



---

# *Frequently Asked Questions*

---

## ***Agreement in Principle Indian Residential Schools***

### **Q.1 When did work on the “Agreement in Principle” begin?**

- A.1 Over the last year, the Government has reconsidered elements of its current resolution approach. Advocacy from many sources, most notably from the Assembly of First Nations, has brought into focus the need to recognize more broadly the adverse impacts of the Indian residential school experience in addition to individual claims of physical or sexual abuse.

On May 30, 2005, the Government appointed the Honourable Frank Iacobucci to work with legal counsel for former students, legal counsel for Church entities, and other representatives of former students, including the Assembly of First Nations and other Aboriginal organizations, to develop an agreement for a fair and lasting resolution of the legacy of Indian residential schools. This work resulted in the Agreement in Principle that was reached on November 20, 2005.

### **Q2. What is the Agreement in Principle and how does it address the legacy of Indian residential schools?**

- A2. The Agreement in Principle represents the consensus reached in the discussions led by the Honourable Frank Iacobucci with legal counsel for former students, legal counsel for the Churches, the Assembly of First Nations and other Aboriginal organizations. Mr. Iacobucci was appointed on May 30, 2005 to negotiate a fair and lasting approach to resolving the legacy of Indian residential schools.

This Agreement in Principle goes beyond monetary recognition of the common experience of attending an Indian residential school and includes improvements to the current ADR process, support for healing, commemorative activities, and further research and public education

concerning past policies and their continuing impact on Aboriginal Canadians. Also, in the short term, eligible former Indian residential school students 65 years of age and older will soon be able to apply for an advance payment of \$8,000.

Although the Agreement in Principle has the full support of all parties involved in its creation, it still requires the final approval of the courts.

**Q3. Who participated in the discussions that led to the Agreement in Principle?**

A3. The Federal Representative worked with legal counsel for former students, legal counsel for the church entities, and other representatives of former students, including the Assembly of First Nations and other Aboriginal organizations.

**Q4. How will the Agreement in Principle be approved?**

A4. Based upon the Agreement in Principle, approval of a final settlement agreement will be sought from the Courts in a number of provinces and territories.

Following court approval, an opt-out period would apply. It is proposed that the final settlement agreement would come into force unless more than 5,000 eligible former students formally opt-out.

**Q5. Will the Agreement in Principle give payment priority to elderly former students?**

A5. It is important to note that this Agreement in Principle still needs the approval of the courts and that this will take some time. However, eligible former Indian residential school students 65 years of age and older as of May 30, 2005 will be able to apply for an advance payment of \$8,000. **Application forms for the advance payment will be available early in 2006.** Every effort will be made to ensure that this payment is made to former students over 65 years of age as soon as possible.

**Q6. Who will be administering the Advance Payment?**

A6. The Advance Payment will be administered by Indian Residential Schools Resolution Canada. An application form will be made available in early

2006 and every effort will be made to issue payments to former students 65 and older as quickly as possible.

**Q7. What is the “Common Experience Payment”?**

A7. The Common Experience Payment (CEP) is a lump-sum payment that recognizes the often negative experience and its impacts on former students of Indian residential schools. Upon verification, each eligible former student who applies for the CEP would receive \$10,000 as well as an additional \$3,000 for each year of attendance in excess of the first year.

**Q8. Who is eligible for the Common Experience Payment?**

A8. All former students of recognized Indian residential schools who were alive on May 30, 2005 are eligible for the Common Experience Payment. This includes First Nations, Métis, and Inuit former students. The list of recognized Indian residential schools can be found in Schedules C and D of the Agreement in Principle. Additional schools may be added to this list in the future, provided that they meet the criteria set out in the Agreement.

**Q9. How and when can I apply for the Common Experience Payment?**

A9. It is important to note that an application form for the Common Experience Payment does not currently exist, and will not be available until after the final agreement is reached and receives court approval.

\*\* Please note that the “Survivor Database Form” made available by the Assembly of First Nations is not an application form for the Common Experience Payment. It should further be noted that the “Informal Request for Personal Information” form found on the Indian Residential Schools Resolution Canada website is not an application form for the Common Experience Payment.

For those former students 65 and older, the application form for the Advance Payment will be made available as soon as possible. For more information and updates regarding the application for the Advance Payment please consult Indian Residential Schools Resolution Canada’s website at [www.irsr-rqpi.gc.ca](http://www.irsr-rqpi.gc.ca)

**Q10. Will I need to have a copy of my school records to be eligible for the Common Experience Payment?**

A10. No, former students do not need to obtain a copy of their school records in order to receive the Common Experience Payment nor is it a requirement for the Advance Payment. The Government of Canada will verify former students' attendance at Indian residential schools.

**Q11. Will I need to have a lawyer in order to receive the Advance Payment or the Common Experience Payment?**

A11. No, you do not need a lawyer to receive the Common Experience Payment.

**Q12. Will I be eligible for the Common Experience Payment if I have settled my claim through either litigation or the ADR process?**

A12. All former students of recognized Indian residential schools are eligible for the Common Experience Payment **following court approval of the final settlement agreement**, including former students who have settled their claims through litigation, the ADR process, or the pilot projects.

**Q13. Who will be administering the Common Experience Payment (CEP)?**

A13. It is important to note that a final settlement agreement must be concluded and approved by the courts before the CEP can be paid to former students. Following court approval, Service Canada will administer the CEP to all eligible former students.

**Q14. Will receiving this Common Experience Payment affect my social benefits or social assistance benefits?**

A14. The Government of Canada is working with provincial and territorial governments, and all Federal departments, to ensure that the receipt of any payments under an eventual final settlement agreement do not affect the amount, nature, or duration of any social benefits or social assistance benefits received by former students.

**Q15. Will the Common Experience Payment be taxable?**

A15. Payments associated with the Agreement in Principle will not be considered income for federal taxation purposes.

**Q16. What is the “Independent Assessment Process”?**

A16. Under this agreement, an enhanced ADR process called the “Independent Assessment Process (IAP)” will address claims of sexual abuse and the most serious incidents of physical abuse. Following the coming into force of the final settlement agreement, it is proposed that the IAP process would be the only way a former student could pursue a sexual or serious physical abuse claim, unless he or she has formally opted out of the settlement. Compensation through the IAP would be paid at 100% by the Government in all cases.

Schedule B of the Agreement in Principle provides more details regarding the IAP. Schedule B can be found at [www.irsr-rqpi.gc.ca](http://www.irsr-rqpi.gc.ca)

**Q17. What happens to Alternative Dispute Resolution (ADR) claims still underway?**

A17. Until court approval of the final settlement agreement is given, the current ADR process will continue to receive applications, hear claims, and award compensation to former students.

**Q18. Will health supports continue to be available to former students?**

A18. Yes, health supports currently available to former students in the ADR or litigation processes will be made available to all former students eligible for the Common Experience Payment.

**Q19. How does this Agreement in Principle address the need for commemoration and truth-telling programs?**

A19. The Agreement in Principle goes beyond monetary recognition of the common experience of attending an Indian residential school and proposes that an investment of \$60 Million be made towards a Truth and Reconciliation process. This process is intended to promote public education and awareness about the Indian residential school system and its impact on aboriginal communities in Canada. This voluntary process would also provide former students and their family members an opportunity to share their experiences in a safe and culturally-appropriate environment.

The AIP also proposes that an additional \$10 Million be invested in the existing Commemoration program, which would double the amount of funding available for commemoration initiatives, events, projects and memorials on a national and community level.

**Q20. Will the Aboriginal Healing Foundation benefit from this Agreement in Principle and will more money be provided to support healing?**

A20. Continuing to support healing, educating, and bringing all Canadians together to understand the legacy of Indian residential schools are all important parts of this resolution process. The Agreement in Principle proposes that the Aboriginal Healing Foundation receive an endowment of \$125 Million over 5 years to continue its work towards healing and reconciliation.

**Q21. Does the Agreement in Principle provide for legal fees for counsel representing former Indian residential school students?**

A21. For many years, legal counsel have undertaken a substantial amount of work on behalf of former students and, in many instances have not received payment of legal fees. Following court approval of the final settlement agreement, legal counsel will receive fees for past work undertaken in relation to representing former students. This applies only to work that was undertaken prior to the Honourable Frank Iacobucci's appointment on May 30, 2005.

The Agreement in Principle provides that legal counsel who accept a payment for legal fees from the Government under an eventual final settlement agreement agree not to charge former students any legal fees or disbursements in respect of the Common Experience Payment. Legal fees payable under the final settlement agreement are subject to verification and approval by the courts.

December 2005