



Canadian Human Rights Tribunal  
240 Sparks St  
Ottawa, Ontario  
K1A 0X8

January 30, 2019

Dear Tribunal members,

On behalf of the Congress of Aboriginal Peoples (CAP), I am writing to you in regards to File no: T1340/7008, First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada). We understand the Canadian Human Rights Tribunal (CHRT) is engaging on the question of the scope of eligibility of the Jordan's Principle related to non-status Indian children living off-reserve.

The Congress supports the case that the First Nations Child and Family Caring Society has taken before the CHRT calling for the federal government to cover care for non-status First Nations children living off-reserve under the Jordan's Principle. For 48 years, CAP has advocated for the rights, interests and needs of non-status Indians.

CAP is one of the five National Indigenous Organizations (NIOs) recognized by the Government of Canada. The Congress has ten provincial/territorial affiliate organizations that work collectively to improve the socio-economic conditions of off-reserve First Nations peoples (status and non-status), Métis peoples, and Inuit of Southern Labrador, who reside in urban or rural communities across Canada. CAP works to promote and advance the common interests and equal opportunity of its constituents through collective action, education, research, and policy analysis and reform.

We believe that the 2016 *Daniels v. Canada* decision, which CAP championed at the Supreme Court of Canada (SCC), clearly spells out the federal government's responsibility for non-status children. The SCC's unanimous decision 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." We know too well that there have been severe and lasting damages to Indigenous peoples who are not recognized or registered, including poor health and high rates of poverty. The Congress advocates that all Indigenous children should have access to programs and services and especially in the case of urgent health needs.

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The non-status constituency of CAP will be affected by the Tribunal's decision on this matter. Our direct interest in the case is whether non-status children will have access to services under the Jordan's Principle. We are requesting an opportunity to participate in this matter and would like to discuss the possibilities for doing so.

We look forward to your response. Should you have any questions regarding this request please contact Mr. Jim Devoe, Chief Executive Officer at 613-747-6022 or [j.devoe@abo-peoples.org](mailto:j.devoe@abo-peoples.org).

Sincerely,



Robert Bertrand  
National Chief  
Congress of Aboriginal Peoples