



E'Dbendaagzijig (Citizenship) Collaborative Process - Backgrounder



Collaborative Process on the Second-Generation Cut-Off and the Section 10 Voting Thresholds

Issue 1: The second-generation cut-off

The second-generation cut-off occurs after two consecutive generations of parenting with a person who is not entitled to registration, resulting in the third generation not entitled to registration under the *Indian Act*. This means if an individual has one grandparent and one parent who is not entitled to registration, the individual will not be entitled to registration. In 1985, Bill C-31 amended the *Indian Act* to better align with the equality provisions found in the Canadian Charter of Rights and Freedoms.

Bill C-31 introduced two general categories for registration:

- **Section 6(1):** Footnote 31 for individuals who have two parents entitled to registration under the *Indian Act* Footnote 32; OR
- **Section 6(2):** for individuals with only one parent entitled to registration under Section 6(1) of the *Indian Act*. Footnote 33

While both sections provide equal access to the services and benefits associated with registration under the *Indian Act*, the ability to pass on entitlement to descendants differs.

First Nations and their community members have reported that the second-generation cut-off is applied without consideration for individual or family circumstances. Individuals report that the differences between Sections 6(1) and 6(2) can cause issues Footnote 34 for registered individuals and their non-entitled children or grandchildren. Within some families, siblings may find themselves registered under different categories due to their birth date or parents' marriage date. In this same family, siblings may have different capacities to pass on entitlement to their children. Currently, there is no consensus on how best to address the second-generation cut-off and as a result, an in-depth consultation is required to determine the solution(s).

Source: Indigenous Services Canada (ISC)

<https://sac-isc.gc.ca/eng/1706281094364/1706281216732>

