processing times. Due to the high number of applications received, the current processing time is between 6 months and 2 years, depending on the complexity of the application.