

# Comparison of Canadian and U.S. Border Laws for Métis People

Métis Services Canada

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## Overview

This document provides a comparison of Canadian and U.S. border laws affecting Métis people, particularly in the context of the Jay Treaty and border crossing rights. The table below highlights key differences in legal recognition, documentation requirements, and practical challenges.

Aspect	Canadian Laws for Métis at the Border	U.S. Laws for Métis at the Border
<b>Legal Recognition of Jay Treaty</b>	The Jay Treaty has no legal status in Canada. Canadian courts, such as in the 1956 Louis Francis case, ruled that the Jay Treaty is not part of Canadian law because it was not ratified by legislation. Canada does not recognize Métis border crossing rights under this treaty.	The U.S. recognizes the Jay Treaty (1794), allowing Canadian-born Métis with at least 50
<b>Right to Enter/Remain</b>	Métis people who are Canadian citizens have the right to enter and remain in Canada under the Immigration and Refugee Protection Act (IRPA), but this applies to all citizens, not specifically Métis. Non-citizen Métis face standard immigration requirements. Discussions are ongoing to expand rights for Indigenous mobility, but no specific Métis provisions exist as of 2025.	Métis with at least 50
<b>Required Documentation</b>	Métis status cards are not officially required for entry into Canada but may be requested to verify identity. A Canadian passport is recommended for re-entry. Canada does not issue blood quantum letters for Métis, creating challenges for Jay Treaty claims at the U.S. border.	U.S. border officials often request a blood quantum letter proving at least 50

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<b>Customs Duties on Goods</b>	Métis people are subject to standard customs duties and taxes on goods when entering Canada, as the Jay Treaty's provision on duty-free goods for Indigenous people is not applied.	The Jay Treaty exempts Métis from customs duties on "own proper goods," but this is not consistently enforced at the U.S. border, and Métis are often subject to standard customs processes.
<b>Border Crossing Challenges</b>	Canada's lack of Jay Treaty recognition means Métis face no special provisions for entry, and some have been denied entry if lacking proper citizenship documentation. Advocacy for Indigenous mobility rights continues, with calls to amend IRPA to include Métis-specific provisions.	U.S. border officials may lack familiarity with Métis rights under the Jay Treaty, leading to inconsistent enforcement. Métis individuals often face delays or denials if they cannot provide blood quantum proof, despite their legal rights.
<b>Cultural/Family Connections</b>	Canada acknowledges the cultural and family ties of Métis across the border but has not translated this into legal border crossing rights. Roundtables with Métis groups, like the Métis National Council, have pushed for a distinctions-based approach to mobility.	The U.S. recognizes the cultural and familial connections of Métis communities across the border, which is why the Jay Treaty applies, but practical enforcement depends heavily on documentation and officer discretion.

## Note

This document is for informational purposes only and does not constitute legal advice. Métis individuals should consult with recognized Métis organizations or legal professionals for guidance on border crossing.