

Department of Internal Affairs provides reasonable service and advice to traveller on temporary passport

Legislation	Ombudsmen Act 1975, Passports Act 1992
Agency	Department of Internal Affairs
Ombudsman	Chief Ombudsman Dame Beverley Wakem
Case number(s)	378718
Date	January 2015

Whether the Department of Internal Affairs (DIA) reasonably handled revalidation of a passport for New Zealand citizen travelling on temporary passport—Ombudsman concluded DIA had made every effort to inform the complainant of the steps needed to have his passport validated

The complainant claimed that the DIA was unreasonable to decline to compensate him for his financial loss when he was unable to board a flight to New Zealand from Hong Kong as his passport had been invalidated. The complainant and his family were at Hong Kong Airport when they were unable to fly to New Zealand because the passport had been suspended by the DIA. The complainant and family were able to board a later flight after the DIA reinstated his passport. The setback cost the complainant in changed flights and accommodation and he applied for compensation for the losses.

It was apparent that the NZ passport was suspended by the DIA when he was issued with a temporary passport while his New Zealand passport was being processed by the UK Home Office.

According to the DIA, the complainant was required to return his temporary passport before his principal passport could be revalidated. DIA maintained that the complainant was advised verbally at application about the procedure to follow to get the permanent passport reinstated. Further, DIA stated that his wife was advised of the procedure when she collected the temporary passport and a letter about the procedure was issued with the temporary passport. The complainant claimed that he had no evidence of receiving the letter and was unaware of that information.

The Chief Ombudsman concluded that DIA made every effort to inform the complainant of the steps he needed to take to have his passport revalidated, and therefore that the decision to decline compensation was not unreasonable. The Chief Ombudsman also noted that it is not within DIA's power to influence the way that border control operates in other countries.

The Chief Ombudsman noted that DIA understood that at some stage the complainant received his principal passport back from the UK Home Office, but that he did not return the temporary passport. This meant that his principal passport was not revalidated by the DIA.

New Zealand passports at this time were issued under section 5 of the *Passports Act 1992 (Act)* which provided that the passport is valid for a period of five years from the date of issue, except as otherwise set out in that section. Temporary passports were issued under subsection 5(2) of the Act which provides that the Minister may determine that a passport shall be issued for a shorter period in any particular case, if satisfied that good reasons exist and that it would be in the interests of the proper administration of the Act to do so. Decisions on the issue of temporary passports are made by the DIA's staff under delegation from the Minister. DIA only issues temporary passports in extreme circumstances, on a case-by-case basis. DIA considers this to be a service out of the ordinary and the procedures required of the complainant have an element of additional compliance.

The Department considered that temporary passports, along with other temporary travel documents such as certificates of identity and emergency travel documents, present a higher risk than standard passports in terms of fraud or collusion to travel as an impostor or similar identity crimes. Their return is required (even after expiry) to lower the risk of alteration, copying, or other fraudulent behaviour involving those documents. However, DIA does not routinely follow up with individual passport holders who have failed to return their temporary passports. In this case DIA did follow-up with the complainant.

The Chief Ombudsman concluded that DIA's refusal to compensate the complainant for the extra costs incurred by this event, there was no basis to conclude that DIA had acted unreasonably in this case. The complaint was not sustained.

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