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2007-09-16

Passport Section  
Consular Division

I have been asked to contact you by the Department for Constitutional Affairs (DCA) in regard to the following!

Can you please explain the exact procedure for amending a Passport after Sex Re-assignment Surgery (SRS) for those born in the UK, but now residing abroad?

Those of us born in the UK and are now resident citizens of Australia and New Zealand would like to know what are the requirements that we have to follow in order to amend our UK Passport?

These are the points that we need clarification on, as we are not receiving advice on these matters from the Consulates in Canberra and Wellington. I have been given to understand that each Consulate outside of the UK can approach this matter in a different way to the Passport Office based in the UK. Is this correct?

These are the queries that we need answered, via guidelines and what is in the Passport Act!

- Do we need a Gender Recognition Certificate (GRC)
- Do we need an amended Birth Certificate (BC)
- Do you need medical evidence if either a GRC or a BC are offered as proof
- Do you need notice of change of name if either a GRC or a BC are offered
- If a GRC is offered as proof, do you need any or all of the above. I understand from DCA, that the GRC is the most important, as if that is not granted, then nothing can be changed. (Contact at DCA is Marguerite Celiz in the Gender Recognition Branch)
- What is the position for those who hold a GRC but have not had SRS, either through choice or medical reasons

All of the above is of course to do with people born in the UK but now domiciled abroad.

We have to ask this, as we have evidence of a case where the person born in the UK and unable to undergo surgery, as it would be life threatening, applied as per the attached letter to Canberra and was able to obtain an amended UK passport.

01/08/2007

Arrived in Australia on a temporary passport in 1964! Issued by Australia under 'The Migration Act' supporting white immigrants, usually called "10 pound Pomme"

Many years later applied for Australian citizenship in my '**then Male name, address** etc' and it was issued as such!

Applied to British high commission in Canberra for passport so I could return to England for a three month holiday (male mode)

Some 12 years later I transitioned from male to female. I was issued with a deed poll for name change. Medicare, Driving Licence etc changed with deed poll and medical certificate from psychologist issued by sexual health. All documents were changed.

In 2006 I applied to Canberra British passport office for new passport in new name (deed poll supplied) plus old male passport with all information asked for as per application. New passport was issued in female name with an F in the box and on the bottom amongst the numbers was an F as well. My old passport was returned with the corner cut off.

I now applied for an Australian passport via the post office with documents asked for. The new passport was returned with an F in place, and no questions asked! As Per the law in Australia, I answered all questions truthfully. There was no question that had to be ticked or answered that had anything to do with being Transsexual!

Hypothetical question! If I was a mass killer would I say that I was, if not asked?

**Erica,**

**From:** TP Durham [mailto:TP.Durham@ips.gsi.gov.uk]

**Sent:** Monday, July 30, 2007 6:11 PM

**To:** knoble@iinet.net.au

**Subject:** IPS Reply

Thank you for your e-mail.

To obtain a passport under the gender recognition guidelines a letter from a consultant detailing the intention to change gender is required, irrespective as to whether surgery is carried out. If surgery is not carried out, the passport can be issued in the new name but showing the birth gender. If surgery is carried out the new gender can be detailed on the passport.

In both cases a change of name document is required. It is also important to remember that for all renewal applications any change of resemblance on photographs must be supported by a qualified counter signatory.

As you are aware applications must be submitted via the high commission in Canberra, information can be found at [www.britaus.net](http://www.britaus.net) or tel (2) 6273 3236.

I hope this answers your query.

Tracey  
TEB  
IPS  
Durham

**From:** Kathy Noble [mailto:knoble@inet.net.au]  
**Sent:** Monday, July 30, 2007 6:47 PM  
**To:** 'TP Durham'  
**Subject:** RE: IPS Reply

Hi Tracey,

Thank you for what you sent me. I think that I should point out that there is no mention in any paperwork from Canberra about how trans people should apply!

Because of this, a friend applied sending her old passport, change of name, 2 photos, application form and fee. She did not mention that she was trans, her old passport was issued for a male person, and she received a new one from Canberra as female. Her name and sex were changed on the new passport. She has not had surgery, nor was asked to supply details of her living as a female. She cannot have surgery as it would be life threatening. Her old passport was cancelled and returned along with her new one. She has since used it to visit UK for a holiday!

She is still married, so even if she wanted to change her birth certificate and receive a GRC, she has no wish to, as she wishes to stay married!

I think, as she does that something has gone very wrong here. The follow up is even worse, as she used the UK passport details plus her drivers licence to change her Australian Passport, and you can only do that with an amended Birth Certificate and after Surgery.

Can some one please explain how this can and does happen?

Love and Peace,  
**Kathy Anne Noble**

**From:** Kathy Noble [mailto:knoble@inet.net.au]  
**Sent:** 30 July 2007 09:57  
**To:** Celiz, Marguerite  
**Subject:** FW: IPS Reply

Hi Marguerite,

This is what I have received, and my answer.

Kathy

**From:** Celiz, Marguerite  
**Sent:** 06 August 2007 17:08  
**To:** 'Kathy Noble'  
**Subject:** IPS Reply and other matters

Kathy

I was surprised to see the email exchange between yourself and Tracy since it does seem slightly at odds with what I have been told. I have forwarded a copy of the email to my contact at the Passport Service and await her response. ( I will let you know the outcome)

Have you had any better success at getting a response from Canberra Passport Office? If so was it helpful?

Since I have not heard from you further about us contacting the Queensland authorities BDM & A-G, I assume that nothing has been resolved.

Marguerite

*Marguerite Celiz  
Gender Recognition  
Human Rights Division  
Ministry of Justice  
6.06, Selborne House  
54 Victoria Street  
London SW1E 6QW  
020-7210-1323  
(GTN 7210-1323)  
E-mail: marguerite.celiz@justice.gsi.gov.uk*

This is my response to the letters from DCA and Passport Office

I cannot accept that an error has been made as stated in the above. If what follows is correct!

Clearly you have gathered from the general basic information which Tracey supplied initially that there is a fairly specific and detailed process to go through but there is no mention of how to do this contained within the IPS application pack due to the sensitivity of the information.

If there is nothing contained in the information pack, where do we get the information from?

Therefore, I think that what my friend has done, was correct, as she complied with

what was asked for. I would suggest that the error made, is in the way the law/package has been put together!

**Kathy**

Is this the correct procedure?

Canberra do not appear to have any guidelines to follow where Transsexual people are concerned. They promise to get back within 48 hours, but never do!

I also attach a letter from the DCA in response to my queries. This only pertains to UK residents only!

**From:** Celiz, Marguerite [mailto:Marguerite.Celiz@justice.gsi.gov.uk]  
**Sent:** Friday, September 14, 2007 4:14 AM  
**To:** Kathy Noble  
**Subject:** RE: IPS Reply and other matters

Kathy

Sorry to hear that you have had no joy but I am puzzled by your message. My contact in the Passport Office was only going to contact the Durham Office to correct their understanding. The FCO address in London that she supplied was to enable you to contact them if you got no joy from Canberra. Have we misunderstood each other? Are you intending to contact the FCO?

Best wishes

Marguerite

*Marguerite Celiz  
Gender Recognition  
Human Rights Division  
Ministry of Justice  
6.06, Selborne House  
54 Victoria Street  
London SW1E 6QW  
020-7210-1323  
(GTN 7210-1323)  
E-mail: marguerite.celiz@justice.gsi.gov.uk*

**From:** Kathy Noble [mailto:knoble@inet.net.au]  
**Sent:** 13 September 2007 01:10  
**To:** Celiz, Marguerite  
**Subject:** RE: IPS Reply and other matters

Hi Marguerite,

I again have had no response from the Canberra Office. It is becoming very frustrating, trying to get answers from the UK and Oz Passport offices. We appear to have hit a raw nerve with both, but no one wants to run with this one.

Have you had any answer from your contact?

**Kathy**

**From:** Celiz, Marguerite [mailto:Marguerite.Celiz@justice.gsi.gov.uk]

**Sent:** Friday, August 10, 2007 10:51 PM

**To:** knoble@inet.net.au

**Subject:** FW: IPS Reply and other matters

Kathy

My contact at the Passport Service has confirmed that my understanding as given in my previous email is correct. She will, however, make contact with the Durham office to correct their understanding of what is required. For the avoidance of doubt she has told me that for UK nationals resident here, the requirements are as follows:

1. If a Gender Recognition Certificate and a replacement birth certificate have been issued, the new birth certificate alone will be sufficient for IPS to issue a passport in the new name and gender provided the name on the certificate is the one currently used. If it is not then they will additionally require evidence of the change of name from the name on the certificate to the name currently used.
2. If a new birth certificate has not been obtained (because of insufficient time) the Gender Recognition Certificate alone will be sufficient for IPS to issue a passport in the new name and gender provided the name on the certificate is the one currently used. If it is not then they will additionally require evidence of the change of name from the name on the certificate to the name currently used.
3. Where the applicant **has not acquired** a Gender Recognition Certificate - for whatever reason - IPS will accept the original birth certificate together with a letter from the applicant's medical doctor or consultant showing that the applicant has been receiving medical advice, is living in the acquired gender, and that the change is likely to be permanent. IPS also require evidence of the change of name if the name in which the applicant is living is different to the name shown on the original birth certificate.

In all 3 scenarios above a passport will be issued showing the name that the applicant currently uses and in the acquired gender. No reference will be made in the passport to the original gender.

I mentioned the difficulties that you had in getting a definitive answer from the Canberra office and she suggested that you could try contacting officials in the passport section in the FCO to see if they can assist you. Their address is :

Passport Section  
Consular Division  
Room G/55A  
Foreign & Commonwealth Office  
Old Admiralty Building  
London  
SW1A 2PA

She does not have the name or contact details of any individual officials.

I ought to just mention that from today, I will be on leave until 3 September. My colleague Janet Hawkes has also transferred to a new post outside of Gender Recognition Branch. Her place will be taken by Simon James.

Marguerite

*Marguerite Celiz  
Gender Recognition  
Human Rights Division  
Ministry of Justice  
6.06, Selborne House  
54 Victoria Street  
London SW1E 6QW  
020-7210-1323  
(GTN 7210-1323)  
E-mail: marguerite.celiz@justice.gsi.gov.uk*

I do hope that you can answer these queries, so that we know what the exact requirements are in order to achieve our amended passport.

**Love and Peace, Kathy Anne Noble.**

President, Changeling Aspects  
Board Member of Queensland Association for Healthy Communities (QAHC)