Government is leaving out Indigenous children that are off-reserve, Métis and non-status in new child welfare legislation – Congress of Aboriginal Peoples

February 28, 2019 (Ottawa, ON) – The Congress of Aboriginal Peoples is outraged that the federal government has continued the exclusion of off-reserve, Métis and non-status Indigenous children in their new child welfare legislation. Today, the Minister of Indigenous Services tabled the legislation as *Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families*. This is a piece of legislation that was co-developed with only three of the five National Indigenous Organizations, excluding CAP, and fails to address the unique needs and interests of the off-reserve, non-status, and Métis children living across Canada.

The 2011 National Household survey reported over 1,800 First Nations children under the age of 14 without registered Indian status are in foster care and a further 7,400 First Nations children living off-reserve in foster care. Together, these populations are the majority of the total 11,700 First Nations children in foster care. The survey also identified 1,800 Métis children under 14 living in foster care.

“The federal government has a responsibility to all Indigenous children, but instead they are creating distinctions, dividing and discriminating between vulnerable Indigenous children and youth”, states National Chief Robert Bertrand, “we have made every effort to work with this government to ensure off-reserve and non-status children are included, but the government ignores our concerns”. Since the government excluded CAP from the January 2018 Emergency Meeting on Indigenous Child and Family Services, the Congress has repeatedly reached out to Indigenous Services Canada to participate in this matter.

"This government has continually excluded our peoples from co-developing federal legislation that will impact the lives and welfare of our children," says Lorraine Augustine, Chief and President of the Native Council of Nova Scotia. "They are failing the off-reserve and non-status youth and children living off-reserve. Legislation like this will further marginalize our families”.

In the Standing Committee on Indigenous and Northern Affairs on February 28, 2019, Minister Carolyn Bennett was asked by the opposition on the exclusion of CAP from the co-development of legislation by her government. In response, the Minister said that “coast to coast to coast we have tried to be as inclusive as we can be…”

Chief Augustine disagrees with the Minister’s statement: “we have demanded that CAP and its provincial and territorial affiliates, as representatives for rights-holders, have a voice at the table in developing legislation that will impact our peoples, yet the government refuses to work inclusively”.

“All Indigenous children should be supported by this government’s welfare legislation, without facing discrimination based on their status or residence”, argues National Chief Robert Bertrand, “We have the 2016 *CAP Daniels* decision that clarifies the federal government is responsible for Métis and non-status Indians – this includes our children.”

The 2016 Supreme Court of Canada's unanimous decision in *Daniels v. Canada* was a landmark victory for CAP giving clarity that Métis and non-status Indians fall under the federal government's jurisdiction and fiduciary duty. As stated in the Daniels decision, "[Métis and non-status Indians] are deprived of programs, services and intangible benefits recognized by all governments as needed." The Congress advocates that all Indigenous children must have access to federal programs and services free from discrimination.

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The Congress of Aboriginal Peoples is the national voice representing the interests of Métis, status and non-status Indians, and Southern Inuit Indigenous People living off-reserve. Today, over 70% of Indigenous people live off-reserve.