

# Aboriginal Affairs new status rule still discriminate against women

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Writer

It's a problem still affecting many First Nations women across Canada today, almost 30 years after the Indian Act was amended - not being able to pass their status on to their children. The reality of that amendment hit home for two Six Nations sisters.

On Aug. 4, one of their children, who is 34-years-old, was stuck in the United States for four days.

It was because she didn't have a status card or any other acceptable proof of citizenship for border officials.

Under the Indian Act, Justine Hill is not eligible for a status card, even though both of her parents are full-blooded Haudenosaunee people.

Her father is from the Seneca Nation in New York State and her mother, Melody, is from Six Nations.

Because of the Indian Act, Melody Hill has never been able to pass her status on to her children - Justine being one of them.

Bill C-31, an "Act to Amend the Indian Act", made sweeping changes to the discriminatory legislation that used to strip native women of their Indian status upon marrying a non-native man.

The clause affected the status of several generations of First Nations people so when the Bill came into effect in 1985, one of its intentions was to re-

store status and membership rights.

Melody and her sister, Donna Ground-Hill, had never had status before 1985. Their mother was a Seneca from Cattaraugus. They applied for - and got - their status in the late 1980s but the Indian Act had a niggling little clause in it that has landed the two women and their children where they are today. They were given status with a stipulation: that they could not pass it on to their children if they married non-native men. Neither woman married a non-native man but according to the Indian Act, a partner or spouse from the United States, regardless of ancestry, is considered non-native.

As a result Justine Hill has never been able to obtain status.

Without that status, border officials do not recognize the unhampered border-crossing rights of Haudenosaunee people included in the Jay Treaty of 1974.

Justine had been previously using an 'enhanced driver's license' to cross the border with no problems.

That all changed on Aug. 4 when she was coming home to Niagara Falls, Ont. after finishing her shift at the Seneca Niagara Casino in Niagara Falls, New York.

She has two residences - one in Buffalo, N.Y. and one in Niagara Falls, Ont.

"An officer at the bridge asked me where I was going

and what I was doing, so I told him," said Justine. "He then proceeded to ask me personal questions about where I pay my rent and where I pay my bills. I kinda got defensive but I didn't want to start an argument. He pulled me into immigration. Immigration then denied me entry into Canada saying that I must prove that I live where I say I live."

She said immigration told her a status card would fix all that. She was forced to turn around and head back to Buffalo.

After four days of being stuck in the United States, she was finally given a "visitor's pass" that will be valid for six months and was allowed re-entry into Canada.

The temporary visitor's pass allows her to cross the border for now, but after it expires, she doesn't know what she'll do.

Melody and Donna came to band council last week looking for a permanent solution to Justine's border woes.

The two women have tried unsuccessfully to get their own status amended with Aboriginal Affairs to no avail.

They said they were registered under the incorrect section of the Indian Act. According to the Act: "Section 6(1) continues the entitlement of persons registered as Indians before 1985, and opens up the possibility of reinstatement of women who lost status

through marriage, children enfranchised as a result of their mother's marriage, persons not included in the register under the "double mother" clause, and illegitimate children of Indian women born prior to 14 August 1956." This section

tion 6(1). The Hill sisters were registered under section 6(2).

The Act does not permit the registration of individuals with one non-status parent and one parent entitled to registration under section 6(2). This last

get a passport, at all, because it's going to say I'm either a Canadian citizen or an American citizen."

She is now listed with border officials as being on a "visitor's record" that states she must leave Canada permanently on Jan. 8, 2013.



Melody Hill (centre) and her sister Donna Ground-Hill (right) and a third sister appeared at council. (Photo by Donna Durie)

also provides an opportunity for first-time registration of people previously without Indian status, and abolishes enfranchisement. Under section 6(1), a person with two parents who are or were entitled to be registered is eligible for registration (this would have been the correct registration for the Hill sisters if their mother was not from the United States).

Section 6(2) permits the registration of persons with only ONE parent entitled to be registered under sec-

tion 6(1) is why Justine is not able to be registered.

This provision is known as the "second generation cut-off rule," meaning status would be terminated after two successive generations of intermarriage between Indians and non-Indians.

Justine is not even on the Six Nations band membership list. And she refuses to get a Canadian passport, as a matter of principle, because it would strip her of her identity, she says.

"I'm not getting going to

Elected Chief Bill Montour told the women he will work with the registrar's office at Aboriginal Affairs to help the women get their statuses where he believes they should be.

Montour said border crossing should not be an issue for Justine because she is still Haudenosaunee regardless of the Indian Act and its rules.

Council is also going to push for a meeting with border officials, saying a meeting with them has been long overdue.