

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 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 – a revised citizenship certificate to reflect their new identity, or given current citizenship certificates no longer record a person's gender, formal evidence from DIAC it has accepted the reassigned gender and amended its citizenship records to reflect the new gender. Clients should be referred to DIAC for advice on how to obtain a revised certificate/documentary evidence.
- Passport offices have no authority to vary this policy.

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. Provided the revised birth certificate validates in states where the CVS-D system is operating, no further documentation is required as this is full proof of change of gender and a full validity passport may be issued in this 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.

- Where a full validity passport is issued in a reassigned gender and the person has held a previous document issued in another birth gender, then details must 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.
- Requests for travel documents that fall outside this revised policy framework are not to be issued by a passport office. Where necessary, cases that fall outside of this policy may be referred to PPC for advice.

Change of name

3.3.7.2 All applicants who have undergone gender affirmation surgery and wish their passport to include a new name must provide the normal RBDM change of name/revised birth certificate to support the change of name as outlined in section 3.4.1.3.

3.3.7.3 Applicants travelling for the purpose of gender affirmation surgery and who request a different name on the travel document (see para 3.3.7.4 below)

must provide the normal RBDM name change documentation to support the change of name, before it can be included in a travel document.

Travelling for the purpose of gender reassignment

3.3.7.4 People travelling overseas for the specific purpose of gender affirmation surgery may only be issued with either

- a full validity passport or a limited validity passport with a validity of up to a maximum of 12 months, which indicates their **current** sex, i.e. sex at birth as recorded on their birth or citizenship record (as confirmed by DIAC); or
- a Document of Identity, with a maximum validity of 12 months and the gender field left **blank**.

The applicant must meet all the usual passport application requirements.

3.3.7.5 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: Letter11—Letter to Transgender Applicant and Acknowledgement Receipt.

3.3.7.6 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.

3.3.7.7 A copy of the advice to the applicant and their acknowledgment must be scanned into Delta and attached to the applicant's record.

3.3.7.8 A limited validity passport containing the applicant's reassigned gender may only be replaced gratis for the remaining validity period when the applicant can produce the appropriate documentation as set down in this policy.

3.3.7.9 Clients who may have been issued a LVP in their intended gender prior to the Passport Determination, may only be issued another travel document in the reassigned gender where they can meet this policy (i.e. the gender to appear in the travel document must be the one recorded in the birth certificate or on the citizenship database).

Documents of Identity and transgender people

3.3.7.10 Applicants who are living in the character of a member of the opposite gender and who are unable or unwilling to obtain a cardinal document in their revised gender, may upon providing evidence of living in the opposite gender (e.g. a B11), apply for the issue of a Document of Identity with the gender field left blank or a full validity passport in the gender as accepted and recorded by DIAC or RBDM, whichever is appropriate to their circumstances. The same procedures as outlined in 3.3.7.4-6 above apply.

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 or citizenship record - 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 or DIAC to have the error corrected. A change must only be included in a travel document if supported by a new birth certificate or citizenship record produced in support of a passport application.

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 only 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.