

## **7 FAM 1300 APPENDIX M**

### **GENDER CHANGE**

*(CT:CON-529; 09-16-2014)*

*(Office of Origin: CA/OCS/L)*

## **7 FAM 1310 APPENDIX M SUMMARY**

*(CT:CON-464; 06-17-2013)*

- 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 a licensed physician who has treated the applicant or reviewed and evaluated the medical history of the applicant 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 (AMA).
- 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 based on gender change.
- e. Medical certification of gender transition from a licensed 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 specialist or consular officer has questions about this guidance or a particular case, see 7 FAM 1370 Appendix M.
- f. A Form DS-11 "Application for U.S. Passport" must be used initially as a change in gender is a change in the identity and the name of the applicant and identification in the new gender is required.

## 7 FAM 1320 APPENDIX M DOCUMENTS TO BE SUBMITTED WITH FORM DS-11 PASSPORT APPLICATION

*(CT:CON-464; 06-17-2013)*

a. Requirements for all elements of the Form DS-11 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".) The applicant is not required to obtain an amended birth record, amended Consular Report of Birth (CRBA), or to request that the U.S. Citizenship and Immigration Services (USCIS) issue a replacement Certificate of Naturalization/Citizenship 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.** As with all applications, the applicant must be asked to submit acceptable evidence of identity in the new gender and name, if available. (See 7 FAM 1320 "Identity of the Passport Applicant".) However, 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 combination of medical certification outlined below in paragraph b(1)(f) and the previous identity document with the former gender;

NOTE: Some form of photographic identification must be presented; you cannot use the doctor's statement as the only evidence to identify an applicant.
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- (3) **Photograph.** A recent photograph that reflects a good likeness of the applicant, 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, either by court order or through exclusive use for five years, he/she must present satisfactory evidence of the 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".

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**b. Medical Certification Accepted for Gender Change/Transition.**

- (1) A full validity U.S. passport will be issued reflecting a new gender upon presentation of a signed original statement, **on office letterhead**, from a licensed physician who has treated the applicant for his/her gender-related care or reviewed and evaluated the gender-related medical history of the applicant.

**NOTE:** Such licensed physicians include Medical Doctors (M.D.) and Doctors of Osteopathy (D.O.). The physicians may specialize in various medical fields, including, but not limited to, internists, endocrinologists, gynecologists, urologists, surgeons, psychiatrists, pediatricians, and family practitioners. Statements from persons who are not licensed physicians, such as psychologists, nurse practitioners, health practitioners, chiropractors, and pharmacists, are not acceptable.

The statement **must** include the following information (See 7 FAM 1300 Appendix M Exhibit 1):

- (a) Physician's full name;
- (b) Medical license or certificate number;
- (c) Issuing state, country, or other jurisdiction of medical license/certificate;
- (d) Drug Enforcement Administration (DEA) registration number assigned to the doctor or comparable foreign registration number, if applicable;
  - (i) If the U.S.-based licensed physician does not provide a DEA number, you must request that this be provided in a new statement.
    - If the statement with the DEA number is not provided after an appropriate period of time (generally 90 days), the application must be denied.
  - (ii) Licensed physicians in foreign countries might not have a DEA number, but might have a comparable foreign registration number. For all foreign licensed physician gender change requests, domestic passport agencies/centers must scan copies of the application and attach all submitted documents to Passport Services' Adjudication Policy Division (CA/PPT/S/A/AP) at CA-PPT-Suggestion-Box@state.gov. CA/PPT/S/A/AP works with the Overseas Citizens Services' Office of Legal Affairs (CA/OCS/L) to verify the bona fides of the foreign physician with the applicable post abroad.
  - (iii) Posts must verify their own foreign-based licensed physicians or, if the statement is from a physician in another country, contact the post which covers that country for verification.

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- (e) Address and telephone number of the physician;
  - (f) Language stating that he/she has treated the applicant or has reviewed and evaluated the medical history of 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 of either male or female; and
  - (h) Language stating "I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct."
- (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)-(f) above;
  - (b) Language stating the applicant is in the process of gender transition to the new gender of either male or female; and
  - (c) Language stating "I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct."

**c. Adjudication Actions.**

- (1) The passport specialist or consular officer will annotate the application "**gender change**" (in the "For Issuing Office Only" block of the Form DS-11) to record the reason for issuing the full validity passport in the new gender.

**NOTE:** Passport specialists and consular officers must not ask for additional specific clinical details regarding the gender change from the applicant.

- (2) The passport specialist or consular officer will annotate the application "**gender transition**" (in the "For Issuing Office Only" block of the Form DS-11) to record the reason for issuing the limited validity passport in the new gender. When limited passports are issued in these cases:
- (a) 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. (See 7 FAM 1300 Appendix B "Endorsements" for appropriate code.)
  - (b) Use endorsement code 109 in Emergency Photodigitized Passports (EPDPs) for urgent overseas cases where the applicant must travel immediately. Limit the EPDP to three months. (See 7 FAM 1300 Appendix B for appropriate code.)
- (3) An 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

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Form DS-5504, Application for a U.S. Passport (Name Change, Data Correction, and Limited Passport Book Replacement); and

- (b) Meets the requirements of 7 FAM 1320 Appendix M paragraph a and 7 FAM 1320 Appendix M paragraph b(1).
- (c) You must use endorsement code 3 (see 7 FAM 1300 Appendix B for appropriate code) in all gender change replacement books.

**Example (for an adult):**

The issuance date of the limited passport is "July 31, 2010."

The issuance date in the new full validity passport will be automatically assigned by TDIS.

However, the issuance date is placed in endorsement code must be that of the original, limited passport - "July 31, 2010."

The expiration date listed in the endorsement must be ten years from the issuance date of the original, limited validity passport book, minus one day - "July 30, 2020".

- (4) If the applicant has not submitted the requested medical certification, use the appropriate letter (or similar language for overseas posts) available in Information Request Letter (IRL) 706 in corresponding with the passport applicant. (See 7 FAM 1300 Appendix T "Information Request Letters and Information Notices".)
- (5) If, after two years, the applicant applies for a new passport and gender transition has not been completed, the applicant must submit a new physician's statement, following the same information and licensure requirements in 7 FAM 1320 Appendix M, paragraph b (1) above, reflecting that the applicant still is in the process of gender transition. Another two-year validity passport will be issued.
- (6) If an applicant is renewing his/her passport, but is applying for the renewal in a new gender, the applicant must use Form DS-11, and submit medical certification, including all elements previously stated in listed in 7 FAM 1320 Appendix M paragraph b. An amended birth certificate in the new gender is not acceptable evidence to issue the passport in the new gender.
- (7) If an applicant who already has been issued a passport in a new gender requests issuance of a passport in the birth gender, a certification under penalty of perjury from a licensed physician who has treated the applicant or reviewed and evaluated the medical history of applicant for transition back to the birth gender, is required. The statement must include all the elements previously stated in 7 FAM 1320 Appendix M paragraph b(1).

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

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

- 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**

*(CT:CON-529; 09-16-2014)*

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/S/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/Non-Citizen National of the United States of America.) Inquirers should be directed to Passport Services' Vital Records Section.

*U.S. Department of State  
Record Services Division  
CA/PPT/S/TO/RS  
44132 Mercure Cir  
[DHL/FedEx/UPS]  
PO Box 1213 [USPS]  
Sterling, VA 20166-1213  
Telephone (public): 202-485-8300  
Fax: 202-485-8302*

*Posts abroad should continue to send the above documentation to CA/PPT via diplomatic pouch, as appropriate.*

## **7 FAM 1350 APPENDIX M INTERSEX CONDITIONS (DISORDERS OF SEX DEVELOPMENT)**

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*(CT:CON-464; 06-17-2013)*

- a. "Intersex" is a condition in which a person is born with a reproductive or sexual anatomy and/or chromosomal pattern that does not fit typical definitions of male or female.
- b. Birth documentation is often not updated to reflect corrected gender. The applicant, or his/her applying parents in the case of a minor child, must provide a statement from a licensed physician who has treated the applicant for his/her gender-related care or reviewed and evaluated the gender-related medical history of the applicant. The statement must include all the information required in 7 FAM 1320 Appendix M paragraph b(1), adjusting the language to reflect the intersex condition and specify the gender correction to either male or female. In the case of a minor child, the applying parent also must submit a signed statement confirming the gender correction to either male or female.
- c. Unless the applicant, or his/her applying parent, provides the statements described above, the gender listed on his/her birth documentation will determine the gender to be listed in the passport.

## **7 FAM 1360 APPENDIX M GENDER ERRORS IN ORIGINAL BIRTH CERTIFICATE**

*(CT:CON-464; 06-17-2013)*

- a. If an applicant advises that the gender on his/her birth document mistakenly lists the wrong gender due to typographical error, and there is sufficient time before the listed departure date, refer the applicant to the appropriate issuing vital records office to have the error corrected.
- b. If the departure date is imminent, you may issue a limited one year validity passport using endorsement code 46 (see 7 FAM 1300 Appendix B.) A corrected certified copy of the birth document will be required before issuance of a full validity passport.

## **7 FAM 1370 APPENDIX M QUESTIONS**

*(CT:CON-464; 06-17-2013)*

- a. Passport agencies and centers must contact CA-PPT-Adjudication-Suggestion-Box@state.gov for specific guidance.
- b. U.S. embassies and consulates must contact Ask-OCS-L@state.gov for specific guidance.

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**7 FAM 1380 APPENDIX M AND 1390 APPENDIX  
M UNASSIGNED**

**7 FAM 1300 Appendix M Exhibit 1  
Model Letter for Licensed Physician Certifying to  
the Applicant's Gender Change**

*(CT:CON-464; 06-17-2013)*

**Licensed Physician's Letterhead  
(Physician's Address and Telephone Number)**

I, (physician's full name), (physician's medical license or certificate number), (issuing U.S. State/Foreign Country of medical license/certificate), (DEA Registration number or comparable foreign designation), am the physician of (name of patient), with whom I have a doctor/patient relationship and whom I have treated (or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated).

(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 foregoing is true and correct.

Signature of Physician

Typed Name of Physician

Date