

Department of Internal Affairs reviews requirement for ‘country of birth’ statement in passports

Legislation	Ombudsmen Act 1975
Agency	Department of Internal Affairs
Ombudsman	Anand Satyanand
Case number(s)	W42757
Date	2001

Request that country of birth not be recorded on passport—format of passports determined by internationally agreed standards of International Civil Aviation Organisation—no capacity at present to produce non-standard passports—design of passports to be reviewed

A naturalised New Zealander requested that his country of birth not be shown on his New Zealand passport, as he claimed to have been discriminated against when visiting certain countries on the grounds of his country of birth.

The Department declined the request, citing the policy adopted by New Zealand in respect of the contents to be included in passports. That policy was an option available under internationally agreed standards of the International Civil Aviation Organisation. Certain other countries had adopted a different option also available under those standards, which did not involve the entry of the country of birth in a passport.

The Department was asked whether it could make an exception to the policy, given that inquiries made of the Ministry of Foreign Affairs and Trade suggested that similar problems to the ones claimed to have been experienced by the complainant may also have been experienced by other naturalised New Zealanders born in the same country as the complainant.

The Department explained that the inclusion of the country of birth was a security measure to increase the opportunity for border officials to detect the movement of people using forged or counterfeit passports. It also noted that because the format of New Zealand passports was internationally known, the holder of a non-standard passport was likely to be at greater risk of

detention by border officials than the holder of a standard passport. The Department explained that it did not have the capacity to produce non-standard passports as passports were pre-printed under a fixed term contract which would require variation at considerable expense. The Department was proposing to review the design of passports, including the optional data fields and whether the holder's country of birth should be such a field. That review was expected to take about 2 years and be completed by 2005.

While inquiries had suggested that overseas experience had been that passports not including the country of birth did not result in security problems, it was accepted that, having regard to all the circumstances, it was not unreasonable for the Department to have declined to omit the complainant's country of birth from his passport. Nevertheless it was considered to be a decision made in accordance with a practice that may have been unreasonable. However, because the proposed review would shortly address the concerns raised by the complaint, no recommendation was made at that stage, but the Department was asked to keep the Ombudsman informed in that regard.

Comment

The Department of Internal Affairs advised that in November 2005 there was a change in practice (to not displaying the country of birth) when it began issuing e-passports. The NZ passport does state the place of birth of the holder but not the country of birth. However the country of birth is captured through data collection which is stored in the Department's Passports system.

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