



E'Dbendaagzijig

Waawaashkesh (Deer)



EVOLUTION OF INDIAN ACT REGISTRATION & CITIZENSHIP - KEY MILESTONES

1985

Bill C-31

- Intended to remove gender discrimination by reinstating women and their descendants who lost status through marriage.
- Reinstated some but created new categories [6(1) and 6(2)] and the Second-Generation Cut-Off, which continues to deny registration.

2009

McIvor v. Canada

- Challenged continued gender discrimination after Bill C-31.
- Court agreed leading to Bill C-3 (2010).

2010-2011

Bill C-3 Gender Equity in Indian Registration Act

- Response to McIvor decision.
- Allowed some grandchildren to regain status, but did not eliminate all inequities, excluding many families.

2022

Bill C-38 - Indian Act Amendment (elimination of inequities)

- Based on the Nicholas case on enfranchisement.
- Intended to remove residual inequities and simplify categories but died on the Order Paper before passage.

2017

Lynn Gehl v. Canada (AG)

- Challenged the 'unknown or unstated paternity' policy that denied status when a father's identity was unrecorded.
- Court ruled Canada's interpretation was unreasonable.
- Forced ISC to change its policy, allowing circumstantial or oral evidence for registration.

2017

Descheneaux v. Canada (2015 decision) > Bill S-3 (2017)

- Court found ongoing sex-based discrimination even after Bill C-3.
- Bill S-3 expanded eligibility but recognized that many inequities remained.
- Required Canada to launch a Collaborative Process with First Nations to fix registration and membership more broadly.

2023-2025

Nicholas v. Canada; Bocchini v. Canada; Temagami Court Case

- Ongoing challenges regarding registration, recognition, and rights.
- Informing current Collaborative Process and future reforms.

2025

Bill S-2 - An Act to Amend the Indian Act (New Registration Entitlements)

- Legislation re-introduced based on the Nicholas case on enfranchisement.
- Re-introduction of former Bill C-38 on enfranchisement.
- Update: On December 4, 2025, Senate passed Bill S-2 with amendments to include removal of the Second-Generation Cut-Off and add the One-Parent Rule.
- On December 10, 2025, Bill S-2 received First Reading in the House of Commons. Deadline to pass S-2 is April 2026.

