

7 FAM 1300 APPENDIX M GENDER CHANGE

*(CT:CON-334; 06-10-2010)
(Office of Origin: CA/OCS/PRI)*

7 FAM 1310 APPENDIX M SUMMARY

(CT:CON-334; 06-10-2010)

- a. This appendix provides policy and procedures that passport specialists and consular officers must follow in cases in which an applicant requests a gender on the passport application different from the one reflected on some or all of the submitted citizenship and/or identity evidence, including a prior passport.
- b. This policy explains the need for medical certification from an attending medical physician regarding the change in gender, as well as the need for accurate identification and a photograph reflecting the applicant's current appearance. It is based on standards and recommendations of the World Professional Association for Transgender Health (WPATH), recognized as the authority in this field by the American Medical Association.
- c. A passport is defined by INA 101(a)(30) (Immigration and Nationality Act) (8 U.S.C. 1101(a)(30)) as "any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the entry of the bearer into a foreign country." An individual's gender is an integral part of that person's identity.
- d. Sexual reassignment surgery is not a prerequisite for passport issuance and such documentation must not be requested.
- e. Medical certification of gender transition from an attending medical physician as described in 7 FAM 1320 Appendix M is the only documentation of gender change required. Other medical records are not to be requested. If a passport adjudicating officer or consular officer has questions about this guidance or a particular case, see 7 FAM 1380 Appendix M.

7 FAM 1320 APPENDIX M DOCUMENTS TO BE SUBMITTED WITH PASSPORT APPLICATION

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- a. Requirements for all elements of the passport application aside from gender still apply, including:
- (1) Evidence of U.S. citizenship/nationality. The applicant must submit acceptable evidence of U.S. citizenship or nationality. (See 7 FAM 1100 Acquisition and Retention of U.S. Citizenship and Nationality.) It is not necessary, however, for the applicant to obtain an amended birth record reflecting the change of gender. State law in the United States and the laws of other countries vary on whether an amended birth certificate may be issued reflecting a gender change;
 - (2) Evidence of identity. The applicant must be asked to submit acceptable evidence of identity in the new gender, if available, and must submit evidence of the new name, if changed. (See 7 FAM 1320.) State law and foreign laws vary as to whether a driver's license or other State government form of identity document may be issued reflecting a gender change. If evidence of change of gender in the identity documents is not obtainable because of state or local requirements, the passport may still be issued in the new gender based on the medical certification outlined below in paragraph b(1)(f).;
 - (3) Photograph. A recent photograph that reflects a good likeness of, and satisfactorily identifies the applicant must be submitted. The photograph must agree with the submitted identification evidence and reflect the applicant's current and true appearance. (See also 7 FAM 1300 Appendix E Passport Photographs.)
 - (4) Passport Fee. All necessary passport fees must be submitted. (See 7 FAM 1300 Appendix G Passport Fees.)
 - (5) Name Change. If the applicant's name has been changed, he/she must present satisfactory evidence of a legal name change. Adjudication of the name change must be handled as a routine request and conform to the requirements of 7 FAM 1300 Appendix C Names to Be Used in Passports.
- b. Medical Certification.
- (1) A full validity U.S. passport will be issued reflecting a new gender upon presentation of the following: A signed original statement, on office letterhead, from the attending medical physician (internist, endocrinologist, gynecologist, urologist or psychiatrist). The statement must include the following information (See 7 FAM 1320 Appendix M Exhibit B):
 - (a) Physician's full name;
 - (b) Medical license or certificate number;

- (c) Issuing state or other jurisdiction of medical license/certificate;
- (d) Drug Enforcement Administration (DEA) registration number assigned to the physician;

NOTE: If the attending physician does not have or provide a DEA number, the passport application is to be suspended for further clarification or verification of the physician's bona fides. Physicians in foreign countries, for example, would not have a DEA number.

- (e) Address and telephone number of the physician;
- (f) Language stating that he/she is the attending physician for the applicant and that he/she has a doctor/patient relationship with the applicant;
- (g) Language stating the applicant has had appropriate clinical treatment for gender transition to the new gender (male or female);
- (h) Language stating "I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct": and
- (i) Annotate the application "gender transition" to record the reason for issuing the full validity passport in the new gender.

NOTE: Passport adjudicators and consular officers must not ask for additional medical information from the applicant.

- (2) A two year limited validity passport reflecting the new gender will be issued upon presentation of the following:
 - (a) Information listed in paragraph 1(a)-(h) above;
 - (b) Language stating the applicant is in the process of gender transition to the new gender (male or female); and
 - (c) Use endorsement code 46 for domestic and Overseas Photodigitized Passports (OPDP) issuance. Annotate the application "gender transition" to record the reason for the limited validity book in the new gender.

Endorsement Code 46: THIS PASSPORT EXPIRES ON (MON DAY, YEAR). IT CANNOT BE REPLACED WITHOUT THE EXPRESS AUTHORIZATION OF THE DEPARTMENT OF STATE.

- (3) If overseas, and an Emergency Photodigitized Passport (EPDP) must be issued so that the applicant can travel, the passport must be limited to three months using endorsement code 109. Annotate the application “gender transition” to record the reason for the limited validity book in the new gender.

Endorsement Code 109: THIS PASSPORT EXPIRES ON (mon day, year). IT CANNOT BE REPLACED WITHOUT THE EXPRESS AUTHORIZATION OF THE DEPARTMENT OF STATE.

- (4) The applicant will receive a passport for the remaining full validity period without further fee, (except for expedited service), if:
- (a) He/she applies for the new passport within two years of issuance using form DS-5504, Application for a U.S. Passport (Name Change, Data Correction and Limited Passport Book Replacement);
 - (b) Meets the requirements of (1) or (2) above. ; and
 - (c) Use Endorsement Code 3 for domestic and OPDP passports.

Endorsement Code 3: THIS PASSPORT REPLACES (REGULAR/OFFICIAL/ DIPLOMATIC) PASSPORT NUMBER (NUMBER) ISSUED ON (MON DAY, YEAR). IT IS VALID UNTIL (MON DAY, YEAR).

To replace a passport canceled in error, spoiled or defective book, or a passport containing a data error. Limit to expiration date of original passport.

- c. If the applicant has not submitted the requested medical certification, use the appropriate Information Request Letter (IRL) in corresponding with the passport applicant. (See also 7 FAM 1320 Appendix M Exhibit A, Information Request Letter Regarding Gender Change.) (See 7 FAM 1300 Appendix T for general guidance about IRLs.)

7 FAM 1330 APPENDIX M CONVERSATIONS WITH PASSPORT APPLICANTS SEEKING TO DOCUMENT GENDER TRANSITION

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- a. As with all passport applicants, you must be sensitive and respectful at all times.
- b. Refer to the applicant by the pronoun appropriate to his/her new gender.
- c. Ask only appropriate questions regarding information necessary to

determine citizenship and identity of the applicant.

7 FAM 1340 APPENDIX M AMENDING GENDER IN REPORTS OF BIRTH

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The Form FS-240, Consular Report of Birth Abroad of Citizen of the United States of America, can be amended by the Vital Records Section of Passport Services (CA/PPT/TO/RS/VR) to reflect the change in gender. The same documentary requirements specified above for passport services would pertain to amending gender in a Form FS-240. (See 7 FAM 1440, Consular Report of Birth Abroad of a Citizen of the United States of America.) Inquirers should be directed to Passport Vital Records.

Contact ...

U.S. Department of State
Passport Services
Vital Records Section
1111 19th Street, NW, Suite 510
Washington, DC 20522-1705
(202) 955-0307

7 FAM 1350 APPENDIX M CASES OF UNSPECIFIED GENDER

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“Intersex” is a group of conditions where there is a discrepancy between the internal and external genitals (previously this was referred to as hermaphroditism). Unless the applicant has undergone gender transition as outlined in this appendix, the gender listed on the applicant’s birth documentation will determine the gender to be listed in the passport.

7 FAM 1360 APPENDIX M GENDER ERRORS IN ORIGINAL BIRTH CERTIFICATE

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If an applicant advises that the gender on his/her birth document mistakenly lists the wrong gender due to typographical error, refer the applicant to the appropriate issuing vital records office.

7 FAM 1370 APPENDIX M QUESTIONS

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- a. Passport agencies and centers should contact CA-PPT-ADJQ@state.gov for specific guidance.
- b. U.S. embassies and consulates should contact ASKPRI@state.gov for specific guidance.

7 FAM 1380 THROUGH 1390 APPENDIX M UNASSIGNED

7 FAM 1320 APPENDIX M EXHIBIT A INFORMATION REQUEST LETTER TO APPLICANTS REGARDING GENDER CHANGE

(CT:CON-334; 06-10-2010)

Dear [Name of subject]:

Thank you for your recent passport application. We need your help in order to continue processing your request for the issuance of a passport reflecting a gender different from the one reflected on some or all of the submitted citizenship and/or identity evidence.

A full validity passport reflecting the new gender will be issued to you upon submission of a signed original statement, on office letterhead, from your attending medical physician (internist, endocrinologist, gynecologist or urologist, psychiatrist). The statement, signed under penalty of perjury, must include the following information:

- (a) Physician's full name;
- (b) Medical license or certificate number;
- (c) Issuing state of medical license/certificate;
- (d) Drug Enforcement Administration (DEA) registration number assigned to the physician;
- (e) Address and telephone number of the physician;
- (f) Language stating that he/she is the attending physician for the applicant. He/she has a doctor/patient relationship with the applicant; and
- (g) Language stating that the applicant has had appropriate clinical treatment for gender transition to the new gender (male or female).

If your gender transition process is ongoing, a two year limited validity passport reflecting the new gender will be issued upon submission of the items above and a statement from your attending physician that you are in the process of gender transition.

If we do not receive the requested information within ninety (90) days or the information you submit is insufficient to establish your gender transition, your passport will be issued in your birth gender. If you prefer you may withdraw your application. By law, passport fees are not refundable. Any special return postage will be returned or refunded.

Sincerely,

[Signature]

[Name]

[Title]

[Name of Passport Issuing Office]

7 FAM 1320 APPENDIX M EXHIBIT B MODEL LETTER FOR ATTENDING PHYSICIAN CERTIFYING TO THE APPLICANT'S GENDER CHANGE

(CT:CON-334; 06-10-2010)

Attending Physician's Letterhead (Physician's Address and Telephone Number)

I, (physician's full name), (physician's medical license or certificate number), (issuing State of medical license/certificate), (DEA Registration number), am the attending physician of (name of patient), with whom I have a doctor/patient relationship. (The letter must indicate that the physician is either an internist, endocrinologist, gynecologist, urologist or psychiatrist.)

(Name of patient) has had appropriate clinical treatment for gender transition to the new gender (specify new gender male or female).

Or

(Name of patient) is in the process of gender transition to the new gender (specify new gender male or female).

I declare under penalty of perjury under the laws of the United States that

the forgoing is true and correct.

Signature of Physician

Typed Name of Physician

Date