



Implementing
UN Declaration Act
Action Plan Measure 52
PROPOSED AMENDMENTS

About Inuit Tapiriit Kanatami

Inuit Tapiriit Kanatami (ITK) is the national representative organization for the 70,000 Inuit in Canada, the majority of whom live in Inuit Nunangat, the Inuit homeland encompassing 51 communities across the Inuvialuit Settlement Region (Northwest Territories), Nunavut, Nunavik (Northern Québec), and Nunatsiavut (Northern Labrador). Inuit Nunangat makes up 40 percent of Canada's land area and 72 percent of its coastline. ITK represents the rights and interests of Inuit at the national level through a democratic governance structure that represents all Inuit regions. ITK advocates for policies, programs, and services to address the social, cultural, political, and environmental issues facing our people.

ITK's Board of Directors are as follows:

- Chair and CEO, Inuvialuit Regional Corporation
- President, Makivvik
- President, Nunavut Tunngavik Incorporated
- President, Nunatsiavut Government

In addition to voting members, the following non-voting Permanent Participant Representatives also sit on the Board:

- President, Inuit Circumpolar Council Canada
- President, Pauktuutit Inuit Women of Canada
- President, National Inuit Youth Council

Vision

Canadian Inuit are prospering through unity and self-determination.

Mission

Inuit Tapiriit Kanatami is the national voice for protecting and advancing the rights and interests of Inuit in Canada.

Overview

This document proposes legislative and policy amendments for implementing Action Plan Measure 52 of the UN Declaration Act Action Plan.

The UN Declaration Act [Action Plan](#) includes the following legislative commitment:

54. Pursue legislative amendments to the Immigration and Refugee Protection Act, amendments to relevant Regulations and revisions to policies in order to address complex border crossing and migration challenges faced by Indigenous peoples divided by Canada's international borders, including options to amend Canada's right of entry provision, and work and study permit requirements.

Engagement with Indigenous peoples and their representative organizations to implement the action plan measure is being initiated in 2023, with a view to advancing amendments and policy reforms in 2024. In parallel, the Government of Canada will continue discussions with international partners on Indigenous border crossing issues. (Canada Border Services Agency; Immigration, Refugees and Citizenship Canada)

Action plan measure (APM) 52 is intended to implement Article 36 of the UN Declaration. This initiative must eliminate legislative and policy barriers to cross-border mobility and immigration that arbitrarily divide Inuit. This can be achieved through the following actions:

- 1) Amend the Immigration and Refugee Protection Act (IRPA) and its corresponding regulations in order to affirm the right of Inuit to enter Canada and to create a pathway to residency in Canada for Alaska and Greenland Inuit. US immigration legislation and policy already affirm the right of Indigenous peoples located in Canada to enter the US and apply for permanent residency status.
- 2) Indigenous Services Canada must include Inuit Treaty Organizations in the list of Indigenous peoples the department provides to the US Department of Homeland Security and US Citizenship and Immigration Services. Currently, ISC manages a [list](#) of First Nations recognized by the federal government, and it is this list that is used by the US government to determine eligibility under [US immigration programs and policies](#).

Who we are

Inuit are one Indigenous people who share a common language, culture and way of life. The Inuit homeland encompasses northern Alaska (Nome Census Area, Northwest Arctic Borough, and North Slope Arctic Borough), Inuit Nunangat (Canada), and Greenland (Denmark).

Amending the Immigration and Refugee Protection Act

Amendments should serve to enable Inuit from Alaska and Greenland to enter, work and reside in Canada. This can be achieved by amending the IRPA and the Immigration and Refugee Protection Regulations to include new provisions affirming the right of Inuit to enter Canada and that create a new permanent residency class accessible to Inuit and other Indigenous peoples.

Permanent residents must maintain their status through physical residency in Canada during specified durations of time. Permanent residents are eligible to apply for citizenship after a duration of permanent residency. Permanent residency differs from time-limited permits such as student or work permits and offers a more flexible approach for contributing to reduced labour market shortages in Inuit Nunangat and among Inuit organizations located outside of Inuit Nunangat.

Proposed amendments

Proposed amendments are outlined in red unless otherwise noted.

Immigration and Refugee Protection Act

Section 2(1) should be amended to add the following definition:

United States federally recognized tribe located in a border state means an American Indian or Alaska Native tribal entity that is recognized by the United States Department of Interior in its most recent notice listing tribal entities eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as Indian Tribes, and which is located in one of the following 10 border states: Alaska, Washington, Idaho, Montana, North Dakota, Minnesota, Wisconsin, Michigan, New York, Maine.

Greenlander means a person of Inuit descent who resides in Greenland and has at least one biological parent or grandparent who was born in Greenland.

Section 3(1) should be amended as follows:

Section 3(1)(k) to be added that reads as follows:

(k) to implement the right of Indigenous Peoples divided by international borders to maintain and develop contacts, relations and cooperation, consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

Section 12 should be amended by including the following new subsection:

(3) Reunification of Indigenous Peoples A person who is either a member of a United States federally recognized tribe located in a border state or a Greenlander may be selected as a member of the Indigenous Peoples class.

Section 19 should be amended as follows:

Right of entry of citizens and ~~Indians~~ Indigenous Peoples:

19 (1) Every Canadian citizen within the meaning of the Citizenship Act, ~~and~~ every person registered as an Indian under the Indian Act, ~~every person registered as a member of a United States federally recognized tribe located in a border state, and every Greenlander,~~ has the right to enter and remain in Canada in accordance with this Act, and an officer shall allow the person to enter Canada if satisfied following an examination on their entry that the person is a citizen, ~~or~~ registered Indian, ~~member of a United States federally recognized tribe located in a border state, or Greenlander.~~

Immigration and Refugee Protection Regulations (SOR/2022-227)

A new part of the Regulations should be added (Part 8) to recognize an Indigenous Peoples class:

Part 8 - Indigenous Peoples class

Class

138 For the purposes of subsection 12(1) of the Act, the Indigenous Peoples class is hereby prescribed as a class of persons who may become permanent residents on the basis of the requirements of this Division.

Member

139 A foreign national is a member of the Indigenous Peoples class if they

- a) are a member of a United States federally recognized tribe located in a border state; or
- b) are a Greenlander.

Section 70(2) of the Regulations should be amended to include the following class of applicants eligible to apply for permanent residency from outside Canada:

(2) The classes are

- a) the family class;
- b1) the Indigenous Peoples class;**
- b) the economic class, consisting of the federal skilled worker class, the Quebec skilled worker class, the provincial nominee class, the Canadian experience class, the federal skilled trades class, the Atlantic immigration class, the Quebec investor class, the Quebec entrepreneur class, the start-up business class, the self-employed persons class and the Quebec self-employed persons class; and
- c) the Convention refugees abroad class and the country of asylum class.

Note on federally recognized tribes located in border states: There are a total of 574 federally recognized tribes in the US. Federally recognized tribes are located in 10 of the 14 states bordering Canada, totaling 317 federally recognized tribes in these states. The number of tribes located in each border state is listed below:

STATE	NUMBER OF FEDERALLY RECOGNIZED TRIBES
Alaska	231 ¹
Washington	29
Idaho	4
Montana	7
North Dakota	3
Minnesota	11
Wisconsin	11
Michigan	12
New York	8
Maine	5

Note on the Greenland Inuit population: Greenland Inuit are Danish citizens. The Government of Greenland does not recognize Greenland Inuit as an Indigenous People and no framework or status equivalent to membership in an Inuit Treaty Organization or US federally recognized tribe exists. ‘Born in Greenland’ therefore tends to be used by some as a crude and inaccurate proxy for estimating the number of Greenland Inuit residing in Greenland during any given year. [In 2023, 50,160 of 56,609 people were born in Greenland.](#)

¹ It is notable that each Indigenous community in Alaska is recognized by the US federal government as a distinct and sovereign tribe, meaning the population of one Indigenous people is enrolled in many different tribes. For example, Iñupiat territory today encompasses 31 communities, each of which is recognized as a distinct federally recognized tribe. Indigenous languages may provide a clearer picture of Indigenous peoples in Alaska. Alaska is home to 20 Indigenous languages.



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