

U.S. State Department Modernized Process to Change Sex Markers on Passports

THE U.S. STATE DEPARTMENT has modernized its policies on identification documents that affect some members of the intersex community. These changes were made official on January 28, 2011. For intersex people whose identification documents already list their correct gender, there is no change. The new policies are only relevant to those who need to change the sex designation on their passports, or who need to get a passport with a sex designation different from the one on their birth certificate.



The modernized State Department policy, drafted with input from interACT and other organizations, eliminates discriminatory or inaccurate language from the previous policy, making it clear that intersex people who need to correct the sex markers on their passports can receive identification listing their correct gender.

There are two ways for intersex people who need to change their gender markers to obtain a new or renewal passport listing their correct gender under the new policy:

- 1** Submit a statement from any licensed doctor who has treated you for “gender-related care,” or who has “reviewed and evaluated [your] gender-related medical history;”
- 2** If you have a birth certificate that lists your correct gender, you can submit that document instead of a letter from a doctor.

OR

Physical details or information about treatment history is not required. Passport officials are also instructed to be respectful to intersex applicants, and not to ask unnecessary questions.

interACT worked with our allies at the Transgender Legal Defense and Education Fund, the National Center for Transgender Equality, the National Center for Lesbian Rights, and other groups to make sure the policy did the best possible job of reflecting the realities of our communities. The new policy represents a great improvement over the past.

This new policy also sets a good precedent for other situations where it may be necessary to change the sex markers on identification documents, such as the immigration documents of some children adopted internationally. However, the State Department still does require all applicants to state either a male or a female gender. We are hopeful that this will change in the future – keep an eye on our website for updates!

More information and a sample doctor’s letter are available here:

<https://travel.state.gov/content/passports/en/passports/information/gender.html>

The Transgender Legal Defense and Education Fund and the National Center for Transgender Equality, both of whom helped us work with the State Department on the changes, have each created a guide to the new policy, and to identification document changes in general, available at http://transgenderlegal.org/headline_show.php?id=292 and http://transequality.org/Resources/passports_2011.pdf. These resources were compiled with the transgender community in mind, but some intersex people may find them helpful.

If you have questions, or need help with this process, please contact **interACT**. We may be able to help with information, resources, or other assistance. Contact us!



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