

# information

## FREQUENTLY ASKED QUESTIONS ABOUT ABORIGINAL PEOPLES

February 2002

Each year, Indian and Northern Affairs Canada (INAC) receives thousands of enquiries from the general public that relate to Aboriginal peoples. Here, we bring together 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, Métis and Inuit. These are three separate 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 Aboriginal people to implement their inherent right to self-government. These arrangements recognize Aboriginal people's right 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, Aboriginal groups may negotiate self-government arrangements over a variety of subject matter, including government structure, land management, health care, child welfare, education, housing and economic development.

Negotiations are held between Aboriginal 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 the Aboriginal 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 peoples 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 Some find the term 'Indian' outdated and offensive and prefer to identify themselves as First Nations people.

### Who are Registered or Status Indians?

A Status or Registered Indian is a person who is listed on the Indian Register. 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 Indian Register is the official record identifying all Status Indians in Canada. The eligibility rules have changed many times since the mid-1800s, when the first lists of registered Indians were drawn up. Bill C-31, passed by Parliament in 1985, amended the *Indian Act*, 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 his or her status, should complete an application. Application forms are available from regional INAC offices or from the Registrar at INAC Headquarters.

**Do Status Indians have special immigration benefits to the US?**

Yes. Status Indians from Canada are permitted to relocate to the US without going through the normal immigration process. They must present their Indian Status card at the border crossing. If they do not have a card, they need a written statement from their First Nation council, along with documents that prove they have at least 50 percent Indian ancestry.

**How many Status Indians are there in Canada?**

As of 2001, there were 675,499 Status Indians in Canada. More than 55 percent live on reserves.

**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 his or her ancestors were never registered, or because he or she lost Indian status under former provisions of the *Indian Act*.

**Who are Inuit?**

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

**Who are Treaty Indians?**

Treaty Indians are descendants of Indians who signed treaties with the Crown and who have a contemporary connection with a treaty band.

**What are treaty rights?**

First Nations signed treaties with various British and, later, 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. The treaty rights of an individual Treaty Indian will depend on the precise terms and conditions of the treaty that his or her First Nation signed.

**Are maps available showing areas covered by treaties?**

Yes. Contact the Canada Map Office at Natural Resources Canada.

Or go directly to their Web site at

[http://atlas.gc.ca/english/quick\\_maps/fifth/fifthv\\_ed\\_view43\\_e.html](http://atlas.gc.ca/english/quick_maps/fifth/fifthv_ed_view43_e.html)

for the 1991 Indian Treaties map, or

[http://atlas.gc.ca/english/quick\\_maps/index\\_current.htm](http://atlas.gc.ca/english/quick_maps/index_current.htm)

for the Historical Indian Treaties map.

**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 deal with specific grievances that First Nations may have relating to the fulfilment of treaties or other agreements between First Nations and the Crown. They also cover past grievances relating to the administration of First Nations lands and other assets under the *Indian Act*.

**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 Indian 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?**

This is a term that came into common usage in the 1970s to replace the word ‘Indian’, which some people found offensive. Although the term ‘First Nation’ is widely used, no legal definition of it exists. Among its uses, the term ‘First Nations peoples’ refers to the Indian people in Canada, both Status and Non-Status. Some Indian people have also adopted 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 money is held in trust by the Crown. Each band has its own governing band council, usually consisting of one or more chiefs, and several councillors 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?**

As of 2001, there were 613 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 ‘reserve’. Individual First Nation members do not have a right of individual possession except by application of 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*.

To learn more about your reserve rights and responsibilities, contact your First Nation council or the Regional Director of Lands and Trust Services (LTS) at INAC.

**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. Métis and Inuit are not eligible for this exemption.

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 taxation.

Employment income earned by a Status Indian working on a reserve will be considered tax exempt. The courts have stated that connecting 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 or Harmonized Sales Tax (GST/HST) generally does not apply to purchases by Status Indians if the purchase is made

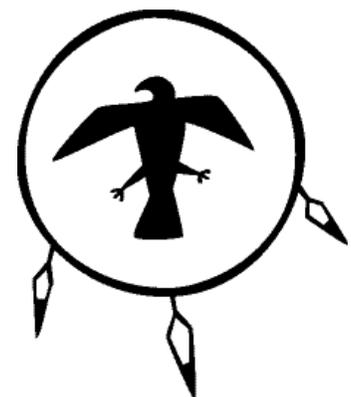
on a reserve or is delivered to a reserve by the vendor or the vendor's agent.

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 additional 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 booklet *You Wanted to Know: Federal Programs and Services for Registered Indians* 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, addictions counselling 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 Aboriginal interest in the land. It is based on their 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 peoples sometimes adopt children or marry 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:** This is the Canadian federal legislation, first passed in 1876, that sets out certain federal government obligations and regulates the management of Indian reserve lands. The Indian Act has

been amended several times, most recently in 1985. Among its many provisions, 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 and leadership on the issues of governance under the Indian Act. The process will likely take two to three years before any new law is introduced.

NB: These terms are listed in *Words First: An Evolving Terminology Relating to Aboriginal Peoples in Canada*, compiled by the department's Communications Resources Directorate.



**Publications and Public Enquiries**

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