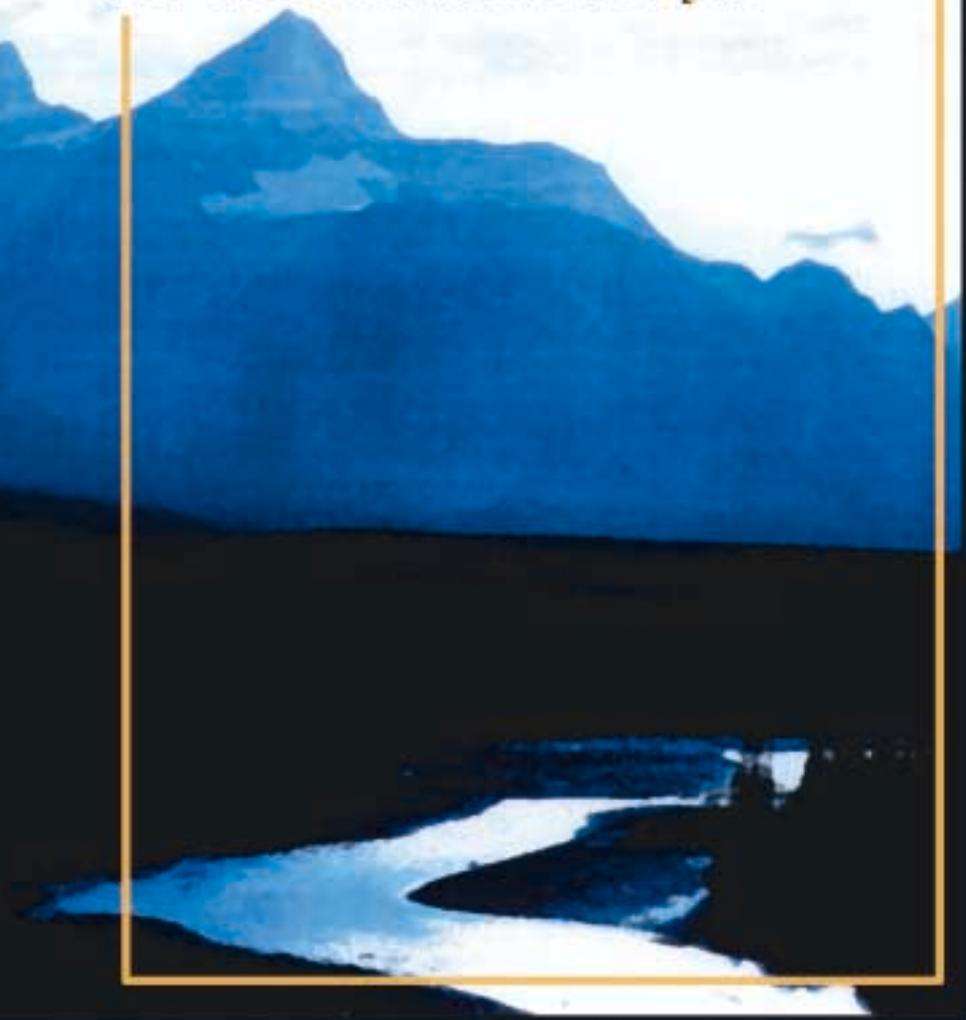


Rights and Benefits for First Nations People



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Society

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Important — Please read

We have tried to make the information in this booklet as accurate as possible. However, it is only a summary. Policies and procedures are always changing. Use this booklet as a guide, but please double-check the information with the appropriate agency or government department.

Please note that this booklet explains rights and benefits in general. It is not intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help.

This booklet includes the most recent information on benefits available from the First Nations and Inuit Health Branch (FNIHB) of Health Canada. The information is up to date as of February 2004.

What this booklet is about

This booklet explains the rights and benefits that may be available to registered Indians who live on or off reserve, and it also provides information on how to apply for these benefits. However, it presents general information only and should not form the basis for legal advice of any kind.

The assistance available to you as a registered Indian includes the following:

- Medical care
- Dental care
- Housing
- Employment benefits
- Immigration to the US
- Education benefits

For information on who is eligible for registration as an Indian under the Indian Act, see page 32.

Medical Services Plan benefits

The province of British Columbia provides health care programs, including a Medical Services Plan (MSP), for people who live in BC.

Who is eligible for medical plan benefits?

If you are a status Indian or recognized Inuit, you may be eligible for enrolment in the MSP. You must also have lived in BC for three months. Premiums for eligible status Indians and recognized Inuit are covered through the First Nations and Inuit Health Branch (FNIHB) of Health Canada.

How do I apply for medical plan benefits?

To get an application for medical benefits, contact Health Canada's First Nations and Inuit Health Branch, Non-Insured Health Benefits (NIHB) program. The FNIHB can answer any

questions you may have about benefits or the application. The toll-free number is 1-800-317-7878.

Forward your completed application to —

Health Canada

First Nations and Inuit Health Branch
Non-Insured Health Benefits
540 – 757 W. Hastings Street
Vancouver, BC V6C 3E6

The FNIHB will verify your registry or status number and authorize the payment of premiums on your behalf. MSP will then send you a CareCard. Newborn children are automatically covered for their first three months, allowing time for the parents to receive their child’s birth certificate. Parents have up to one year to register their child with Indian and Northern Affairs Canada.

If you or your dependants aren’t registered Indians or registered Inuit, you must arrange to pay the premiums yourself. Several payment options are available, including premium assistance. If you are receiving income assistance, your employment and assistance worker may arrange to have these benefits paid on your behalf. If you are working, your employer may do this for you.

What are the benefits of the BC Medical Services Plan?

MSP provides the following benefits:

- The services of a doctor or a specialist (for example, a surgeon or a psychiatrist) who is referred by a doctor
- Maternity care by a doctor or a specialist (for example, a gynecologist) who is referred by a doctor
- X-ray and laboratory services that a doctor, podiatrist, dental surgeon, or oral surgeon orders
- Some dental and oral surgery that needs to be performed in a hospital

-
- Orthodontic services for facial abnormalities
MSP provides the following additional benefits:
 - Routine eye examinations for people 18 years of age and younger and 65 and older
 - Medically necessary eye examinations for all people
 - Surgical podiatry

You may also be entitled to the services of a massage therapist, chiropractor, or physical therapist who is referred by a doctor (subject to a patient visit charge and limit of 10 visits per year, split among the three services any way you choose).

How do I obtain Medical Services Plan benefits?

Show your CareCard to your doctor or other medical service provider. The card is free when a person enrolls with MSP for the first time. If a CareCard is damaged through normal use, and you return the damaged card to MSP, the replacement card is free. For a lost or stolen card, there's a \$20 fee.

For more information about MSP, go to its website at <http://www.healthservices.gov.bc.ca/msp>. Or call —

MSP's automated telephone service

(604) 683-7151 (Lower Mainland)

1-800-663-7100 (toll free, elsewhere in BC)

MSP Call Centre

(604) 296-4677 (Lower Mainland)

1-888-788-4357 (toll free, elsewhere in BC)

Non-insured health benefits

The Non-Insured Health Benefits (NIHB) program for eligible First Nations and Inuit people is administered by either the First Nations and Inuit Health Branch (FNIHB) of Health Canada or your First Nations community. If you aren't sure, contact the FNIHB toll free at 1-800-317-7878.

Who is eligible for non-insured health benefits?

All status Indians and recognized Inuit are eligible for non-insured health benefits.

How do I apply for non-insured health benefits?

To receive non-insured health benefits, you need both a CareCard and a status card.

If you have moved to British Columbia within the last three months and have not yet received your CareCard, you may provide proof of other provincial health care coverage instead.

What does the Non-Insured Health Benefits program cover?

Non-insured health benefits include —

- prescription drugs from an approved list,
- medical supplies and equipment from an approved list,
- eyeglasses and the services of an optometrist every two years,
- dental care that is approved prior to the work being done, and
- patient transportation for medically necessary care.

How do I obtain prescription drugs?

To obtain prescription drugs through the NIHB program, follow these steps:

1. Take your doctor or dentist's prescription to a pharmacy with a qualified pharmacist on duty.
2. Identify yourself as someone eligible for non-insured health benefits and show your CareCard and status card. The pharmacist will then proceed with standard billing for NIHB clients.

-
3. Finally, if your prescription is not on the list of authorized drugs, your pharmacist has to contact the Drug Exception Centre in Ottawa. If your pharmacist doesn't know how to do that, he or she will have to contact the NIHB program for assistance.

How do I obtain medical supplies and equipment?

When your doctor recommends treatment that requires supplies or equipment, you will need to get pre-authorization from the FNIHB. Take your doctor's prescription to the supplier you intend to use. The supplier will fill out a request form and fax it to FNIHB.

If you have a doctor's prescription, the following items may be covered:

- Hearing aids and hearing aid supplies requested by an audiologist
- Dressings
- Bathing aids
- Prosthetics and orthotics
- Diabetic supplies
- IUDs (intrauterine devices) and condoms

The following items may be covered with special approval:

- Walkers
- Canes
- Wheelchairs

Note: For more information about pre-authorization, talk to your pharmacist or the community health representative or nurse at your band, or call Health Canada at 1-800-665-2289.

How can I get eyeglasses and the services of an optometrist?

To get an eye examination through the NIHB program, you will need prior approval. (The approved rate for an eye examination in BC is \$44.83.) Once you get approval, visit a licensed eye-care practitioner (optometrist) for an eye examination to determine if you need prescription glasses.

To get eyeglasses, you will need a prescription from your optometrist. Bring your prescription, CareCard, and status card to the product supplier, who will submit a request for approval to FNIHB. It will take up to 10 working days to get approval, but then your supplier will be able to fill your prescription.

Note: This benefit is covered once every two years. In general, NIHB will cover a percentage of the cost of your entire prescription. Depending on the type of frames or lenses you choose, you may have to pay for part of the cost. To get details on the limits to program coverage, ask your optometrist, supplier, or the NIHB program.

How can I get dental care?

The NIHB program for eligible First Nations and Inuit people includes dental care. This dental program is designed so that you get dental services when you need them. It takes your personal dental history into account.

You are entitled to ask your dentist questions about your choices for treatment, their cost, and the risks of both treatment and non-treatment. Getting answers to your questions means that you can make the decisions that are right for you.

Your licensed dentist, denturist, or dental specialist in British Columbia can submit a claim for most dental services up to \$800 directly to the FNIHB.

Basic dental services include the following:

- Exams
- X-rays

-
- Fluoride treatment for children
 - Preventative sealants for children
 - Space maintenance for children
 - Polishing (once a year)
 - Scaling and root planing
 - Fillings
 - Servicing of dentures

Basic dental treatment that exceeds \$800 in a 12-month period requires FNIHB approval. Your dentist may request this approval. Note, however, that the dental program doesn't cover some types of dental treatment.

Major dental services such as crowns, bridges, dentures, root canals, and major gum surgery require "pre-determination" (approval before treatment) from the FNIHB. Dental treatment for young children can be provided without pre-determination, although it may require "post-determination" before the FNIHB will process the claim. (Pre- and post-determination means the FNIHB checks to see if the treatment is covered under the plan.) Emergency treatment for pain relief is always covered.

The FNIHB currently pays 90 percent of covered dental services (based on the dental fee schedule for 2000). Most dentists accept this level of payment, but some may bill you for the difference that isn't covered. Determine what your dentist's policy is before you start treatment. If you choose a dentist who charges more than the amount covered by the FNIHB, you will be responsible for paying the difference.

Some dentists may ask you to pay directly for their services. If so, you must seek reimbursement from the FNIHB. If the cost exceeds the approved amount, you will be reimbursed only for the FNIHB amount.

In all cases, it's important for the FNIHB to review your planned treatment after your first checkup. After this review (usually within 10 working days), your dentist can tell you how much of the cost you'll have to cover yourself.

Note: A recommended dental treatment may not be covered. For example, a dentist may recommend a fixed partial denture (bridge), but the FNIHB may limit the amount it will provide for the bridge because a less expensive tooth replacement is an option. You are responsible for paying the difference in cost.

For any questions about the dental benefits available to you, call the Dental Predetermination Line toll free at 1-888-321-5003. For orthodontic information, call 1-866-227-0943 or fax 1-866-227-0957.

Mental health benefits

Counselling is one of the benefits available to you. You can get up to four hours of counselling from your family doctor under the provincial Medical Services Plan. Your doctor can also refer you to a psychiatrist or suggest other treatment.

The Non-Insured Health Benefits program covers short-term crisis intervention counselling when no other provincial or federal services are available or accessible. You may refer yourself or ask your doctor for a referral, but you must get approval from the First Nations and Inuit Health Branch. Travel costs are not covered as part of crisis intervention counselling.

Funding for a crisis that results from residential school abuse must normally meet crisis intervention guidelines. However, an assessment to determine special consideration may be allowed. To get short-term crisis intervention counselling, call —

Mental Health Crisis Intervention

(604) 666-2358 (Lower Mainland)

OR

NIHB Medical Client Information

1-800-317-7878 (toll free) and ask to speak to someone in the Mental Health program

Benefits for alcohol and drug treatment

To get a referral to an in-patient residential treatment program, you will need to be assessed by an alcohol and drug worker in your community. The worker will be familiar with the referral process for your area, and will do the necessary paperwork to get you the appropriate service.

Currently, clients can be referred to an approved list of treatment centres for British Columbia. FNIHB clients are mainly referred to programs funded by the National Native Alcohol and Drug Abuse Program (NNADAP). Referrals outside the NNADAP are considered on a case-by-case basis and are primarily for methadone maintenance clients, concurrent disorder clients (mental health/addictions), youth, and when there are gaps in service.

For a detailed list of First Nations counselling agencies and treatment centres, see *A Guide to Aboriginal Organizations and Services in British Columbia*, published by the Ministry of Community, Aboriginal and Women's Services. You can view the guide online at http://www.mcaaws.gov.bc.ca/aboriginal_dir/guide.htm.

To obtain a copy, call Enquiry BC and ask for the Ministry of Community, Aboriginal and Women's Services —

(604) 660-2421 (Lower Mainland)

(250) 387-6121 (Victoria)

1-800-663-7867 (toll free, elsewhere in BC)

The following are a few of the agencies that offer other First Nations counselling resources:

Hey-way'noqu' Healing Circle for Addictions Society

206 – 33 East Broadway

Vancouver, BC V5T 1V4

Phone: (604) 874-1831

Website: <http://www.firstnationstreatment.org/HeyWayNoqu/heywaynoqu.html>

Indian Residential School Survivors Society

911 – 100 Park Royal South

West Vancouver, BC V7T 1A2

Phone: (604) 925-4464

Victims' toll-free phone: 1-800-721-0066

Website: <http://www.prsp.bc.ca>

The Native Courtworker and Counselling Association of British Columbia

50 Powell Street

Vancouver, BC V6A 1E9

Phone: (604) 687-0281

Toll-free phone: 1-877-771-9444

Fax: (604) 687-5119

Website: <http://www.nccabc.ca/index1.html>

Note: The Native Courtworker and Counselling Association has offices throughout BC. For the office closest to you, contact the head office, toll free, at 1-877-811-1190.

Other health benefits in your community

Many First Nations communities administer their own non-insured health benefits through transfer and self-government agreements with Health Canada. First Nations communities and organizations in BC that administer some or all of their own non-insured health benefits include:

Adams Lake Band

Canim Lake Band

Carrier-Sekani Family Services

Chehalis Indian Band

Cowichan Tribes

Esketemc First Nation

Fraser Canyon Tribal Administration

Gitxsan Health Authority

Heiltsuk Tribal Council

Heskw'en'scutxe Health Services

Kitamaat Village Council

Kwakiutl District Council
Nanaimo First Nation
Nat'oot'en (Lake Babine) Nation
North Thompson Band
Nuu-chah-nulth Tribal Council
Old Masset Village Council
Sh'ulh-etun Society
Sechelt Indian Band
Skidegate Band Council
Sliammon Band
Snuneymuxw (Nanaimo) First Nation
Southern St'at'imc Health Society
Spallumcheen Band
Sto:lo Tribal Council
Tl'azt'en Nation
Xeni Gwet'in First Nation
Nisga'a Valley Health Authority

If you belong to one of these bands or tribal councils and you want information about its health benefits, contact the band or tribal council directly and/or Health Canada at 1-800-317-7878.

Health benefits for the Nisga'a

All registered Nisga'a people who live in Canada are entitled to non-insured health benefits administered by the Nisga'a Valley Health Board. These benefits supplement the health services provided by BC's Medical Services Plan. Medical or dental needs determine access to these additional benefits. These benefits currently include the following:

- Drugs
- Medical supplies and equipment
- Medical transportation
- Vision care
- Dental and orthodontic care

-
- Mental health services
 - Medical Services Plan premium payments

To access these benefits, Nisga'a people must hold a valid Nisga'a CareCard. Contact the Nisga'a Valley Health Board toll free at 1-888-233-2212.

How to appeal a decision on health benefits

You have the right to appeal a decision that denies you coverage for non-insured health benefits administered by Health Canada. Three levels of appeal are available to you.

To start an appeal, write a letter that includes —

- information from your doctor or other health care provider that gives the medical reason why you need the benefit,
- the consequences to you of not getting the proposed treatment, and
- the results of your relevant medical tests.

The type of benefit you're seeking determines where you send your appeal letter. For denied medical supplies and equipment or vision benefits, send your letter to:

Regional Manager

First Nations and Inuit Health Branch

Health Canada

540 – 757 W. Hastings Street

Vancouver, BC V6C 3E6

Toll-free phone: 1-800-317-7878

For denied drug benefits, send your letter to:

Director

First Nations and Inuit Health Branch
NIHB Drug Exception Centre
Health Canada
Postal Locator 6103A, 3rd Floor
1547 Merivale Road
Nepean, ON K1A 0L3

For denied dental benefits, send your letter to:

Manager

Dental Predetermination Unit
First Nations and Inuit Health Branch
Pacific Region
Health Canada
540 – 757 W. Hastings Street
Vancouver, BC V6C 3E6
Toll-free phone: 1-888-321-5003

If you don't agree with the first appeal decision, you can proceed to the second appeal level by contacting the regional director, Pacific Region, Medical Services Branch. The regional director will refer the appeal to a committee for a recommendation. If you then don't agree with the committee's decision, you can proceed to the final level by appealing to the director general, Non-Insured Health Benefits.

If your band or tribal council administers non-insured health benefits, contact your community health representative for appeal procedures.

For more information about non-insured health benefits, contact the FNIHB at:

First Nations and Inuit Health Branch

540 – 757 W. Hastings Street

Vancouver, BC V6C 3E6

Phone: (604) 666-3331 (Lower Mainland)

Toll-free phone: 1-800-317-7878 (elsewhere in BC)

Fax: (604) 666-3200 (Lower Mainland)

Website: <http://www.hc-sc.gc.ca/fnihb/nihb/index.htm>

For health information and advice, the *BC First Nations Health Handbook*, published by the BC Ministry of Health Planning, is available at http://www.bchealthguide.org/first_nations_healthguide.pdf.

Housing benefits on reserve

Who is eligible for housing benefits on reserve?

All registered Indians with band membership living on or off reserve are eligible, subject to availability, for housing built on reserve.

What housing benefit programs am I eligible for?

You are eligible for the following on-reserve housing programs:

- Indian and Northern Affairs Canada (INAC) housing capital subsidy and/or ministerial loan guarantee
- Canada Mortgage and Housing Corporation (CMHC) social housing program

The INAC program is a subsidy or ministerial loan guarantee for your own house. A subsidy means you don't have to pay the money back. A ministerial guarantee will help you obtain a loan from a financial institution, such as a bank. Your band administers the INAC program, and you may apply to your band for the subsidy to help pay for:

-
- A new house on reserve
 - Buying a home (for example, a mobile home that will be brought to a reserve and put on a permanent foundation)
 - Renovating your house on reserve (for example, installing a new roof or heating system)

Note: Renovation subsidies are not provided for strictly cosmetic improvements. Renovations should address health and safety problems, building code compliance, and/or structural or overcrowding issues. The renovations should also add to the life expectancy of the home.

In general, the INAC subsidy ranges from \$19,000 to \$40,000 and isn't intended to pay for all your construction costs. You must find additional funding, such as a bank mortgage, before you start to build or renovate. Talk to your band housing officer.

Note: On-reserve lease properties do not qualify for subsidies or loan guarantees.

The CMHC program is for social housing when you need help paying your rent because of low income. The eligibility requirements are complicated and depend on your family size and the percentage of your income spent on housing. If you qualify, your rent will be set to reflect your income. The details differ for each band and each housing project. Talk to your band housing officer.

When can I apply for housing benefit programs?

Apply as soon as possible because most bands have long waiting lists for housing on reserve.

Where do I apply for housing benefit programs?

Ask your band housing officer where to apply for housing benefit programs.

How do I apply for housing benefit programs?

It is best to apply in person at your band office, but you can also phone or write your band. Fill out an application form

or make your request in writing. State what kind of housing you need and ask for a list of all housing programs the band offers. For information on how to appeal a band decision on your housing application, contact your band office and/or contact the band chief and council.

Note: Some bands may have their own housing policy.

Housing benefits off reserve

Low-income rental units

First Nations housing agencies throughout British Columbia offer low-income rental units to families and individuals. Contact the following First Nations housing agencies for more information about applying:

Aqanttanam Housing Society

7470 Mission Road
Cranbrook, BC V1C 7E3
Phone: (250) 426-5717
Fax: (250) 426-8935

British Columbia Native Housing Corporation

110 – 425 Carrall Street
Vancouver, BC V6B 6E3
Phone: (604) 688-1821
Fax: (604) 688-1823
Website: <http://www.creativeresistance.ca/awareness/1997-jan01-bc-native-housing-corporation.htm>

Dawson Creek Native Housing Society

10421 10th Street
Dawson Creek, BC V1G 3T8
Phone: (250) 782-1598
Fax: (250) 782-1650

KeKinow Native Housing Society

1014 – 7445 132nd Street
Surrey, BC V3W 1J8
Phone: (604) 591-5299
Fax: (604) 591-5112

Lu'ma Native Housing Society

25 W. 6th Avenue

Vancouver, BC V5Y 1K2

Phone: (604) 876-0811

Fax: (604) 876-0999

Website: <http://www.lnhs.ca/links.html>

M'akola Housing

2009 Fernwood Road

Victoria, BC V8T 2Y8

Phone: (250) 384-1423

Fax: (250) 381-1438

Mission Native Housing Society

143 – 34110 Lougheed Highway

Box 3563

Mission, BC V2V 4L1

Phone: (604) 820-3324

Fax: (604) 820-2175

Website: <http://www.ahma-bc.org/mission.htm>

Muks-Kum-Ol Housing Society

3210 Emerson Street

Terrace, BC V8G 2R8

Phone: (250) 638-8339

Fax: (250) 638-8228

E-mail: mukskumol@telus.net

Okanagan Métis & Aboriginal Housing Society

105 – 251 Lawrence Avenue

Kelowna, BC V1Y 6L2

Phone: (250) 763-7747

Fax: (250) 763-0112

Prince George Métis Housing Society

1224 Houston Lane

Prince George, BC V2L 5G2

Phone: (250) 564-9794

Fax: (250) 564-9793

E-mail: murline@pgmhs.com

United Aboriginal Housing Society

355C Vaughan Street
Quesnel, BC V2J 2T1
Phone: (250) 992-3306
Fax: (250) 992-3316
E-mail: uaahs@shaw.ca

Vancouver Native Housing Society

3725 2nd Avenue
Burnaby, BC V5C 3W6
Phone: (604) 320-3312
Fax: (604) 320-3317
E-mail: vaahs@shaw.ca

Housing programs of the British Columbia Native Housing Corporation (BCNHC)

Who is eligible for native housing programs?

The British Columbia Native Housing Corporation runs housing benefit programs for people of First Nations ancestry. Eligibility is based on income and need. Each application is considered individually. To find out if you qualify, contact the BCNHC (see page 19).

What native housing programs am I eligible for?

You can apply for the following three programs:

Rural Housing Program

If you live outside of a city, in a place with fewer than 2,500 people, you can apply for housing under the rural housing program. This program helps you to rent a house. Later, you may want to apply for one of the other programs if you are eligible.

Residential Rehabilitation Assistance Program

You can get a loan to repair your house if it is at least five years old and needs repairs in one or more of the following categories:

- Structural
- Electrical
- Plumbing
- Heating
- Fire safety

Note: For this program, where you live doesn't matter (though the program doesn't cover all areas of the province), but you must prove you own your house.

Emergency Repair Program

This program offers grants to repair a house that, because it is so run down, threatens your health or safety. The program applies to rural areas only.

How do I apply for native housing programs?

To apply for one of the three housing programs, contact the British Columbia Native Housing Corporation office nearest you. The addresses are listed below:

British Columbia Native Housing Corporation

Vancouver Head Office

110 – 425 Carrall Street

Vancouver, BC V6B 6E3

Phone: (604) 688-1821

Fax: (604) 688-1823

Website: <http://www.creativeresistance.ca/awareness/1997-jan01-bc-native-housing-corporation.htm>

British Columbia Native Housing Corporation

Prince George Office

906 – 299 Victoria Street

Prince George, BC V2L 5B8

Phone: (250) 562-9106

Fax: (250) 562-0360

Employment benefits

Canada Pension Plan (CPP) benefits

The Canada Pension Plan pays a monthly retirement pension to those who are eligible. It also acts as an insurance plan, providing disability and survivor benefits for those who qualify.

Who is eligible for CPP benefits?

Everyone who works and contributes to the plan is eligible for CPP benefits. Contributions are based on annual earnings between a minimum and maximum amount. The minimum level is \$3,500. The maximum level is adjusted each January, based on increases in the average wage. (In 2002, the maximum level was 39,100.) Everyone who pays income tax automatically participates in CPP.

Since 1988, registered status Indians who don't pay income tax can choose to participate in CPP.

How do I contribute to CPP?

As an employee, you automatically contribute to CPP through pay cheque deductions based on a percentage of your annual income. Your employer contributes an equal amount.

If your employer doesn't participate in CPP or you are self-employed, you may still choose to contribute to CPP by filing a CPT20 form (Election to Pay CPP Contributions) and a Schedule 9 (CPP Contributions on Self-Employment and Other Earnings) with your tax return. These forms are available from the Canada Customs and Revenue Agency by

calling 1-800-959-2221. When you participate independently in CPP, you must pay the full amount that would otherwise be shared between you and an employer.

Note: Filing a tax return doesn't mean that you need to pay income tax. You may be eligible for tax exemption under section 87 of the Indian Act.

What are my CPP benefits?

The following benefits may be available to you:

Retirement pension

You are eligible for a retirement pension if you have contributed to CPP, are at least 60 years of age, and have stopped working or earn less than a certain amount.

Disability benefit

If you have a severe disability that prevents you from working regularly, and you have contributed to CPP during four of the past six years, you may be eligible to receive a monthly disability benefit. If you qualify for this benefit, your dependent children can also receive monthly benefits.

Survivor benefit

If you have contributed to CPP and you die, your survivor (spouse or common-law partner) and dependent children can receive monthly benefits.

Death benefit

If you are eligible, CPP will pay up to \$2,500 towards your funeral costs.

The amount of these benefits depends on your age and how many years you paid into CPP. Every year, you should receive a Statement of Contributions, which will show you how much you have contributed. You can also request a statement online at https://srv260.hrdc-drhc.gc.ca/socrs/intro_en.asp, or call the Department of Social Development (formerly Human Resources Development Canada) at 1-877-454-4051 (toll free).

How do I apply for CPP benefits?

To receive benefits, you must have contributed to CPP for a certain period of time and you must be a certain age. These requirements, however, differ for each person and each benefit. You must apply for each CPP benefit separately — they are not provided automatically. To apply online, go to <http://www.hrdc-drhc.gc.ca/fas-sfa/eforms/ispcppnm1e.shtml>.

For more information on CPP, contact:

Income Security Programs

PO Box 1177

Victoria, BC V8W 2V2

Toll-free phone: 1-800-277-9914

TDD (for people who are deaf or hard of hearing):
1-800-255-4786

Website: <http://www.hrdc-drhc.gc.ca/isp>

Employment Insurance (EI) benefits

EI provides temporary financial help to unemployed people while they look for work or upgrade their skills, while they are pregnant or caring for a newborn or adopted child, or while they are sick.

As an employee working on or off reserve, you must contribute to EI based on your income. Your employer deducts premiums from your earnings and provides you with a record of employment when you leave.

If your income is tax exempt under section 87 of the Indian Act, your EI benefits may also be tax exempt. Ask for the tax exemption when you apply for these benefits.

You can apply for EI online at <http://www.hrdc-drhc.gc.ca/ae-ei/dem-app/english/home2.html>, or at a Human Resources and Skills Development office (formerly Human Resources Development Canada — HRDC). To find the office nearest

you, look in the blue pages of your phone book under “Government of Canada — Employment — Human Resource Centres.” For general inquiries about EI, call 1-800-206-7218 (toll free).

Workers’ Compensation benefits

As an employee working on or off reserve, you are eligible for Workers’ Compensation benefits. You can apply for compensation from the Workers’ Compensation Board if you are injured while you were working. Workers’ Compensation benefits are tax exempt for everyone.

For workplace safety and health inquiries, contact:

Workers’ Compensation Board

Phone: (604) 276-3100 (Lower Mainland)

Toll-free phone: 1-888-621-7233 (elsewhere in BC)

Website: <http://www.worksafebc.com>

Taxation benefits

Who is eligible for tax exemption?

You’re eligible for tax exemption if you are a registered status Indian.

What is tax exempt?

For status Indians, tax exemption applies to —

- goods and services you purchase on reserve;
- your employment income, under certain circumstances;
- your EI benefits, and pension benefits; and
- other employment-related income.

Tax exemption for goods and services

You may purchase goods and services for personal use without paying the Provincial Sales Tax (PST) or the federal

Goods and Services Tax (GST). For tax exemption to apply, the goods and services must be —

- purchased from retail outlets located on reserve land or on designated reserve land, or
- delivered to you at an address on a reserve.

Designated reserve land means that the members of a band have voted to give up some of their rights to the reserve for a period of time. Retail stores on reserve are often located on designated reserve land. A retailer on designated reserve land must have written authorization from the Provincial Consumer Taxation Branch to process tax-exempt sales from that location.

The following are examples of goods and services on which a status Indian does not have to pay GST:

- Basic telephone service and equipment
- Long-distance and cellular phone service
- Equipment and vehicle leases
- Tobacco, if the amount bought is reasonable for personal use
- Motor fuel
- Motor vehicles
- Cable and pay television

How do I obtain tax exemption for goods and services?

To ensure that your purchases are tax exempt, make your purchases on reserve lands or on designated reserve lands, or have them delivered to you at a reserve address. Tell your retailer that you aren't required to pay GST or PST on your purchase. Your retailer is then required to see your Indian Status Card and to record your name and registration number. The retailer may also ask for your signature.

For large purchases, such as appliances or vehicles, your retailer is required to arrange for their delivery to the reserve.

For these purchases to be tax exempt, however, title to the purchases must not pass to you until the goods are on reserve. Therefore, the delivery must be F.O.B. (Freight on Board) to a reserve address. When the goods are delivered to you on reserve, you take title to them on a tax-exempt basis.

Tax exemption for employment income

In certain situations, status Indians are not required to pay income tax on their employment income. Under the Indian Act, personal property on reserve is tax exempt. The courts have decided that for the purposes of the Indian Act, employment income is personal property. When the Canada Customs and Revenue Agency (CCRA) determines whether employment income is tax exempt, it is mainly interested in the location of your work.

The CCRA will consider your employment income tax exempt if one of the following situations applies:

- You live on reserve and your employer is located on reserve
- You perform at least 90 percent of your employment duties on reserve
- You perform more than 50 percent of your employment duties on reserve and you live on reserve or your employer is located on reserve
- Your employment duties relate to your employer's non-commercial activities intended for the benefit of Indians who live mostly on reserve, your employer is located on reserve, and your employer is one of the following:
 - A band that has a reserve
 - A tribal council that represents one or more bands that have a reserve
 - An Indian organization controlled by a band or tribal council and dedicated exclusively to the social, cultural, or economic development of Indians who live mostly on reserve

The CCRA may still consider part of your employment income tax exempt if you perform less than 90 percent of your employment duties on reserve and your employment income isn't tax exempt under any of the situations described above.

The CCRA has applied the above guidelines to some employment situations since January 1, 1995. However, these guidelines do not cover all forms of income and some income may not be tax exempt. For more information, copies of *Indian Act Exemption for Employment Income Guidelines — June 1994* are available online at <http://www.ccr.gc.ca/aboriginals/guidelines-e.html>. If you don't have access to the Internet, contact the CCRA's general inquiries line at 1-800-959-8281 and ask for a copy to be mailed to you.

To receive benefits like the Goods and Services Tax Credit, the British Columbia Sales Tax Credit, the Canada Child Tax Benefit, and the British Columbia Family Bonus, you must file a T1 tax return, whether or not you are tax exempt.

Some of the CCRA's tax services offices offer two programs to the First Nations community free of charge. The Aboriginal Peoples' Information (API) seminar explains how you file a tax return and can help you determine what income is tax exempt. The Tax Help Clinic is designed for seniors, students, single parents, or other First Nations people with low incomes. If you or your organization would like to find out whether either program is available in your area, call 1-800-959-8281 and ask to be put in contact with the Outreach Co-ordinator at your local tax services office. Or, for a list of tax services offices, look in the blue pages of your phone book under "Government of Canada — Taxes."

Note: The CCRA's guidelines and policies are not the law and may be overturned by a court.

Tax exemption for employment-related income

Benefits from Employment Insurance and the Canada Pension Plan, as well as other employment-related income, are usually tax exempt when they are based on tax-exempt

income. For example, if your employment income on which you paid Employment Insurance premiums was fully tax exempt, you aren't required to pay income tax on your EI benefits. When you apply for EI, and you have earned tax-exempt or partially tax-exempt income, fill out form INS5139 and file it along with your Record of Employment. For information about EI, call Human Resources and Skills Development (formerly HRDC) at 1-800-206-7218.

For more information on taxation benefits, contact the CCRA at the following toll-free phone numbers:

General inquiries: 1-800-959-8281

Business inquiries: 1-800-959-5525

Or visit the CCRA's website: <http://www.ccra.gc.ca>

Immigration and residency in the USA

Who is eligible for US residency?

Under section 289 of the US Immigration and Nationality Act, you are eligible for US residency if you have at least 50 percent Indian blood.

What am I eligible for?

You are eligible for residency — immediately. You can also apply for a Green Card (work visa).

When can I move or go to work in the US?

You can move to the US or work in the US when you have all the required information to give to a US immigration office.

Where and how do I apply for US residency?

You can go to any border crossing in Canada with a US immigration office to apply for residency. Bring the following documents with you:

- Your long-form birth certificate
- Three recent photos, showing a three-quarter profile
- Your status card (if you do not have a status card, picture identification from a well-known First Nations organization may be accepted)
- A letter stating your First Nations ancestry, including your parents' percentage of Indian blood, your tribal group, your birth date, and your parents' birth dates (your band or a well-known organization such as the United Native Nations can write the letter)

When you apply for US residency, US Immigration will fill out an i181 form for you. Bring this form to a US social services office at a port of entry and apply for a social security number. A social security number will give you access to US government services.

You aren't required to have a Green Card to work in the US. However, by applying for a Green Card when you apply for residency you may avoid problems with employers. At the time that you apply, you will be issued a temporary card until you get your Green Card.

If you are refused resident alien status by a US immigration officer, you have the right to a hearing before a US immigration judge. You must ask to speak to the judge.

For further information, contact the following office at the Blaine border crossing:

US Immigration Office
100 Peace Portal Drive
Blaine, Washington 98230
Phone: (360) 332-8511

Post-secondary education benefits

Indian and Northern Affairs Canada (INAC) provides funding to help eligible students pursue a college or university education. INAC sets the limits for these benefits every year, but your band or tribal council administers the benefits.

Who is eligible for education benefits?

To be eligible for education benefits from INAC, you must —

- be a registered status Indian or registered Inuit, living on or off reserve, and usually a resident of Canada;
- be accepted for enrolment at an eligible college or university, or in a college or university entrance preparation program; and
- maintain satisfactory academic standing (school marks).

What types of education assistance are available?

Full-time and part-time students may have their tuition, travel, and book costs covered. Full-time students may also have their living costs covered. Incentives for students to pursue studies that will contribute to achieving First Nations self-government, or that recognize academic achievement, may also be available. INAC sets the limits for education benefits every year, but your band or tribal council administers these benefits.

Note: In addition to INAC's rules concerning education benefits, your band or tribal council may have its own regulations. Ask your band's education co-ordinator for further information.

When can I apply for education assistance?

Contact your band or tribal council office to find out about any deadlines that they may have set and what information is required to process your application. In general, the principle is first come, first serve.

Where do I apply for education assistance?

If you have band membership, apply at your band or tribal council office. If you aren't a band member, are a member of the Alexandria First Nation, or a Sechelt member who does not live on reserve, apply at the Native Education Centre (NEC). The NEC address and phone number are on page 32 of this booklet.

How do I apply for education assistance?

Here is a list of what you will need to apply for education assistance:

- Your status card or a copy of your reinstatement letter from your registrar
- A copy of your acceptance letter from your university or college
- A copy of your course outline and tuition fee form
- A price list of books and supplies
- A copy of your most recent school transcript (list of marks)

Contact your band or tribal council to confirm what you need to apply.

What can I do if I'm turned down for education assistance?

Contact your band or tribal council to discuss your concerns about getting education funds, and ask about its appeal process. The Native Education Centre may also be able to help you if your band can't fund you.

Other education assistance: scholarships and bursaries

Many scholarships and bursaries are available to First Nations students. The United Native Nations and the University of British Columbia's House of Learning provide comprehensive

lists of scholarships and bursaries, as well as other education resources. INAC has a *Scholarships, Bursaries, and Awards Guide for Aboriginal Students* on its website at http://www.ainc-inac.gc.ca/ps/ys/sbaas_e.html.

Employability benefits

Employability programs for First Nations people help to develop work skills and create work opportunities. Participants in the Aboriginal Human Resources Development Contribution Agreement administer funds from Human Resources and Skills Development (formerly HRDC) for First Nations people in the following programs:

- Wage subsidies that support employers who offer long-term employment, direct job experience, or training
- Self-employment training and services that support self-employment
- Job creation partnerships that support new long-term employment and opportunities that lead to long-term employment
- Labour market partnerships that link community partners who address local market and employee needs
- Youth programs that support initiatives for First Nations youth employment

To find out more about the Aboriginal Human Resources Development Contribution Agreement, visit <http://www.bcahrda.ca>. For more program information, contact the band, tribal council, or employment organization in your area. To access these programs in Vancouver, visit one of the organizations listed on page 32. Ask for an appointment with an employment counsellor.

Aboriginal Community Career and Employment Society

110 – 1607 E. Hastings Street

Vancouver, BC V5L 1S7

Phone: (604) 251-7955

Fax: (604) 251-7954

Website: <http://www.buildingfuturestoday.com/index2.php>

First Nations Employment Society

101 – 440 Cambie Street

Vancouver, BC V6B 2N5

Phone: (604) 605-7194

Fax: (604) 605-7195

Website: <http://www.fnes.ca>

Métis Provincial Council of BC

1128 – 789 W. Pender Street

Vancouver, BC V6C 1H2

Phone: (604) 801-5853

Fax: (604) 801-5097

Website: <http://www.mpcbc.bc.ca>

Native Education Centre (NEC)

Urban Native Indian Education Society

285 E. 5th Avenue

Vancouver, BC V5T 1H2

Phone: (604) 873-3761 or (604) 873-3772

Fax: (604) 873-9152

Website: <http://www.necvancouver.org>

United Native Nations

110 – 425 Carrall Street

Vancouver, BC V6B 6E3

Phone: (604) 688-1821

1-800-555-9756 (toll free)

Fax: (604) 688-1823

Website: <http://www.unns.bc.ca>

Vancouver Aboriginal Friendship Centre Society

1607 E. Hastings Street

Vancouver, BC V5L 1S7

Phone: (604) 251-4844

Fax: (604) 251-1986

Website: <http://www.vafcs.org>

Indian status and band membership rights

Who is eligible for registration as an Indian under the Indian Act?

Important changes were made to the Indian Act in 1985, when Parliament passed Bill C-31 and changed the rules for deciding who is eligible for registration.

You are eligible for registration as an Indian if —

- you were eligible before the Indian Act was changed in 1985,
- you are a woman who lost her status by marrying a non-Indian,
- you lost your status because your father was not an Indian,
- you lost your status because you or your parents applied to give up registration and First Nation membership (known as “enfranchisement”), or
- both of your parents are eligible for registration for any reason.

Note: You may also be eligible for registration if only one of your parents is eligible.

How do I apply for registration as an Indian under the Indian Act?

Registration procedures for you and your children depend on birth dates.

If you or your children were born on or after April 17, 1985, and both parents are registered Indians or one parent is registered under section 6(1) of the Indian Act —

- obtain a long-form birth certificate from the Vital Statistics department of the BC government or phone the INAC Regional Office to see if they received a copy from Vital Statistics of BC,
- complete a Parental Consent form that you may request through the INAC Regional Office, and
- send the Parental Consent form and long-form birth certificate to the registration clerk at the nearest INAC Regional Office or band office.

If you or your children were born before April 17, 1985 —

- fill out either the Application for Registration of an Adult under the Indian Act or the Application for Registration of Children under the Indian Act;
- include as much information as you can about the applicant's First Nations background, along with the name or location of the First Nation to which the applicant's ancestors belonged, and the names and status numbers of relatives registered as Indians; and
- send the completed form and birth certificate to the address below.

The Registrar

Indian Registration and Band Lists

Registration, Revenues and Band Governance Branch

Ottawa, Ontario K1A 0H4

Note: Send only photocopies of any additional documents you include with your application for registration.

Once you are registered, you may apply for a status card (also called a Certificate of Indian Status) by visiting an INAC Regional Office or band office with two pieces of valid ID and a passport-size photo. If you are a parent applying for a

child, bring two pieces of ID for you, and one piece of ID for the child and a passport-size photo of the child.

Who is eligible for band membership?

You will automatically receive band membership if you were registered or entitled to be registered as an Indian before April 17, 1985.

Between April 17, 1985, and June 28, 1987, bands had the option of assuming control of their membership. If the band in which you or your children want to be registered didn't assume control of its membership, then you will be enrolled as a band member by INAC once you have registered. If, on the other hand, your band did assume control of membership, you must meet the requirements of your band's membership code. Most codes provide automatic membership for children of band members. Contact your First Nation for a copy of its membership code.

Note: You can appeal decisions about registration and band membership (the appeal process should be in the band's membership code). You may also want to seek help from a legal advocate.

For further information, contact your band membership administrator or the following federal agency:

Indian Affairs and Northern Development

600 – 1138 Melville Street

Vancouver, BC V6E 4S3

Phone: (604) 666-2059

Toll-free phone: 1-800-665-9320

Fax: (604) 666-3808

Website: http://www.ainc-inac.gc.ca/index_e.html

Human rights

What are human rights?

Human rights are basic rights that belong to everyone. There are two human rights laws to protect people against discrimination in the province: the BC Human Rights Code

and the Canadian Human Rights Act. The BC Human Rights Code applies to discrimination by someone in the province, or a BC agency or employer. The Canadian Human Rights Code applies to discrimination by a federal employer or agency (for example, the Canada Post Corporation).

What is discrimination?

Discrimination takes place when someone treats you differently from others because of your —

- Race or colour
- National or ethnic origin
- Place of ancestry (BC Code only)
- Political belief (BC Code only)
- Religion
- Age
- Sex (including sexual harassment and discrimination because of pregnancy and childbirth)
- sexual orientation
- Marital or family status (for example, if you are a single parent)
- Mental or physical disability (including discrimination because of AIDS or HIV, or drug or alcohol addiction)
- Criminal conviction for which a pardon has been granted (Canadian Human Rights Act only)
- Criminal conviction or summary conviction charge that is unrelated to employment (BC Code only)
- Source of income when looking for rental accommodation (BC Code only)

The law also protects you if someone publicly writes or sends hate messages, or uses a telephone to repeatedly communicate hate messages about you for any of the reasons listed above, including being a First Nations person.

Discrimination can happen —

- when you are at work or at school,
- when you are looking for a job,
- when you are looking for a place to live (renting or buying a property), and
- when you are denied service (for example, at a hotel, bar, or store).

People and agencies cannot discriminate against you, including:

- employers, unions, and employee organizations;
- hotels, restaurants, and stores;
- airlines, buses, and taxis;
- banks, trust companies, and credit unions;
- governments, police, and hospitals;
- tribal councils, band councils, friendship centres; and
- landlords or people selling property.

What can I do if I have been discriminated against?

If you feel that someone has discriminated against you, take the following action:

1. Remember what the person said and did.
2. Write down what happened to you, including the place, names, and dates.
3. Tell a friend, fellow employee, or union representative about what happened.
4. Talk to a legal advocate about your complaint.
5. File a human rights complaint. See “Who can help?” on page 38.

Note: The time limit for filing complaints is six months under the BC Human Rights Code, and one year under the Canadian Human Rights Act.

Who can help?

Contact one of the following agencies for assistance and further information. If you aren't sure which one to call, the staff at any of these agencies can tell you who to contact.

BC Human Rights Coalition

1202 – 510 W. Hastings Street

Vancouver, BC V6B 1L8

Phone: (604) 689-8474

Toll-free phone: 1-877-689-8474

Fax: (604) 689-7511

Website: <http://www.bchrcoalition.org>

Note: The BCHRC, along with the Community Legal Assistance Society, runs a human rights clinic that may be able to help you pursue a complaint under the BC Human Rights Code. For more information, call either of the above phone numbers.

Canadian Human Rights Commission

420 – 757 W. Hastings Street

Vancouver, BC V6C 1A1

Phone: (604) 666-2251

Toll-free phone: 1-800-999-6899

TTY (for people who are deaf or hard of hearing):

1-888-643-3304

Website: <http://www.chrc-ccdp.ca>

BC Human Rights Tribunal

1170 – 605 Robson Street

Vancouver, BC V6B 5J3

Phone: (604) 775-2000

Toll-free phone: 1-888-440-8844

Fax: (604) 775-2020

TTY (for people who are deaf or hard of hearing):

(604) 775-2021

Website: <http://www.bchrt.bc.ca>

What can I expect if I file a complaint?

You or your legal advocate must fill out a complaint form and file it with either the Canadian Human Rights Commission (CHRC) or the BC Human Rights Tribunal (BCHRT).

If your complaint is accepted by the CHRC, the commission will obtain a response from the person or agency you believe discriminated against you. The CHRC may set up an investigation, a mediation process, or a tribunal to hear your complaint. If your complaint is rejected by the CHRC, you can appeal the decision. For information on how to appeal a decision, contact the CHRC or the BC Human Rights Coalition (see page 38).

The BCHRT will review your complaint, then send it to the person you complained about, and may either arrange an early settlement meeting or seek a written response. The person you are complaining about may ask the tribunal to dismiss your complaint. If this is the case, you will be given a chance to respond before the tribunal makes a decision. The tribunal process also allows for alternate resolution options, such as mediation. If these options fail to resolve your complaint, the tribunal will arrange a formal hearing. All tribunal decisions are open to judicial review (may be appealed).

If you have any comments about this publication, please call the Legal Services Society at (604) 601-6000 and ask to speak to someone in Community and Aboriginal Programs.

