

## Entitlement Categories

**Section 6** of the current *Indian Act* sets out the provisions under which a person is entitled to registration.

<p><b>6(1)(a)</b> Can pass down entitlement</p>	<ul style="list-style-type: none"> <li>• Persons registered or entitled to be registered prior to April 17, 1985, including: Persons born prior to August 14, 1956 who are the illegitimate children of Indian mothers and non-Indian fathers; if the children were never previously registered and there is no evidence that the Registrar declared them not entitled to be registered before April 17, 1985.</li> </ul>
<p><b>6(1)(a.1)</b> Can pass down Entitlement (formerly 6(1)(c))</p>	<ul style="list-style-type: none"> <li>• Indian women who lost their status as a result of marriage to a non-Indian.</li> <li>• Children who were enfranchised as a result of their mother's marriage to a non-Indian – 12(1)(a)(iii).</li> <li>• Illegitimate children who were removed as a result of a protest due to non-Indian paternity under the former subsection 12(2).</li> <li>• Persons who were omitted or deleted under the former paragraph 12(1)(a)(iv) – double mother clause.</li> <li>• Illegitimate children of Indian women born prior to August 14, 1956 who were omitted or deleted because of non-Indian paternity (truly omitted).</li> </ul>
<p><b>6(1)(a.2)</b> Can pass down Entitlement (formerly 6(1)(c.3))</p>	<ul style="list-style-type: none"> <li>• Illegitimate female child born between September 4, 1951 and April 16, 1985 of an Indian male that was registered/entitled to be registered under paragraph 6(1)(a) at the time of the child's birth (Child's mother was a non-Indian at the time of the child's birth).</li> </ul>
<p><b>6(1)(a.3)</b> Can pass down Entitlement (new category – 2019)</p>	<ul style="list-style-type: none"> <li>• Direct descendant of a person entitled/registered under paragraph 6(1)(a.1), 6(1)(a.2), 6(1)(a.3) and             <ul style="list-style-type: none"> <li>i) they were born before April 17, 1985 <u>or</u></li> <li>ii) they were born after April 16, 1985 but their parents were married to each other prior to April 17, 1985.</li> </ul> </li> </ul>
<p><b>6(1)(b)</b> Can pass down entitlement</p>	<ul style="list-style-type: none"> <li>• Persons who are members of groups declared to be new bands by the Governor in Council. (Example, Qalipu First Nation, the Mushuau Innu and Sheshatshiu Innu First Nations)</li> </ul>
<p><b>6(1)(d)</b> Can pass down entitlement</p>	<ul style="list-style-type: none"> <li>• Persons who enfranchised by application prior to April, 1985 whose names appeared on an enfranchisement order.</li> <li>• Minor unmarried children who are deemed to have been enfranchised with their parent(s) prior to September 4, 1951 but whose names do not appear on an enfranchisement order whether or not their names were actually on the band list.</li> <li>• Wives of Indian men who enfranchised prior to September 4, 1951 who were held to be enfranchised even though their names may not appear on the order, unless the wives are affected by <b>Section 7</b>.</li> </ul>
<p><b>6(1)(e)</b> Can pass down entitlement</p>	<ul style="list-style-type: none"> <li>• Persons who were removed from membership as a result of living outside of Canada for over five years without authority from the Superintendent General (<b>Section 13</b> of the <i>Indian Acts</i> of 1906 and 1927).</li> <li>• Persons who were enfranchised as a result of their profession or education or because they had entered religious orders (<b>Section 11</b> of the <i>Indian Act</i> of 1906).</li> </ul>
<p><b>6(1)(f)</b> Can pass down entitlement</p>	<ul style="list-style-type: none"> <li>• Persons who have no entitlement under any other provision of <b>Section 6(1)</b> of the Act and whose parents are both registered or entitled to registration as Indians under <b>Section 6</b> of the <i>Indian Act</i>.</li> </ul>
<p><b>6(2)</b> Can only pass down Entitlement if other parent is also entitled/registered under Section 6 of the <i>Indian Act</i></p>	<ul style="list-style-type: none"> <li>• Persons who have no entitlement under any other provision of <b>section 6(1)</b> of the <i>Indian Act</i>.</li> <li>• Persons who have one parent who is registered or entitled to be registered under <b>Section 6(1)</b> of the <i>Indian Act</i>.</li> </ul>

**Tip: The key difference between 6(1) and 6(2) is that a person entitled to be/registered under subsection 6(1) can pass entitlement to their child, while a person entitled under subsection 6(2) cannot pass entitlement to their child unless the child's other parent is also entitled to be/registered under Section 6 of the *Indian Act*.**