



ANISHINABEK NATION

INAC BORDER CROSSING ENGAGEMENT BRIEFING NOTE

TO: Anishinabek Nation Chiefs
FROM: Allan Dokis, Director of Policy and Communications
DATE: July 18, 2017

BACKGROUND

In its June 2016 report, the Standing Senate Committee on Aboriginal Peoples examined a range of border crossing issues identified by First Nations, including in particular:

- The time required and the formalities that must be observed for community members who cross the border on a daily basis, to work, to go to school, or to buy groceries; and
- The challenges that border, immigration and customs policies can present in maintaining close cultural and family ties with Native American communities in the United States.

The Senate Committee recognized that border crossing issues were highly complex and could relate to questions of citizenship, international sovereignty and security. It encouraged First Nations and the Government of Canada to work together to find practical solutions.

The Senate Committee recommended that the government appoint a special representative to explore possible solutions and issue a report by December 2017.

Acting on the recommendation made by the Standing Senate Committee on Aboriginal Peoples, the Minister of Indigenous and Northern Affairs Canada (INAC) appointed Fred Caron as the Minister's Special Representative (MSR) in December 2016. Mr. Caron was tasked with:

- Engaging the Assembly of First Nations and border communities to gain a better understanding of their unique perspectives;
- Exploring solutions to Canada-U.S. border crossing challenges; and
- Producing a fact finding report by August 31, 2017.

The MSR's findings will inform the work of an inter-departmental committee including representatives from:

- **Public Safety Canada** (responsible for overall policy leadership and coordination in border management);
- **Canada Border Services Agency** (responsible for providing integrated border services that support national security and public safety, and for facilitating the free flow of persons and goods);
- **Immigration, Refugees and Citizenship Canada** (responsible for overall policy leadership for immigration, refugee, citizenship and passport programs);
- **Indigenous and Northern Affairs Canada** (responsible for the registration of individuals under the *Indian Act* and for issuing documentary evidence of registration); and
- **Transport Canada** (supports the efficient, safe, sustainable, and secure movement of goods and people across the Canada-U.S. border).

The MSR's report will assist the inter-departmental committee to develop a plan with practical options to make it easier for First Nation community members to cross the Canada-U.S. border, while respecting the need to maintain national security and public safety.

CURRENT STATUS

Engagements started on January 17, 2017 and will wrap up on August 16, 2017. The MSR's fact finding report is due August 31, 2017.

To date the following themes have been heard during the First Nation engagement sessions:

1. The general understanding of Canada's concerns regarding border security are not compatible with First Nations interests;
2. Emphasis should be given on the Aboriginal and Treaty Rights of First Nations (Jay Treaty and the United Nations Declaration on the Rights of Indigenous People);
3. Ensuring First Nations people and their cultural goods are treated with respect by border services officers;
4. Developing an identification card or passport for First Nations people that will be accepted at the border;
5. Finding solutions to the challenges that Canada's Immigration laws impose on First Nation families who have cultural connections to Native American communities; and
6. Ensuring First Nations are involved with the on-going process of identifying, designing and implementing solutions to border crossing issues.

NEXT STEPS

The last in-person meeting in Ontario was held on July 17, 2017, however, First Nations still have an opportunity to participate in writing.

Anishinabek First Nations are encouraged to provide input on the following questions:

1. How prominent a role does the Canada-U.S. border play in the lives of members of your community? How often do members of your community cross the Canada-U.S. border?
2. What reasons prompt members of your community to cross the border?
3. What stands out most with respect to your community's experience of the border? What benefits or impacts does it have on the lives of members of your First Nation?
4. What would you rank as your most important concerns relating to the border?
5. What challenges would you identify relating to the federal government's policies and procedures at the border?
6. What solutions would you propose to address the border crossing concerns that you have raised?

We encourage you to respond to the above questions by August 18, 2017. Responses can be sent by:

Email to:

BorderCrossing-Passagefrontalier@aadnc-aandc.gc.ca

Mail to:

New Service Offerings Directorate
Individual Affairs Branch
Indigenous and Northern Affairs Canada
25 rue Eddy 6th Floor
Gatineau QC K1A 0H4

Once the report is completed, the MSR will meet with the Deputy Minister Steering Committee to discuss his findings and next steps to advancing possible solutions.

If you have any questions about this update please contact:

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