

Travelling, Working and Living in the United States of America:

A Guide for Nova Scotia Mi'kmaq
March 2016



IMPORTANT

This publication contains general information and educational material for Nova Scotia Mi'kmaq who want to travel, work or live in the United States of America. This publication is a general, plain-language guide to rules, documents and practices that are inherently complex. While every effort has been made to ensure accuracy, this guide is neither a complete technical description nor an official interpretation of the subjects it discusses. This publication does not provide legal advice; if you have specific legal questions you should contact a lawyer.

The Legal Information Society of Nova Scotia offers a Lawyer Referral Service. This service provides an individual with an initial consultation of up to 30 minutes for a fee of \$20 plus tax. Please note that the lawyer will not do legal work for you during the initial 30-minute consultation. The lawyer is there to review your legal problem and talk about options you may have to solve your legal problem, and how much it may cost to have the legal work done.

Lawyer referral service number: 1 (800) 665-9779 (toll free) or 1 (902) 455-3135 in the Halifax area.

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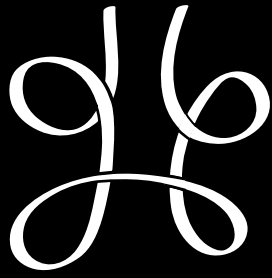
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List of Acronyms

ABC	American Indians born in Canada
BIA	Bureau of Indian Affairs
CBP	Customs and Border Patrol
CDIB	Certificates of Degree of Indian Blood
CMM	The Confederacy of Mainland Mi'kmaq
DHS	Department of Homeland Security
DNR	Department of Natural Resources
DOS	Department of State
EI	Employment Insurance
ESIA	Employment Support and Income Assistance
FNIHB	First Nations Inuit Health Branch
IA	Income Assistance
INA	<i>Immigration and Naturalization Act</i>
INAC	Indigenous and Northern Affairs Canada
LAPR	Lawfully Admitted for Permanent Residence
MSI	Medical Services Insurance Programs
NIHB	Non-Insured Health Benefits
SCIS	Secure Certificate of Indian Status
SNAP	Supplemental Nutrition Assistance Program
SSA	Social Security Administration
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
TANF	Temporary Assistance to Needy Families
US	United States of America
WHTI	Western Hemisphere Travel Initiative
WIC	Nutrition Assistance Program for Women, Infants, & Children



Introduction

The Mi'kmaq are indigenous to North America. Our territory of Mi'kma'ki extends across the Maritime Provinces and into New England.¹ Through the process of colonization our Nation's territory was divided among the provinces, Canada and the United States of America (US), even though the Mi'kmaq have "never ceded land under the terms of the Royal Proclamation of 1763."²

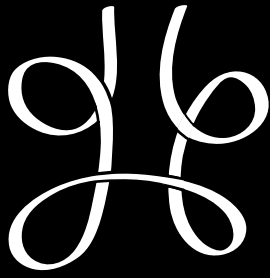
Prior to the arrival of European settlers, the Mi'kmaq Nation belonged to the Wabanaki Confederacy. This Confederacy included the Mi'kmaq, the Maliseet, the Passamaquoddy, the Penobscot, and the Abenaki tribes.³ We travelled throughout our lands for the purpose of trade, hunting, fishing, and various political activities.

Although, the Canada-US boundary line has divided our lands, many Mi'kmaq continue to travel to the US to vacation, live and work. Each year during the growing season Mi'kmaq from across Nova Scotia migrate to the US to participate in the harvest of blueberries and other agricultural crops. Many Mi'kmaw families depend on their earnings from the harvest or other employment gained in the US to support their families.

Over the years a number of questions surrounding border crossing rights, duties and requirements have arisen. We have heard stories of Mi'kmaw travellers and workers being turned away at the border because they do not have the necessary documents to enter the US. We have also heard of Mi'kmaw people being refused jobs or other benefits because they do not have the required documents or immigration status to be eligible to work or receive benefits in the US.

In response to the needs of Mi'kmaw travellers and workers the **Tripartite Forum** Social Working Committee, through The Confederacy of Mainland Mi'kmaq, has created this easy to read guide. This guide provides educational information for Mi'kmaw people in Nova Scotia who travel, live or work in the US.

If you are Mi'kmaq of Nova Scotia and are seeking to increase your economic opportunities or travel to the US this guide can help you. The purpose of this guide is to create greater awareness and understanding of border crossing rights, duties and requirements that we, as **Indigenous peoples** of North America have when travelling, living or working in the US.



The *Jay Treaty* of 1794

2. The *Jay Treaty* of 1794

The Mi'kmaq, along with other First Nations, are a transborder people. Historically, our Mi'kmaw territory encompassed the majority of the Atlantic region, parts of Quebec, Eastern Maine, St. Pierre and Miquelone, and the islands in the Gulf of St. Lawrence.⁴ Our right to freely access our lands south of the Canada-US border was recognized in the *Jay Treaty* of 1794 and later reaffirmed in the *Treaty of Ghent* in 1812.⁵

The *Treaty of Amity, Commerce and Navigation*, known as the *Jay Treaty* of 1794, is a treaty between the US and Great Britain. Article III of the *Jay Treaty* sets out the right of Indigenous peoples born in North America to freely pass and re-pass the US borders.

The rights and benefits originally set out in the *Jay Treaty* have been codified by the US within § 289 of the *Immigration and Naturalization Act* (INA):

§ 289 Nothing in this title shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race.

“**American Indians born in Canada**” (known as ABCs)

- Have rights under US immigration law.
- Have the right to freely pass the border and remain in the US for almost any purpose.
- These rights are virtually unrestricted by the INA.⁶

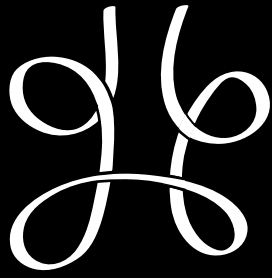
To qualify as an ABC, you must have at least 50 percent **blood quantum** of the American Indian race.

You can apply to enter the US as an ABC at any port of entry. You will have to show documents that prove your blood quantum of the American Indian race and establish your identity. Band membership or a Certificate of Indian Status card will not qualify you as an ABC. Therefore, Mi'kmaw women who lost status because they married a non-Native person did not lose their status as an ABC.⁷

Self-identification or recognition within a community as a member of the band will not qualify you as an ABC.⁸

Jay Treaty, 1794 Article III

It is agreed that it shall at all times be free to his majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and re-pass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America.



Jay Treaty Rights and Benefits

3. Jay Treaty Rights and Benefits

Once you have proven your ABC status the Social Security Administration (SSA) of the US will consider you Lawfully Admitted for Permanent Residence (LAPR). This will allow you to qualify for certain rights and benefits within the US.

You have the *right* to:

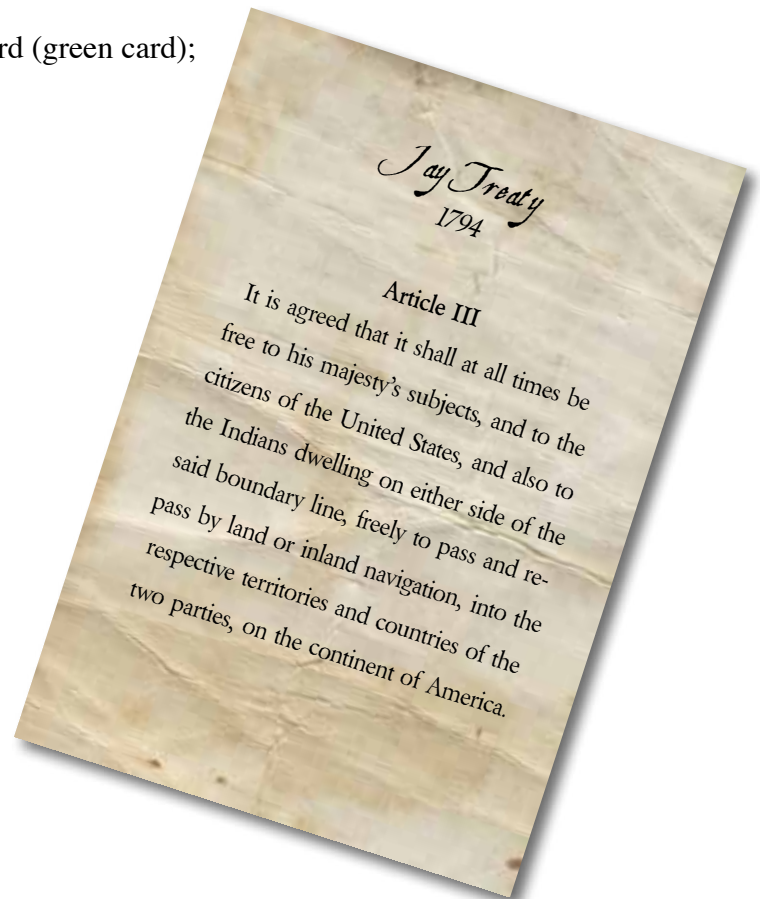
- Freely cross the Canada-US border;
- Live and work in the US;
- Be eligible for public benefits, such as Medicaid, Supplemental Security Income (SSI), Medicare, unemployment benefits and other public assistance; and
- Register for college or university in the US as a “domestic student” rather than as a “foreign student” (this may result in lower tuition costs).

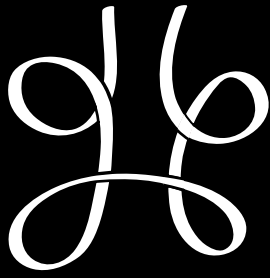
You do *not* have to:

- Be processed for an alien registration card (green card);
- Obtain a work permit; or
- Register for the military.

The US Government *cannot*:

- Deport you;
- Exclude you from entry; or
- Deny you services.⁹





Document Requirements for Crossing the Canada-US Border

4. Document Requirements for Crossing the Canada-US Border

September 9, 2011, was a devastating time for the US. The events that occurred resulted in the creation of the 9/11 Commission. One of the recommendations of the commission was for the Department of State (DOS) and the Department of Homeland Security (DHS) “develop and implement a plan to require all travelers, U.S. citizens and foreign nationals alike, to present a passport or other acceptable document that denotes identity and citizenship when entering the United States.”¹⁰

Jointly, the DOS and DHS created the Western Hemisphere Travel Initiative (WHTI). The goal of the WHTI “is to strengthen border security while facilitating entry into the United States for U.S. citizens and legitimate international travelers, making the process more efficient and convenient.” When travelling to the US from areas within the Western Hemisphere the WHTI law requires all citizens of the US, Canada, Mexico, and Bermuda produce:

- A passport; or
- Other accepted document that establishes the bearer’s identity and nationality.¹¹

What is an acceptable document will depend on how you are entering the US.

(a) Travelling to the US by Air

Anyone arriving to the US by air must have a current passport (children must have their own passports).¹² In addition to a passport, travellers can produce:

- A NEXUS card; and
- A valid Permanent Resident card (green card).¹³

A Certificate of Indian Status card *cannot* be used for air travel.

(b) Travelling to the US by Land or Waterway

If you are travelling to the US by land or waterway you are not required to have a valid passport, but you must have one of the documents listed below:

- A NEXUS card;
- A birth certificate or other proof of citizenship. Children under the age of 16 (or under 19, if travelling with a school, religious group, or other youth group) need only present a birth certificate. The birth certificate can be original, photocopy, or **certified copy**;
- A Secured Certificate of Indian Status card (SCIS);
- A valid Permanent Resident card (green card) or other valid evidence of permanent residence status;¹⁴ or
- An American Indian blood quantum letter.

There is no obligation on US Customs and Border Patrol (CBP) officers to accept a Certificate of Indian Status card as a valid document for entry into the US.

(i) *Passports*

If you live in Canada and would like to get a passport you must:

- (a) Fill out the proper application form.
- (b) Provide all supporting documents.
- (c) Provide a **grantor**, if you are applying for a new passport.
- (d) Provide two **references**.
- (e) Pay an application fee.
- (f) Mail-in or submit your application in-person.¹⁵

Passport applications can be found online at: <http://www.cic.gc.ca/english/passport/index.asp>

Table 1: 2016 Passport Fees

Passport type	\$CAN
5-year adult passport (age 16 or over)	120
10-year adult passport (age 16 or over)	160
Child passport (0-15 years of age)	57

Please check for current fees, as they are subject to change. Current fees can be found at: <http://www.cic.gc.ca/english/passport/fees/result.asp?countrySelect=CA&lob=PASS>



(ii) The NEXUS Card

The NEXUS program allows pre-screened travellers expedited processing when entering the US and Canada.¹⁶ Membership in the NEXUS program will reduce your wait times at designated ports of entry by allowing you to:

- Use dedicated processing lanes at land border crossings;
- Use NEXUS kiosks when entering Canada;
- Use Global Entry kiosks when entering the US; and
- Call a marine telephone reporting center to report your arrival into the US and Canada.¹⁷

If you are approved to participate in NEXUS, you will receive a radio frequency identification card to use when entering the US and Canada at designated NEXUS air, land and marine ports of entry.

You can apply for a NEXUS card:

- Online at: <https://goes-app.cbp.dhs.gov/main/goes>; or
- By mail. Application forms can be found online at: <http://www.cbsa-asfc.gc.ca/publications/forms-formulaires/bsf658-eng.html>.

There is a \$50 (CAD) non-refundable fee.

Mail-in applications and a copy of the supporting documents should be sent to:

NEXUS Program Canadian Processing Centre
400 Place d'Youville
Montréal, Quebec, Canada H2Y 2C2

For more information, call toll-free at 1 (866) 639-8726.

(iii) Birth Certificates

You can get a birth certificate from Access Nova Scotia. Only persons named on the certificate, such as a parent or legal guardian or the administrator of the person's estate can apply for a birth certificate. After your application and payment have been received, and there is no requirement for further information, it may take up to 10 days to process the application.¹⁸

You can apply for a birth certificate online, in-person or by mail.

For more information and access to birth certificate application forms visit Access Nova Scotia's website at: <http://www.novascotia.ca/sns/access/vitalstats/birth-certificates.asp>

Some Nova Scotia Mi'kmaq bands may have original birth certificates on file for their community members. Each band with community member birth certificates on file may or may not provide copies to their members (see Table 2: Birth Certificate Request Information).

Please contact your band's Indian Registration Administrator (Membership Clerk) for more information.

Table 2: Birth Certificate Request Information

Band Membership	Band has original	Band will loan original	Band will give a copy
Acadia	Only if band member has provided the band with original	No	Yes If band given a copy
CMM member bands	Yes Except for the Sipekne'katik band, members must provide the band with original	Yes With a \$40 deposit	No
Eskasoni	Yes	Yes Document must be signed out. If lost band member must replace original	Yes
Membertou	Yes	Yes If lost band member must replace original	Yes
Potlotek	Yes	No Unless special circumstances and a \$40 deposit is made	Yes
Wagmatcook	Yes	Yes	Yes
We'koqma'q	Yes	Yes If lost band member must replace original	Yes

(iv) Certificate of Indian Status Cards

The Certificate of Indian Status card, more commonly referred to as a Status card, is an identity document that confirms an individual is registered as a Status Indian under the *Indian Act*. Status cards are issued by Indigenous and Northern Affairs Canada (INAC) and processed by a band's Membership Clerk. Those registered as Indians will be able to access a wide range of programs and services offered by federal agencies, provincial governments and other private sector program and service providers.¹⁹

Certificate of Indian Status cards can be obtained from the Membership Clerk for your band. When you meet with the Membership Clerk you will have to fill out an application form and have your photo taken. Certificate of Indian Status cards are typically ready for pick up by the end of the day or the following day. Depending on the time of year, it may take up to three days before your Certificate of Indian Status card is ready for pick up (See Table 3: Certificate of Indian Status Card Request Information).

You must bring a piece of identification with you to your meeting with the Membership Clerk. Accepted identification may include:

- A drivers licence or Nova Scotia provincial ID;
- A gun registry licence;
- A high school or university ID;
- A health card or Social Insurance card (SIN card); or
- An expired Certificate of Indian Status card.

Table 3: Certificate of Indian Status Card Request Information

Band Membership	Appointment	Walk-ins	Receive Cards	Pick up from	Non-Band Members	New Secured Status Cards
Acadia	Required for Wildcat, Pondhook, Gold River, Medway and Hammonds Plains	Only in the Yarmouth area	Same day	Membership Clerk	No	Provide and assist with application
CMM member bands	Required	Only for medical or court reasons.	By the end of the day or within 3 days	Membership Clerk or Mail out	No	Provide and assist with application
Eskasoni	Preferred during summer months	Accepted during the fall, winter and spring	Same day, with longer wait times in July and August	Membership Clerk	Yes	Provide and assist with application
Membertou	Preferred	Accepted	Same day	Membership Clerk	Yes	Provide and assist with application
Potlotek	Preferred	Accepted	Same day	Membership Clerk	Not in July or if card supply is low	Provide and assist with application
Wagmatcook	Not necessary	Accepted	Same day	Membership Clerk	Yes with proper ID	Provide and assist with application
We'koqma'q	Preferred	Accepted	Same day	Membership Clerk or front desk at the band office	Not if card supply is low; Recommend Non-band members call ahead	Provide and assist with application

Secured Certificate of Indian Status card

The new SCIS cards feature several security improvements that significantly reduce the risk of unauthorized alterations or duplication. The new cards are designed to protect the cardholder from incidences of fraud and identity theft.

Applications for the SCIS are located on the forms page of the INAC website at: <https://www.aadnc-aandc.gc.ca/eng/1100100032776/1100100032782>

Band and Tribal Membership in Canada and the US

A person with Native heritage can be a registered member of both a Canadian band and an American Indian tribe. If someone wishes to register as an Indian in the US, they will need to apply to their tribe rather than to the US Bureau of Indian Affairs (BIA).

In the US the BIA does not register Native Americans as Indians in the same way INAC does in Canada. There is no national registry of Indians in the US, as there is in Canada, and the BIA does not conduct genealogical research.

American Indian tribes in the US enroll their own members based on their own records and rules. What the BIA does is issue Certificates of Degree of Indian Blood (CDIB) or Certificates of Degree of Alaskan Native Blood, which states the degree of blood quantum a person has based on their relationship to Indians who were registered on the Dawes rolls (the historical enrollment of Indians in the late 19th to early 20th century).

All federal tribes determine membership based on blood quantum and require that an individual first obtain a CDIB before they can be enrolled as members of a specific tribe. Each US tribe determines how much Indian blood someone needs to be a member of the community. For example, some tribes require that a person have one-quarter Indian Blood, others much less.

A person who wishes to become a member of a US tribe will first have to apply for a CDIB and then based on their degree of Indian blood and their tribe's membership rules, see if they qualify for tribal membership in the US.

For more information on how to apply for a CDIB and the necessary forms visit the BIA website at: <http://www.bia.gov/FOIA/Genealogy/>



(v) *Permanent Resident Card (green card)*

If you choose to get a green card you can use the card as a valid form of identification when travelling to the US by air, land or waterway. If you are an ABC who possesses at least 50 percent American Indian blood quantum, you may obtain a green card by requesting the creation of a record (Form I-181).²⁰

You cannot apply for permanent residence if your band or tribal membership comes through marriage or adoption.

Steps for requesting the creation of a record include:

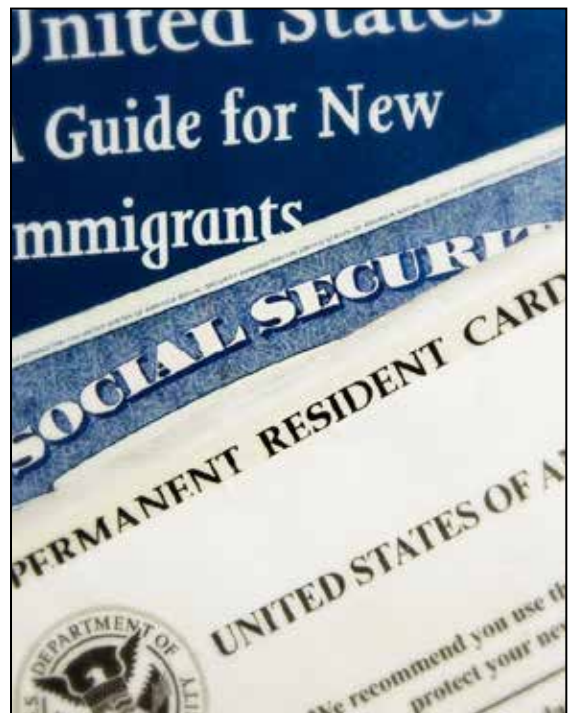
1. You must schedule an Infopass appointment and appear in person at the local US Citizenship and Immigration Services office. You do not have to fill out an application form or pay a fee.
2. Bring the following to your appointment:
 - Two passport-style photos;
 - A copy of government issued photo identification;
 - A copy of your long form Canadian birth certificate (the long form Canadian birth certificate of parents is necessary to establish lineage to claimed tribal ancestors, as well as birth in Canada); and
 - Documentation to establish membership, past and present, in each band or tribe for yourself and your lineal ancestor (parents and grandparents) from whom you get the required percentage of American Indian blood quantum. This documentation must come from your band government or INAC.

If you do not have documentation establishing your past or present membership in each band or tribe, for yourself and your lineal ancestor, from an official band government you may bring:

- Documentation from the Canadian or US Government; or
- An original Letter of Ancestry issued by INAC.

Family of American Indians Born in Canada

Your spouse and children under the age of 21 are not eligible to receive a green card based on your status. If they are American Indians born in Canada, with 50 percent American Indian blood, quantum they may become permanent residents of the US in their own right. If they are not American Indians born in Canada, you may file Form I-130, *Petition for Alien Relative* after you obtain proof that you are LARP in the US. For more information about this process visit: <https://www.uscis.gov/i-130>.²¹



(vi) Letter of Blood Quantum

The US government determines who is recognized as an “Indian” according to blood quantum. Blood quantum is the degree to which someone can prove they have a certain amount of American Indian blood. A person’s amount of blood quantum in the US determines band or tribal belonging and legal rights. Indigenous people to Canada must be able to satisfy the US government that they have at least 50 percent blood quantum of the American Indian race in order to qualify for *Jay Treaty* rights and benefits.

The document most often needed by the INS is the letter of American Indian race blood quantum.

Documents accepted to prove you have at least 50 percent blood quantum of the American Indian race include:

- A letter from your band government or Membership Clerk stating you have at least 50 percent blood quantum of the American Indian race (See Table 4: Where to request a Blood Quantum Letter On-Reserve);
- A Letter of Ancestry from INAC (applications for a Letter of Ancestry can be requested from the Genealogical Research Unit by calling 1 (819) 997-9118); and
- Documents that set out your lineal ancestors (parents and grandparents) through whom you get the required percentage of American Indian blood.²¹

PLEASE NOTE:

Once the Genealogical Research Unit of INAC receives an application for a Letter of Ancestry the department will have to conduct research into your ancestry. This process will take time. If you are applying for a Letter of Ancestry please contact the Genealogical Research Unit to verify processing times.

Applicants should be aware that the Canadian Certificate of Indian Status card does not qualify as proof of American Indian blood quantum. Certificate of Indian Status cards specify band or tribal affiliation, but *does not* indicate percentage of American Indian blood.

Table 4: Where to Request a Blood Quantum Letter On-Reserve

Band Membership	Band Council	Membership Clerk
Acadia	No	No
CMM member bands	Yes	No
Eskasoni	No	Yes
Membertou	Yes	Yes
Potlotek	Yes	No
Wagmatcook	No	Yes
We'koqma'q	Yes	Yes

Other ways to prove you have at least 50 percent American Indian Blood Quantum

If you are unable to get a blood quantum letter from your band or a Letter of Ancestry from INAC you may be able to prove you have at least 50 percent American Indian blood quantum in one of the following ways:

- Showing your parents' birth certificates, when such indicate that one or both of your parents are 100 percent American Indian, or that their blood quantum *combined* adds up to at least 100 percent;
- Making a signed statement before a judge, where you legally swear you have at least 50 percent blood quantum of the American Indian race; or
- Obtaining a letter from INAC stating that your parents and all four grandparents are Status Indians.²³

Adopted Children and Blood Quantum Letters

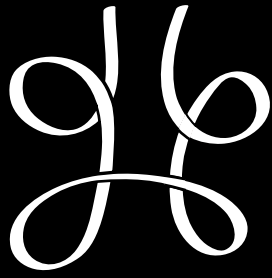
If you are Indigenous to Canada and have been adopted you may be able to qualify as an ABC under the *Jay Treaty*. However, in order to take advantage of benefits in the US you are required to prove you have at least 50 percent blood quantum of the American Indian race.

In order to learn about your Indigenous ancestry in Nova Scotia you need to:

- Be over 18 years of age.
- Contact INAC and inform them that you have been adopted and that you believe you are of Indigenous heritage.
- Submit an application for Indian status.

After you have informed INAC you were adopted and are seeking a Letter of Ancestry, INAC will contact the provincial adoption agency and retrieve your adoption file.²⁴ Based on the information in your file INAC will produce a Letter of Ancestry.





Travelling with Minor Children to the US

5. Travelling with Minor Children to the US

When travelling with minor children it is strongly recommend that you carry a consent letter. Any time a child is travelling with one parent, even a small portion of the trip (especially if the part of the trip is entering or exiting a country) that the parent or guardian should carry a consent letter signed by the non-accompanying parent or guardian. When crossing the Canada-US border immigration authorities may request to see a consent letter and failure to produce a letter may result in delays or you may not be allowed to enter or exit the country.

A sample consent letter, which you can customize to meet your needs, is available on the Government of Canada website at: <http://travel.gc.ca/travelling/children/consent-letter>

Once the consent letter has been completed it must be signed by:

- One or both parents who are married or in a common-law relationship and live together with the child.
- One or both parents who are separated, divorced or do not live together.
- Anyone with joint custody or joint guardianship of the child.

The consent letter will also have to be signed by a witness that can be anyone who has obtained the age of majority. In Nova Scotia the age of majority is 19 years of age, but it is strongly recommended that the letter be signed one of the following:

- ~ A Commissioner of Oaths;
- ~ A Notary Public; or
- ~ A lawyer.

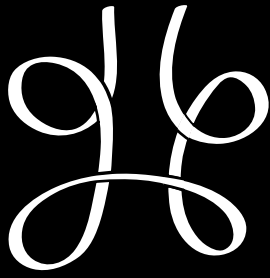


It is not necessary for a parent to carry a consent letter if the other parent has been denied access rights to the child by a court order. It is recommended that an accompanying parent who has sole or full custody of a child carry a copy of the court order when travelling with the child.

If one parent of the child is deceased and the surviving parent is travelling with the minor child of the relationship, the surviving parent should carry a copy of the death certificate of the deceased parent.

If the child is travelling with more than one adult:

- It is not necessary for the letter to identify all adults accompanying the child.
- It is recommended that the letter identify one adult, as long as the adult identified in the letter consents to this.



Getting Married in the US

6. Getting Married in the US

In recent years destination weddings have grown in popularity. In the US there are no limitations placed on Canadians who plan to get married in the US. However, there are several steps that must be followed in order for the marriage to be valid.

For a marriage held in the US to be valid in Nova Scotia both people must be legally eligible to get married in Nova Scotia, as well as be able to satisfy the state requirements of your destination wedding.

(a) Legal Requirements for a Valid Marriage in Nova Scotia

- Anyone over 19 years of age is eligible to apply for a marriage licence in Nova Scotia.
- Anyone under 19 years of age must first obtain the consent of both parents. Your local Deputy Issuer of Marriage Licences has the required consent forms.
- No one under the age of 16 years can be married.
- Blood tests are not required under Nova Scotia legislation.
- If one or both of the intended parties was divorced, final proof of divorce (called Certificate of Divorce or Decree Absolute) is required. Proof of Divorce must be either original documents or certified copies.
- If one or both of the intended parties was widowed, proof of death (original documents or certified copies) must be provided.²⁵

Who can Certify Copies?

Certification by one of the following is acceptable provided that the person is a registered member of his or her professional association at the time the certification is done:

- Judge, magistrate
- Justice of the peace
- Lawyer (member of a provincial bar association)
- Mayor
- Notary public
- Police officer (municipal, provincial or RCMP)
- Commissioner of oaths-provided that they have an official government agency appointment and a seal or stamp

(b) Procedures and Requirements for Marriages in the US

Before making any wedding or travel plans, first check with the local county clerk or marriage official where you want to get married to make sure you have all necessary documents.

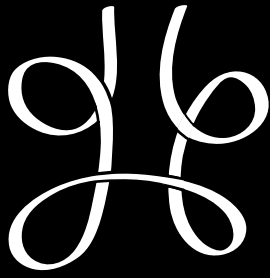
US marriage requirements that may vary from state to state include:

1. A marriage license issued by the county clerk or clerk of the court (along with payment of a fee).²⁶
 - It is recommend that you get a marriage license about one month before your scheduled wedding date.
 - Most marriage licenses are valid for 30 or 60 days.
 - If you do not have your wedding within the required time frame, you will have to apply for another marriage license and pay the fee again.
2. Required identification documents. If you are not a US citizen have a certified birth certificate and passport.
3. Satisfaction of a waiting period from the time the marriage license is issued to the time the marriage ceremony is performed.
4. Performance of a marriage ceremony with witnesses and a person recognized by the state with authority to perform a marriage ceremony (such as a priest, rabbi or a judge).
 - Most states require one or two witnesses to sign the marriage certificate.
 - A religious ceremony should be conducted under the customs of the religion, or, in the case of a Native American group, under the customs of the tribe. A tribal chief or other designated official may conduct Native American ceremonies.
5. Both spouses are 18 or older, or have the consent of a parent or a judge if younger.
6. Proof of the termination of any prior marriages by death, judgment of dissolution (divorce) or annulment.
7. Legal recognition of **same sex marriages**.
8. Sufficient mental capacity (often determined as the ability to enter into a contract).
9. The couple is not close blood relatives.
10. Blood tests for venereal disease or proof of immunity or vaccination for certain diseases.
11. Recording of the marriage license after the marriage ceremony is performed.



PLEASE NOTE:

State and country marriage license requirements often change. The information provided is for guidance only and should not be regarded as legal advice. It is important that you verify all information with a states local marriage license office or county clerk before making any wedding or travel plans.



Criminal Records and Travelling to the US

7. Criminal Records and Travelling to the US

Individuals can be denied entry into the US because they have a criminal record, unless they are entering the US as an ABC under Article III of the *Jay Treaty*. If you are able to prove you have at least 50 percent blood quantum of the American Indian race you are not subject to criminal grounds of inadmissibility. As an ABC under the *Jay Treaty* you cannot be denied entry into the US and the results of any background checks may not serve to deny you entry into the country.²⁷

However, if you cannot prove you have at least 50 percent blood quantum of the American Indian race, you can be denied entry into the US based on your criminal record.

Generally, the most common crimes that disqualify someone from entry into the US include:

- Crimes of moral turpitude (only if sentenced as an adult);
- Possession of or trafficking in a controlled substance;
- Involvement with terrorism or terrorist organizations (no waivers can be approved for this category);
- Trafficked in persons; and
- Money laundering.²⁸

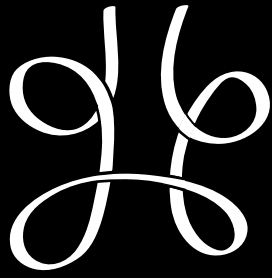
Crimes involving moral turpitude may include, but are not limited to:²⁹

- Murder
- Manslaughter
- Rape (sexual assault)
- Theft
- Bribery
- Forgery
- Aggravated battery
- Prostitution
- Fraud

At this time, driving under the influence, breaking and entering, disorderly conduct and simple assault are not considered crimes that make a person inadmissible to the US, although if there are multiple convictions and or other misdemeanors, you could be denied entry.³⁰

If you are entering the US for travel you may be eligible to apply in advance of your trip for a temporary waiver of inadmissibility. The waiver application process can be lengthy (up to a year) and there is a cost of US \$585.00 per application.

The temporary waiver application, Form I-192, *Application for Advance Permission to Enter as Nonimmigrant* can be found on the US Citizenship and Immigration Service website at: <http://www.uscis.gov/sites/default/files/files/form/i-192.pdf>



Returning to Canada

If you have received a pardon or a record suspension for your crimes you do not have to apply for a temporary waiver of inadmissibility to enter the US. Once you have received a pardon or record suspension your criminal records are sealed and no one is able to see them. If you are ever asked whether you have received a pardon for a crime you do not have to answer and you can say “no”. This is true for the CBP or for employment purposes. By receiving a pardon you have paid to have your records sealed from public access.

If you are asked at the border, did you or have you ever received a pardon for a crime, and you answer “yes”, you can be denied entry into the US based on having a criminal record.

For more information visit Pardons Canada at: <https://www.pardons.org/home/apply/>

8. Returning to Canada

The *Jay Treaty* is a treaty between the US and Great Britain (and Canada as a result of Confederation). The Indigenous peoples of North America are not a party to the *Jay Treaty*. Before an Indigenous group can exercise *Jay Treaty* rights the countries that are a party to the treaty must codify the rights found in the treaty within the country’s domestic legislation.

The rights and benefits set out in the *Jay Treaty* have been codified by the US within § 289 of the INA, which states:

§ 289 Nothing in this title shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race.

The Canadian government, however, has not formally recognized the *Jay Treaty*. The rights and benefits found in the *Jay Treaty* have not been codified in Canadian legislation; as a result the courts of Canada cannot enforce the free passage rights found in the *Jay Treaty*.³¹ Therefore, when returning to Canada all Canadians are treated the same and are subject to all Canadian customs and immigration laws.

Indigenous peoples of North America have to use the doctrine of Aboriginal Rights in order for the Canadian government to recognize a right to freely cross the Canada-US border.³² Proving an Aboriginal right exists requires historical evidence that the right claimed is a practice, custom or tradition that is integral to the distinctive culture of the Nation claiming the right; and is an activity, which out of necessity, takes place on or within a specific territory.³³ In addition to this, the person claiming the Aboriginal right will have to establish some continuity in the practice, custom or tradition from pre-contact to the present.

Generally, the Canadian government recognizes an Aboriginal right once it has been proven in court. Taking a matter to court is costly and risky. Canadian courts have been restrictive in their decisions recognizing Aboriginal rights. Failing to prove an Aboriginal right exists, based on court standards of evidence, can have a lasting effect on all members of the Mi'kmaq Nation. This is because our rights are collective in nature, as such; special care should be given to any attempt to prove the existence of a Mi'kmaq right to freely cross the Canada-US border.

Customs and Duty

Under the current interpretation of the law, *Jay Treaty* rights do not extend to Canadian or US customs and **duty**.³⁴ All goods crossing the Canada-US border are subject to duty and taxes,³⁵ which are calculated in Canadian funds.

A duty and taxes estimator can be accessed on the Canada Border Services Agency website at: <http://www.cbsa-asfc.gc.ca/travel-voyage/dte-acl/est-cal-eng.html>

When returning to Canada from the US you must declare all your goods, including all food products. During your visit to the US make sure you keep all receipts. At the port of re-entry give the receipts to the Customs Officer.

If you are re-entering Canada from the US you may qualify for a **personal exemption**. Generally, the maximum amount of goods you can cross the border with duty-free is based on your length of stay in the US.³⁶

Table 5: Customs and Duty Personal Exemptions

Maximum amount	Minimum absence	Alcoholic beverages	Tobacco products
None	Less than 24 hours	Not included	Not included
CAN\$200	24 hours	Not included	Not included
CAN\$800	48 hours	Specified quantities only	Specified quantities only - Minimum duty may apply
CAN\$800	Seven days	Specified quantities only	Specified quantities only - Minimum duty may apply

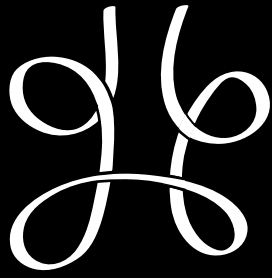
Alcoholic Beverages

If you are 19 years of age or older you are allowed to import only one of the following amounts of alcohol duty and tax free as part of your personal exemption:

Table 6: Allowable Alcohol Import Limits

Product	Metric	Imperial	*Estimates
Wine	Up to 1.5 litres	Up to 53 fluid ounces	Two 750-ml bottles of wine
Alcoholic beverages	Up to 1.14 litres	Up to 40 fluid ounces	One large standard bottle of liquor
Beer or ale	Up to 8.5 litres	Up to 287 fluid ounces	Approximately 24, 355-ml cans or bottles of beer or ale

**Bottle sizes vary, but the amounts listed are firm.*



Crossing the Border with Traditional Items

Tobacco products

If you are 18 years of age or over, you are allowed to bring in all of the following amounts of tobacco into Canada duty and tax free within your personal exemption:

- 200 cigarettes
- 50 cigars
- 200 grams (7 ounces) of manufactured tobacco, and
- 200 tobacco sticks.

9. Crossing the Border with Traditional Items

Under US law there are over 1000 different animals and plants that are listed as endangered or protected. When travelling across the Canada-US border you should declare any traditional items, such as eagle parts, items made with leather and any medicinal plants that you are travelling with.

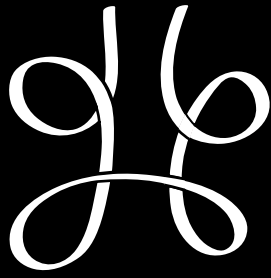
As of February 1, 2003, the US Fish and Wildlife Service started a new policy that allows for Indigenous peoples of Canada, as recognized under the *Indian Act*, to “legally travel to and from the United States with their personally owned eagle parts and eagle feathers for religious and cultural use.”³⁷

Under this policy when visiting the US with eagle items, you must:

- Carry and present a Certificate of Indian Status card issued by the Federal Government of Canada.
- Declare all eagle items to the US Fish and Wildlife Service or US Customs Service by filing an FWS Form 3-177, which can be found at: <http://www.fws.gov/le/declaration-form-3-177.html>.
- A declaration must be filed when entering or leaving the US at border crossings, including airports.
- Transport only personally owned and lawfully possessed eagle items that will be used for religious and cultural practices.
- Enter and leave the US with the same eagle items.³⁸

In addition to declaring your traditional items on FWS Form 3-177, you may also get a letter from your band or the Grand Chief of the **Grand Council** stating that you are in possession of a traditional item (list and name the items) for cultural and ceremonial purposes. Once you have this letter you may take the letter to your closest Department of Natural Resources (DNR) office and apply for a permit to possess eagle parts and other ceremonial items.

DNR offices in Nova Scotia can be found online at: <http://www.novascotia.ca/natr/staffdir/offices.asp>



Living and Working in the US

10. Living and Working in the US

Although the Canada-US boundary line has divided our lands, many Mi'kmaq continue to travel to the US to live and work. Every year during the growing season Mi'kmaq from across Nova Scotia migrate to the US to work in the harvest of agricultural crops or for other forms of employment.

Under US law, if you are an ABC with at least 50 percent blood quantum of the American Indian race you are able to work in the US *without a green card*.

This does NOT mean you can just cross the border. You MUST check in at the border and tell the CBP you want to live or work in the US under Article III of the *Jay Treaty*.

If you plan to live or work in the US you should:

- Present yourself at the border for entry as a permanent resident under Article III of the *Jay Treaty* and identify that you are an American Indian born in Canada; and
- Be prepared to prove that you have at least 50 percent American Indian blood quantum.

At the border, you may be asked for all or some of the following:

- A document proving you have at least 50 percent American Indian blood quantum;
- Information on how to contact your band office;
- Your Certificate of Indian Status card or SCIS;
- Your long form birth certificate; and
- A valid photo ID.

Remember:

- CBP agents may be ill informed about *Jay Treaty* rights.
- Be prepared to self-advocate at the time of entry into the US.
- If claiming status as an ACB under the *Jay Treaty* you must provide evidence that you have 50 percent blood quantum of the American Indian race.



Once you have entered the US and are ready to apply for work you will have to show *one* of the below listed:

1. Your letter of American Indian blood quantum and one of the following:
 - Social Security card.
 - Canadian or US driver's license.
 - School ID card with photo.
 - US military card.
 - US Coast Guard Merchant Mariner card.

-OR-

2. Your US Social Security card and one of the following:
 - Canadian or US driver's license.
 - School ID card with photo.
 - US military card.
 - US Coast Guard Merchant Mariner card.

-OR-

3. Your Green Card

If none of these documents are available to you, contact the local INS office for other possibilities.

If an employer is unaware of the law in this area, refer him or her to the chart in INS Form I-9 the “*Employment Eligibility Verification*”. The back of the form lists “*Native American Documentation*” as one of the accepted forms of documentation establishing employability.³⁹

(a) US Social Security Cards

A US Social Security card is equivalent to the Canadian Social Insurance Number or SIN number. US Social Security numbers are used to report a person's wages to the government and to determine a person's eligibility for Social Security benefits.⁴⁰

You can use a Social Security number to work, collect Social Security benefits, and receive other government services.⁴¹

You do not need a Social Security number to:

- Get a US driver's licence;
- Register for school in the US;
- Get private health insurance;
- Apply for school lunch programs; or
- Apply for subsidised housing.⁴²

The SSA recommends waiting 10 days after arriving in the US before applying for a Social Security number. Waiting will make it easier for the SSA to verify your DHS documents online.⁴³

(i) *Applying for a Social Security Card*

To obtain a Social Security card, you must be able to prove the following:

Age	A birth certificate or passport is preferred. You may also use a hospital record of your birth made before you were age five, or a religious record made before you were three months old.
Identity	A driver's license, adoption record, employer ID card, passport, marriage or divorce record, military record, insurance policy or school ID can be used to establish your identity.
Alien Status	A letter of American Indian blood quantum from your band office or Letter of Ancestry from INAC and your long form birth certificate are accepted. <i>Also acceptable are:</i> a current document issued to you by the INS, such as Form I-551 (green card) or Form I-94.

IMPORTANT:

- You must have original documents or certified copies.
- The US will not accept photocopies or notarized copies.
- All documents must be current (not expired).
- Receipts showing that you applied for a document will not be accepted.
- Anyone age 12 or older requesting a Social Security number must apply in person and be interviewed by Social Security.

Applying for the Social Security card is free. To apply you must:

1. Complete *Application For A Social Security Card* (Form SS-5, which can be found at: <https://www.ssa.gov/forms/ss-5.pdf>);
2. Collect at least two original documents proving your age, identity, and US citizenship or current lawful, work-authorized immigration status; and
3. Take your completed application and original documents to the local Social Security office.

If you are completing the application on behalf of someone else, you must:

- Provide documents evidence that shows your authority to sign the application.
- Provide documents to prove your identity and the identity of the person who you are filling out the application for.

For assistance call 1 (800) 772-1213 or visit the website at: www.socialsecurity.gov

(ii) Replacing a Lost or Stolen US Social Security Card

You can replace your card or your child's card for free if it is lost or stolen. To apply for a replacement card you must:

- Complete an *Application For A Social Security Card* (Form SS-5, which can be found at: <https://www.ssa.gov/forms/ss-5.pdf>); and
- Provide one document to prove your identity and provide your US citizenship or current, lawful, work-authorized status.

There is a limit to the number of replacement cards the US Social Security will give out. You may receive:

- Three per calendar year and ten within a lifetime.
- Cards issued to reflect changes to your legal name or changes to a work authorization legend do not count toward these limits.

An exception may be granted to the Social Security card limits, if you can provide evidence from an official source to establish that a Social Security card is required.

(iii) Changing Information on your Social Security Record

To change information on your Social Security record, such as name or citizenship change, or corrected date of birth you must provide documents to:

- Prove your identity;
- Support the requested change; and
- Establish the reason for the change.

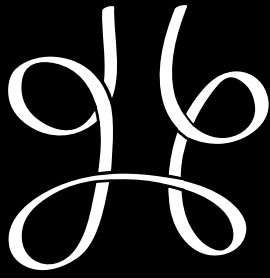
Documents supporting a name change must be recent and identify you by both your old and new names. If the name change happened over two years ago or if the name change document does not have enough information to prove your identity, you must provide documents to prove your identity in your old name and your new legal name.

Documents accepted to prove a name change include:

- A marriage document;
- A divorce decree;
- A Certificate of Naturalization showing a new name; and
- A Court order for a name change.

If you legally change your name because of marriage, divorce, court order, or any other reason, you need to tell Social Security. If you do not it could:

- Delay your tax refund; or
- Prevent your wages from being posted correctly on your Social Security record, which may lower the amount of your future Security benefits.



Income Tax earnings in the US

(b) Green Card

If you live in the US and are an ABC with at least 50 percent American Indian blood quantum, you may obtain a Permanent Resident Card (green card) by requesting a creation of record⁴⁵ (see page 15 for details). A green card can be used for employment purposes. Having a green card may increase your chances of gaining employment. Green cards are familiar to US employers and having one may help you gain employment quicker and easier.

A green card can also be used to apply for US social welfare benefits and programs.

11. Income Tax earnings in the US

Whenever a resident of one country earns income in another country there is potential for double taxation, because you must claim the income earned in both countries. To prevent double taxation Canada and the US entered into the *Canada-US Income Tax Convention Treaty*.⁴⁶

According to the *Canada-US Tax Treaty*, if you are a resident of Canada, but work in the US, you will be exempt from paying US federal taxes if:

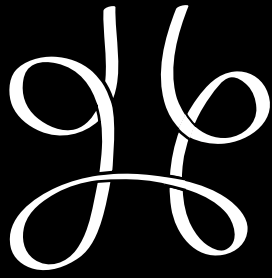
- Your US employment income is less than US \$10,000; and
- You are in the US for less than 184 days in any 12-month period, a US based company does not pay you and you do not have a permanent residence in the US.

The *Canada-US Tax Treaty* does not apply to individual states in the US. Therefore, even though you may be exempt from US federal tax under the treaty, there is no guarantee that you will not have to pay state income tax.

If your income earned is over US \$10,000; or you are in the US for more than 184 days over a 12-month period and you are paid by a US based company, you may have to pay US federal income tax on your US-source income. You must also report this income on your Canadian tax return. To avoid double taxation on your Canadian tax return you should claim a foreign tax credit on any tax you pay into the US.⁴⁷

If you do a significant amount of work in the US, it is best to consult a tax adviser to determine your Canadian and US income tax filing requirements.





Access to Pensions in the US

12. Access to Pensions in the US

If you have lived or worked in the US and in Canada, or you are the survivor of someone who has lived or worked in the US and in Canada, you may be eligible to collect pensions or benefits from the US and Canada.

The Agreement on Social Security between Canada and the US came into force on August 1, 1984. If you contributed to both the Canada Pension Plan and the American pension program, or if you have lived in Canada and in the US, this agreement may help you qualify for:

- Canadian old age and disability benefits
- American old age and disability benefits

If you are the widow, widower or child of a person who contributed to the pension programs of both countries, the Agreement on Social Security may help you qualify for:

- Canadian survivor benefits
- American survivor benefits

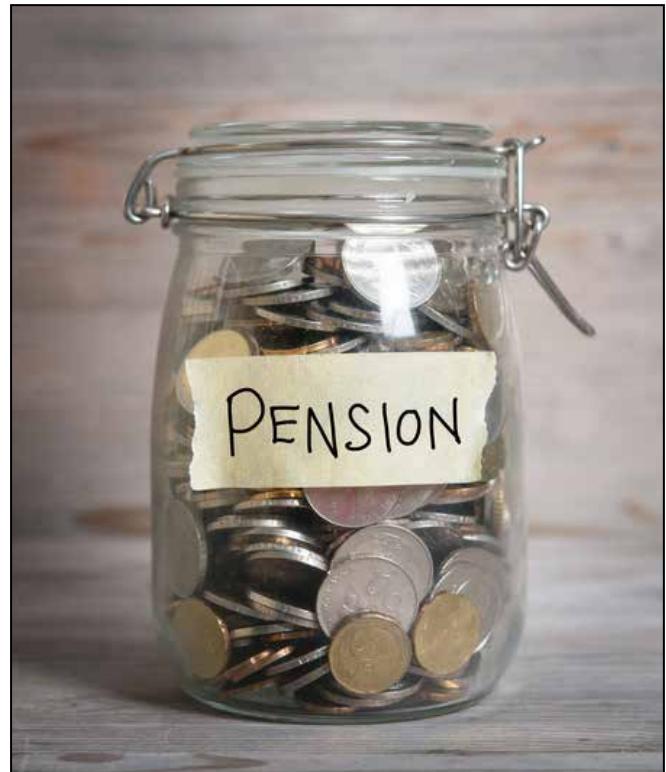
The benefits paid by each country will be based solely on your creditable periods under that country's pension program.

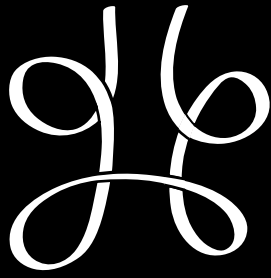
US Benefits

The pension program in the US is similar to the Canadian Pension Plan and covers most persons who work in the US. To qualify for a benefit under the US pension program, you must have contributed to the program for a minimum period of six quarters.

- A quarter is a period of 3 calendar months ending March 31, June 30, September 30, or December 31.

If you live in Canada and want to apply for American benefits, please contact Service Canada at 1 (800) 454-8731.





Travelling to the US while claiming Employment Insurance

13. Travelling to the US while claiming Employment Insurance

Employment Insurance (EI) benefits are provided and regulated by the Government of Canada. Individuals who lose their job, through no fault of their own, and are available and ready to work, but are unable to find a job may apply for EI benefits.⁴⁸

Typically, you will not be eligible to receive regular EI benefits while you are outside of Canada. However, you may still receive regular benefits if:

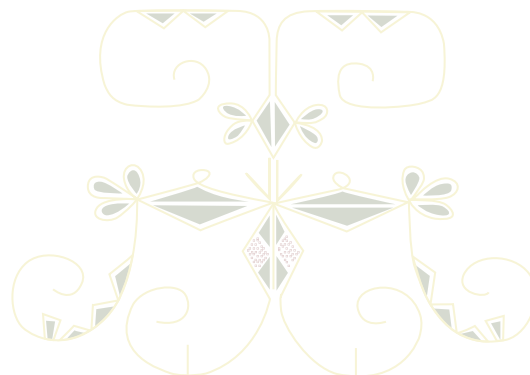
- You are available for work in Canada while you are away. To prove this you must show that you have taken steps to ensure that an employer will be able to contact you while you are away and that you are able to return to Canada within 48 hours; and
- You must notify Service Canada of your travel plans by filling out a travel form on My Service Canada Account.⁴⁹

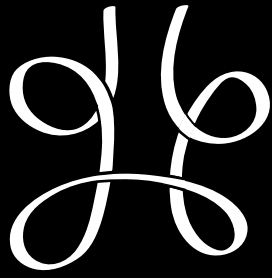
While you are collecting EI benefits you can be outside of Canada for a period of seven consecutive days for the purpose of:

- Attending a funeral of a member of your immediate family or a close relative;
- Accompanying a member of your immediate family to a medical facility, as long as the treatment they are seeking is not available near their residence in Canada;
- Visiting a member of your immediate family who is seriously ill or injured; or
- Attending a *bona fide* job interview.⁵⁰

You can also be away from Canada for a period of 14 consecutive days if you are conducting a *bona fide* job search.⁵¹

If you work at any time while you are receiving EI benefits, either in Canada or in the US, you must report your work earnings and the hours you worked for each week that you worked.⁵²





Travelling to the US while claiming Income Assistance in Nova Scotia

14. Travelling to the US while claiming Income Assistance in Nova Scotia

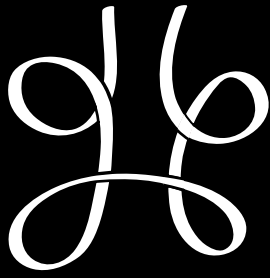
The Employment Support and Income Assistance (ESIA) program is highly regulated. The provincial ESIA program provides help to those who need assistance by giving money for living costs, or providing other kinds of help. The Income Assistance (IA) program of the ESIA “provides people in financial need with assistance with basic needs such as food, rent, utilities like heat and electricity, and clothing.”⁵³

If you are receiving social assistance from the province of Nova Scotia and you leave the province for more than 30 consecutive days your IA will be discontinued, unless you are leaving for medical purposes. If a recipient of provincial IA leaves Nova Scotia for family illness reasons, their assistance would likely continue.

Recipients of provincial IA who enter the US for vacation purposes would be questioned about how the trip is being paid for. Provincial IA will not be discontinued where family members pay for the vacation to the US and the trip is for less than 30 days. If the vacation is for more than 30 days, assistance would be discontinued, unless there were exceptional circumstances for the extended allowable time period outside of Nova Scotia.

If a recipient of provincial IA enters the US to work, their assistance would likely continue as long as they return to Nova Scotia within 30 days. If a recipient of provincial IA decides to relocate to the US for employment reasons, provincial assistance would cease immediately.

Social assistance programs on reserve may not follow all provincial standards and rules. Although there may be similarities in how on reserve social assistance is administered, there can also be significant differences. If you live on reserve and are receiving social assistance from the band, contact your community’s Social Development Administrator for details on how travelling or working in the US may affect your social assistance claim.



US Social Welfare Services

15. US Social Welfare Services

Social welfare programs and benefits in the US are state regulated. Each of the social welfare programs and benefits offered by a state may have eligibility requirements that have to be met in order to receive and maintain payments.⁵⁴

To receive US social welfare assistance you must be living in the US. If you are travelling or vacationing you do not qualify for US social welfare. Typically, before a non-American born citizen can apply for state operated social welfare they must have lived in the US for at least 5-years.

As an ABC with at least 50 percent blood quantum of the American Indian race you are not subject to the 5-year residency requirement for receiving US social welfare benefits. If you have a green card (see page 15 for details) you can access social welfare benefits in the US immediately.

If you have entered the US as an ABC under the *Jay Treaty* and you do not have a green card, you may still access social welfare assistance without having lived in the US for 5-years. To access these services as an ABC without a green card you must be able to show:

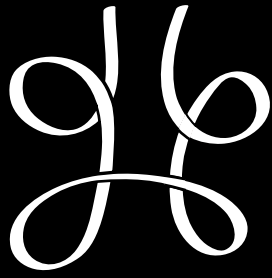
- You were born in Canada;
- You have at least 50 percent American Indian blood; and
- Have maintained a residence in the US.

As mentioned above, social welfare assistance in the US is provided by the state. Each state may have a different process and application forms for social welfare assistance. Typically, you will have to contact the Human Service Department located in the government pages of the phone book. It may be listed as Human Services, Family Services or Adult and Family Services. It is recommended that you check state government websites for application details.

For more information on social welfare assistance in the state of Maine, US visit: <http://www.maine.gov/dhhs/how-do-I-question.shtml>

The type and amount of aid available to individuals and dependent children varies from state to state. Most states offer basic aid such as:

- Medicaid
- Food Stamps
- Supplemental Security Income
- Housing and Urban Development programs
- Temporary Assistance for Needy Families
- Head Start
- Work Study
- Medicare



Information on Basic State Operated Social Welfare Programs and Benefits

16. Information on Basic State Operated Social Welfare Programs and Benefits

(a) Temporary Assistance to Needy Families (TANF)

What it is: This program provides cash assistance to families with little or no income.

Eligibility: In order to qualify for this benefit you must be able to prove permanent residency in the US. This can be done by requesting the creation of a record on Form I-181: *Memorandum of Creation of Record of Admission for Lawful Permanent Residence* or Form I-551: *Alien Registration Receipt Card for Permanent Status*. This program also requires that the head of the household be in employment training or looking for work.

Who to contact: The state Department of Health and Human Services.

(b) Supplemental Security Income (SSI)

What it is: The SSI program provides for basic financial support to those in need who are aged, blind, or disabled (including children under age 18) who have limited or low income and resources. SSI is considered a program of last resort and will only pay out benefits to the extent that other income and resources cannot satisfy a persons needs. As a result SSI applicants and recipients are required to file for other benefits they may be eligible for, such as pensions, worker's compensation and unemployment insurance.

Eligibility: To qualify you must have been admitted into the US under § 289 of the INA. You must have limited income or resources, be 65 years of age or older or considered medically disabled (according to guidelines published by the Social Security Administration). Other restrictions may apply.⁵⁵

Who to contact: The Social Security Administration at 1 (800) 772-1213.

(c) Medicaid

What it is: Medicaid is a health insurance program for low-income and needy people. It is a fee for service payment system. It covers children; the aged, blind, disabled and other people who are eligible to receive federally assisted income maintenance payments.

Eligibility: In some states you automatically qualify for Medicaid if you qualify for SSI benefits. However, the rules vary from state to state and you should contact the state Medicaid agency to determine how the program is administered in the state that you are in.

Who to contact: The Social Security Administration at 1 (800) 772-1213 or the local state Medicaid agency.

(d) Medicare

What it is: Medicare is a federal health insurance program. The program mainly covers people 65 or older, some disabled people and people with permanent kidney failure.

Eligibility: If you are receiving Social Security, you are automatically enrolled.

Who to contact: The Social Security Administration at 1 (800) 772-1213 or visit them on line at <http://www.ssa.gov>. You can also contact Medicare at 1 (800) MEDICARE or visit the website at: <http://www.medicare.gov>.

(e) Social Security Disability Insurance (SSDI)

What it is: SSDI provides benefits to disabled or blind individuals who are “insured” by workers’ contributions to the Social Security trust fund.

Eligibility: You must have worked and paid Social Security taxes for enough years (based on a sliding scale published by the Social Security Administration) and some of the taxes must have been paid in recent years; you (or your adult child or widow[er]) must be considered medically disabled (according to guidelines published by the Social Security Administration) and you must not be working or be working but earning under a certain level.⁵⁶

Who to contact: The Social Security Administration at 1 (800) 772-1213.



(f) Supplemental Nutrition Assistance Program (SNAP)

What they are: Also known as Food Stamps, these benefits allow people to buy food.

Eligibility: You and the other people in your household, who buy and prepare food together, must meet income or resource level criteria. You must have a US Social Security card number in order to apply. Most able-bodied people between the ages of 18 and 60 must register for work or may be required to take employment or other training programs in order to qualify. If you are homeless, you can still get SNAP even if you do not have an address, or a place to cook meals.

When applying for SNAP you will be interviewed and must bring:

- Identification, such as a drivers licence, state ID or birth certificate;
- Proof you are an ABC with 50 percent blood quantum of the American Indian race;
- Proof of the income for each member of your household, such as pay stubs or other records, which may include Social Security, SSI or pension documents;
- Proof of how much you spend on child care;
- Rent receipts or proof of mortgage payments;
- Records of your utility costs; and
- Medical bills for those who are 60 or older, and for those who get government payments because they are disabled.⁵⁷

Who to contact: The state food stamp administration agency.

(g) Special Supplemental Nutrition Assistance Program for Women, Infants, & Children (WIC)

What they are: The WIC program provides nutritious foods to supplement the diets of low-income pregnant, postpartum and breast-feeding women, infants and children up to 5 years of age. It also provides nutrition education and referrals to health services and other assistance programs.

Eligibility: Is based on income and a health professional must determine there is a nutritional risk.

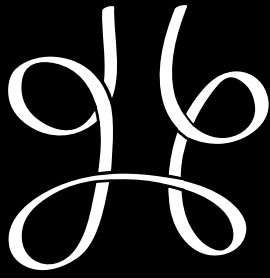
Who to contact: Contact the local state health department for more information about this program.⁵⁸

(h) Nutrition Services Incentive Program

What is it: This program is designed to help elderly people. The program is run by the Department of Health and Human Services and provides the elderly with nutritious means. Neighbourhood centres for the elderly serve well-balanced hot and cold meals at least once a day for five days. Transportation to and from the site is offered when possible and home delivered meals are available for elderly people who are homebound.

Eligibility: If you are 60 years of age or older you are eligible for the program and so is your spouse, even if they are not 60 years of age. You do not have to meet any income limits.

Who to contact: The local Social Security office at 1 (800) 772-1213.



Health Coverage and Insurance in the US

17. Health Coverage and Insurance in the US

Health care in the US is very different from our Canadian universal health care system. In Canada every legal resident receives health care through publically funded provincial and territorial plans. In Nova Scotia, the Medical Services Insurance Programs (MSI), provides all Nova Scotian's with health care coverage. As Indigenous peoples of Canada we also receive public health, health promotion services and health related goods from the First Nations Inuit Health Branch (FNIHB)⁶⁰ of Health Canada and Non-Insured Health Benefits (NIHB).⁶¹

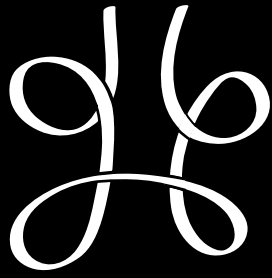
However, MSI, FNIHB, and NIHB will not provide health care coverage to individuals who are located outside of Canada. If you are planning to leave Canada, for any reason, you should purchase travellers health insurance.

There are many places you can purchase travellers health insurance. The more common sellers include:

- A travel agent;
- A Bank (you do not need to have an account with the bank and can buy the insurance online);
- VISA or MasterCard; and
- The Blue Cross.

It is strongly recommended that if you are diabetic or are travelling with a family member who is diabetic that you or your family member purchase travellers insurance.





Definitions

18. Definitions

Blood quantum is the degree to which someone can prove they have a certain amount of American Indian blood.

A **certified copy** is a photocopy of a document that contains a statement made by a professional affirming that they have seen the original document, the information on the copy matches the original, and the photocopy has not been altered in any way.

A **duty** is a tariff payable on a good imported to Canada. The Canada Border Services Agency collects duty and taxes on imported goods, on behalf of the Government of Canada.

The **Grand Council** (*Santé Mawiomi*) of the Mi'kmaq nation have been the traditional governance structure for the Mi'kmaq people since time immemorial, but written records have been able to trace the existence back at least six centuries. The Mi'kmaq Grand Councils role has evolved and changed over time, to fit the needs of the Mi'kmaq people. Put most simply the role of the Mi'kmaq Grand Council by the late Keptin Noel Marshall is to “Keep the faith, and protect the Mi'kmaq Nation”. As the original negotiators of the covenant chain of Mi'kmaq treaties, the Mi'kmaq Grand Council key concern are in the constitutionally recognized rights of the Mi'kmaq, pre-contact, treaty, and internationally, as recognized and affirmed by the section 35 of the Constitution Act 1982. These rights include governance, land tenure, and harvesting rights (Hunting Fishing and Gathering), trade and resource management.”⁶²

A **guarantor** must hold a 5-year or 10-year Canadian passport that is valid or has been expired for no more than one year; on the day you submit your application. A grantor must have known you (the applicant) personally for at least 2 years, be a Canadian citizen 18 years of age or older and be accessible to the passport program for verification.

Indigenous people have a set of specific rights based on their historical ties to a particular territory, and their cultural or historical distinctiveness from other populations that are often politically dominant.

The **Jay Treaty** was signed on November 19, 1794-75 by representatives of the US and Great Britain. The purpose of the *Jay Treaty* was to settle outstanding issues between the two countries that had not been resolved after American independence.

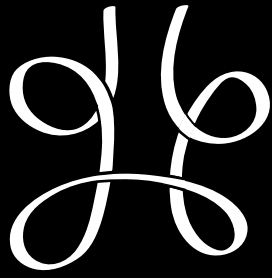
A **personal exemption** allows you to bring goods of a certain value into the country without paying regular duty and taxes, except for a minimum duty that may apply to some tobacco products. Even young children and infants are entitled to a personal exemption. As a parent or guardian, you can make a declaration to the Canada Border Services Agency for a child as long as the goods you are declaring are for the child's use.

References must have known you for at least 2 years and be 18 years of age or older. Your references cannot be family members.

A **same sex marriage** is a marriage between partners of the same sex (as recognized in some jurisdictions).

The Mi'kmaq - Nova Scotia - Canada **Tripartite Forum** was formed in 1997 as a partnership between the Nova Scotia Mi'kmaq, the Province of Nova Scotia and the Government of Canada, to strengthen relationships and to resolve issues of mutual concern affecting Mi'kmaw communities.





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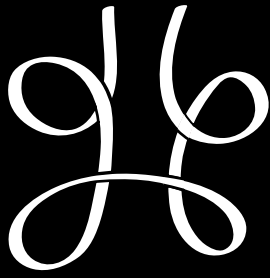


19. Authors Page

Angelina Amaral, BA, MEd, JD, is a member of the Miawpukek (Conne River) First Nation of Newfoundland and is of Portuguese heritage. She has two children, Miguel and Jayden Amaral. Through the help and support of her parents, Adelia and Miguel Amaral, she has been able to earn an undergraduate degree in psychology from Cape Breton University, a Masters of Education: Life Long Learning from Mount Saint Vincent University; and a *Juris Doctor* from the Schulich School of Law at Dalhousie University.

After articling through the *Ku'tawtinu: Shared Articling Initiative*, Angelina, was called to the Bar in June of 2015. She began practicing at The Confederacy of Mainland Mi'kmaq in September of 2015.





Endnotes

20. Endnotes

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