

Note: Be careful if accepting digital photographs as the images produced are often of poor quality.

3.3.6.4

Photographs cannot be replaced during the 'life' (period of validity) of a passport. Children under five years who have been issued with a passport in their first year of life may be issued with a replacement passport with a new photograph, issued for the remaining validity of the current passport, before the child turns five. The passport will be issued gratis. Full parental consent is required before a replacement gratis passport may be issued.

3.3.7 Change of sex

3.3.7.1

A full validity passport in the new gender may be issued to a transgender person who has undergone gender affirmation surgery subject to the applicant meeting all relevant passport application requirements including:

- For applicants born in Australia – a birth certificate from their state/territory RBDM showing the gender of reassignment;
- For applicants born overseas and resident in Victoria for at least 12 months – a 'Recognised Details' certificate from the Victorian RBDM acknowledging their name and sex; or
- For other applicants born overseas – medical certificates from two registered medical practitioners (who must be contacted to confirm authenticity of the certificate) verifying that the applicant has undergone gender affirmation surgery.

NEW

Note: All states and territories now have legislation allowing transgender persons who are at least 18 years of age, not married and have undergone gender affirmation surgery to apply to amend the gender on their birth certificates. If the applicant has changed only the gender on his/her birth certificate there will be no indication on the amended birth certificate and the registration number will remain the same. No further documentation is required as this is full proof of change of gender.

RBDM Birth Certificates issued following a gender affirmation surgery and change of name show an 'N' against the registration number. The certificate may include an endorsement in Section 8 'Previously registered in another name', and date.

Details should be cross referenced on PICS by raising an AA alert in the original name and sex and including the new name and sex in the narrative.

Medical evidence required

3.3.7.2

In circumstances where a revised birth certificate cannot be provided (generally for applicants born overseas and resident overseas) each request for a passport showing the new gender of the applicant must be supported by medical certificates from two registered medical practitioners (who must be contacted to confirm authenticity of the certificate) indicating that the applicant has undergone gender affirmation surgery.

3.3.7.3

Medical certificates should be detailed, if not, applicants should be requested to produce medical certificates along the lines of:

"I {doctor's name} confirm that {applicant's name} is over 18 years of age or over and unmarried and has undergone {will undergo} sex affirmation surgery, being a surgical procedure involving the alteration of a person's reproductive organs carried out for the purpose of assisting the person to be considered to be a member of the opposite sex."

Change of name

3.3.7.4

All applicants who have undergone gender affirmation surgery and require a new passport to include a new name must provide documents to support the change of name as outlined in section 3.4.

- 3.3.7.5 Applicants travelling for the purpose of gender affirmation surgery (see 3.3.7.6 below) and who request a different name on the limited validity passport must provide documentation to support the change of name, as outlined in section 3.4.1.3.

Travelling for the purpose of gender reassignment

- 3.3.7.6 People travelling overseas for the specific purpose of gender affirmation surgery may be issued with a limited validity passport with maximum validity of 12 months showing the intended gender, on condition that certificates supporting the application from two registered medical practitioners (who must be contacted to confirm authenticity of the certificate) are provided stating that gender affirmation surgery is scheduled to take place in {country} on {date}. Proof of travel could be requested if there are any doubts. The applicant must meet all the usual passport application requirements (i.e. identity, citizenship and entitlement) first.
- 3.3.7.7 The passport will have limited validity for one year. At the time of issuing the limited validity document, the applicant must also be provided with a copy of Letter 10. The applicant can apply for a gratis full validity passport in their new gender before the limited validity passport expires. Applicants must meet the requirements outlined above in 3.3.7.1.

Documents of Identity and transgender people

- 3.3.7.8 Applicants who are living in the character of a member of the opposite gender may apply for the issue of a Document of Identity. Personal details on a Document of Identity do not include gender. Because of the possible disadvantages in using a Document of Identity for travel, the applicant should be advised in writing that:

- Some countries do not regard a Document of Identity as a valid travel document;
- Customs/immigration authorities in some countries may view the possession of a Document of Identity in lieu of a passport with suspicion and consequently delay or harass the bearer at entry points; and
- Should customs/immigration officers decide to conduct a body search there is a very real risk of embarrassment to the bearer (this may also occur to a pre-operative person issued with a limited validity passport).

See: Letter 11—Letter to Transgender Applicant and Acknowledgement Receipt.

- 3.3.7.9 The applicant should acknowledge the following in writing:

- Their receipt of the letter from DFAT; and
- Their agreement to the issue of a Document of Identity.

- 3.3.7.10 A copy of the advice to the applicant and their acknowledgment must be filed with the application and supporting documents and scanned into Delta.

Sex incorrectly recorded on the birth certificate

- 3.3.7.11 Instances have occurred where the sex has been incorrectly recorded on the birth certificate—i.e. male instead of female. Should an applicant claim that the gender shown on the certificate is incorrect, advise the applicant to contact the Registrar of Births, Deaths and Marriages in the state of birth. The error must be corrected and a new birth certificate produced before a passport can be issued.

3.3.8 Indeterminate Sex

- 3.3.8.1 The term "indeterminate" sex refers to persons whose sex cannot be determined as either male or female. This status is determined by the relevant Registrar of Births, Deaths and Marriages.

- 3.3.8.2 In accordance with the International Civil Aviation Organisation (ICAO) standard for unspecified sex, the symbol X in the sex field is to be used in Australian passports. This

sex identifier will be used in cases where a person presents a birth certificate with the sex recorded as "Indeterminate" or the equivalent.

3.3.8.3

Where such a birth certificate is presented, the interviewer should follow the procedures set out below:

- The applicant must write INDETERMINATE SEX under the Male/Female boxes on the application form (the Male/Female boxes must not be struck out or filled in);
- The interviewer must write INDETERMINATE SEX in the comments box;
- Due to the complexity of the processing of these applications, a Priority Processing Fee cannot be accepted;
- The interviewer should advise the applicant that there will be a delay in issuing the passport as the application can only be processed by the Canberra Passport Office;
- Refer the case to Passport Operations Section (POS) for approval. POS will forward the application to the Canberra Passport Office on approval.

What happens next?

3.3.8.4

Canberra Passport Office will process the application and issue the document in consultation with PST (i.e. PICS will be overridden and "X" manually inserted into the sex field).

3.3.8.5

The passport will be despatched along with a warning letter (see 3.3.8.7 below) to the client and the sending office advised.

3.3.8.6

The bearer may experience some inconvenience in crossing international borders given that "X" in the sex field is not commonly used.

3.3.8.7

In these circumstances, the issuing office (i.e. Canberra) will provide the applicant with a letter designed to alert the holder of this possibility. The letter is expressed in the following terms:

I refer to your application for the issue of a passport showing your gender as indeterminate and now enclose your passport with "X" in the gender field.

It is important to note that while the letter "X" in the gender field is accepted practice endorsed by the International Civil Aviation Organisation (ICAO) (the organisation that is responsible for setting passports standards), you should be aware that you may experience some inconvenience or delay when crossing international borders given the infrequent use of "X" in the gender field.

3.3.9 Place of birth

What is recorded in the passport as place of birth?

3.3.9.1

The applicant's country of birth must be included in an application but is not shown in the passport. The town or city of birth must be recorded in the application and passport. If a town or city is not recorded and it is necessary to show a country, acronyms such as FYROM (Former Yugoslav Republic of Macedonia) must not be used in the place of birth field in the travel document.

3.3.9.2

Where the applicant presents a Australian full birth certificate or Australian citizenship certificate, the place of birth shown on the certificate, regardless of whether it is a town, city or suburb must be recorded on the application and in the passport. In cases where a suburb as well as a city is shown on the birth or citizenship certificate, only the city is to appear in the passport.

3.3.9.3

Where an applicant is unable to provide documentary evidence of their place of birth the case must be referred to Passport Operations Section.

3.3.9.4

If an applicant is lodging a renewal, the place of birth that appears in any previous