

## Background

Some applicants maintain a gender identity that differs from that shown on their birth or citizenship record. These applicants may wish to have their passport issued showing their new gender identity. Sections 28 and 29 of the Births, Deaths, Marriages, and Relationships Registration Act 1995, allows an eligible adult, or the guardian of an eligible child, to apply to the New Zealand Family Court for a declaration to have their birth record reflect their nominated gender.

The New Zealand Family Court must be satisfied that the applicant's adoption of their nominated gender will be maintained. Full gender reassignment is not necessary in all cases for an applicant to obtain a declaration.

An amendment to this Act now enables all New Zealand citizens, regardless of country of birth, to apply to the New Zealand Family Court for a declaration.

From 25 January 2009, all New Zealand citizens residing in New Zealand, who want to have their gender recorded in their passport as different to that on their birth or citizenship record, must apply to the New Zealand Family Court for a declaration.

## Policy statements

### Transgender (Gender 'X')

If a transgender person has not obtained a declaration from the New Zealand Family Court, then their passport may be issued showing an 'X' in the sex field.

This practice is in accordance with the standards set by the International Civil Aviation Organisation (ICAO) which is the United Nations agency that sets universally accepted specifications for international travel documents.

An applicant who wants their passport to display an 'X' in the gender field must complete a statutory declaration:

- indicating how long they have been living as a transsexual
- acknowledging that if their gender identity is changed through the New Zealand Family Court process, then a new application and full fee will be payable in order to have their new gender identity recorded in their passport.

### **Note:**

These applications must be approved by a Team Leader.

### Change in Gender Identity (Gender as 'F' or 'M')

#### **Born in New Zealand and residing in New Zealand**

Once the Family Court process has been successfully completed, the Court will issue a declaration. This may be used as the basis for the Registrar-General to amend the birth record to show the new gender identity. This is sufficient to issue a passport showing the new gender identity.

**Note:**

This will be recorded in OLEV, and the original birth record will be closed. Any name changes made prior to the record being closed will not be shown on the new birth record.

**Born outside New Zealand and residing in New Zealand**

Applicants must submit the New Zealand Family Court declaration with their passport application. This evidence is sufficient to issue a passport showing their new gender identity.

**Note:**

A copy of the declaration must be retained on the application.

These applications must be approved by a Senior Team Leader.

If the applicant provides an Evidentiary Certificate issued by the Citizenship Office before 25 January 2009, the application must be referred to a Senior Team Leader for approval.

**Note:**

If approved, a copy of the Evidentiary Certificate must be retained on file.

**New Zealand Citizens with other forms of evidence**

Some applicants may provide a court order or other official documentation from another country recognising the gender identity that they are currently maintaining. They may not want to, or be able to, obtain a declaration from the New Zealand Family Court.

**Note:**

Refer these applications to the Operations Manager.

**Previous Passports**

No further evidence is required for future applications if the applicant is requesting the same gender identity.

**Legislation**

[Births, Deaths, Marriages, and Relationships Registration Act 1995](#)

Released under the Official Information Act 1982