



Animakee Wa Zhing #37

Forever the Sun Rises and the River Flows. (Treaty 3, 1873)

October 28, 2025

Standing Senate Committee on Indigenous Peoples
The Senate of Canada
Ottawa, Ontario
Canada, K1A 0A4

Via Email: appa@sen.parl.gc.ca

Dear Honourable Members of the Standing Senate Committee on Indigenous Peoples:

Re: Submission to the Standing Senate Committee on Indigenous Peoples

Animakee Wa Zhing #37 appreciates the Committee's attention to the long-standing inequities under the *Indian Act*. Bill S-2 is an important opportunity to remedy discriminatory sections in the *Indian Act* that continue to impact families with a history of enfranchisement.

However, Bill S-2, in its current form, is insufficient. We cannot enact another piece of legislation that amends the *Indian Act* with the aim of remedying discrimination but leaves behind a major source of discrimination: the second-generation cut-off. Like other major amendments to the *Indian Act*, Bill S-2 and its predecessor legislation are driven by the courts ruling that the *Indian Act* is discriminatory. First Nations people should not need to pursue another section 15 litigation in order for Parliament to amend the *Indian Act* to rectify the discriminatory second generation cut off.

Impacts of the Second Generation Cut Off

1. Access to Services

The second-generation cut off is a central driver of registered demographic decline and exclusion from rights, benefits, and services tied to Indian status. As other First Nations, individuals, and organizations have emphasized, leaving the cut-off intact perpetuates intergenerational discrimination and forecasts a substantial loss of registered population over time.

Our concern is urgent and concrete. Within our community, about 38% of Animakee Wa Zhing #37's registered population are registered under section 6(2). Unless those members parent with another person entitled to transmit status, their children will be denied registration because of the second-generation cut-off. This dynamic mirrors the broader national experience identified by other Nations: under current rules, a significant share of a community will become unable to transmit status within a few generations, driving down the registered population and, with it, access to rights, benefits, and services linked to the *Indian Act*.

The second-generation cut-off impacts our ability to provide services to our members. For instance, Animakee Wa Zhing #37 has provided the Minister of Indigenous Services with our notice to exercise legislative authority in accordance with *An Act respecting First Nations, Inuit and Métis children, youth and families*. Our law will be an act of our inherent jurisdiction and based on our culture, traditions, and constitutionalism. However, our funding and capacity is restricted to provide services to all those we consider our children and our families because they are not on registered members.

2. Control Over Citizenship

Bill S-2's silence on the cut-off undermines its stated goal of remedying discrimination. Federal control over transmission rules limits Indigenous peoples' ability to define identity and that the second-generation cut-off has significant repercussions for affected Nations.

We are in a position where we must create and maintain two lists: the *Indian Act* band list and our own membership list. Our traditional understanding of citizenship does not align with the colonial *Indian Act* understanding of membership. We recognize our citizens who do not qualify for s. 6(2) status. We need full self-determination to identify our citizens rather than maintaining two lists where individuals may qualify on one but not the other. Our citizens are our citizens regardless of *Indian Act* status.

Recommendations

1. Amend Bill S-2 to address the second-generation cut-off now by ensuring that 6(1)(a) is inclusive all registered members. The *Indian Act* needs to ensure that a child of one registered parent remains eligible for registration and transmission of status.
2. Align status and membership eligibility provisions in the *Indian Act* with the *United Declaration on the Rights of Indigenous People* by allowing First Nations to self-determine their own membership.

We ask the Committee to seize this opportunity to prevent further harm and ensure that Bill S-2 meaningfully addresses the second-generation cut-off.

Respectfully submitted,

Chief Linda McVicar
Animakee Wa Zhing #37