

## Transgender and intersex citizenship applicants

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**Introduction** Some applicants maintain a gender identity that differs from the sex originally shown on their birth record or their identity. They may wish to have their citizenship certificate issued showing their acquired gender. Sections 28 and 29 of the Births, Deaths, Marriages and Relationships Registration Act 1995 allows eligible adults and the guardian of an eligible child to apply to the New Zealand Family Court for a declaration to have their birth record reflect their acquired gender.

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

From 25 January 2009 the Births, Deaths, Marriages, and Relationships Registration Act 1995 allows overseas-born New Zealand citizens and permanent residents to apply to the New Zealand Family Court for a declaration.

Some applicants may not want to, or be able to, obtain a declaration from the New Zealand Family Court. In these cases, the applicant may provide a court order or other official documentation from another country recognising the gender identity that they are currently maintaining. These applicants need to be referred to the Citizenship Manager to assess whether the documentation is suitable

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## Policy

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### **Different sex on certificate**

A citizenship certificate or evidentiary certificate may be issued with the sex field shown as different from the sex shown on the applicant's birth certificate if:

- the applicant has provided a Family Court declaration,
- or
- the applicant has provided a court order or other official documentation from another country recognising the gender identity they are currently maintaining, which is assessed as being suitable,
- or
- the applicant is of indeterminate sex and wishes for their certificate to be issued showing either male or female sex, and
  - the applicant has changed his or her name by name change declaration, deed poll or similar instrument, to a name more suitable to a member of the nominated sex, or has a unisex name, and
  - the applicant lives as a member of the nominated sex and has produced a statutory declaration to this effect.
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### **No sex on certificate**

A citizenship certificate or evidentiary certificate may be issued with no indication of sex if, prior to the grant of citizenship:

- the applicant is of indeterminate sex or intersex and wishes for their certificate to be issued with no indication of sex,
- or
- the applicant has changed his or her name by name change declaration, deed poll or similar instrument, to a name more suitable to a member of the nominated sex, or has a unisex name, and
  - the applicant lives as a member of the nominated sex and has produced a statutory declaration to this effect.
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### **Indeterminate or intersexed**

A citizenship certificate or evidentiary certificate may be issued with the sex field shown as indeterminate or intersexed if:

- the applicant's sex is recorded on a birth certificate as being indeterminate or intersex,
- or
- in cases where sex is not assigned on a birth certificate if the applicant has provided both a statutory declaration and a medical certificate or records confirming the applicant is of indeterminate sex or intersex.
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## Legislation

[Citizenship Act 1977](#)

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