



UNDERSTANDING THE NEW PASSPORT GENDER CHANGE POLICY

June 2010



In June 2010, the State Department announced a new policy to issue passports in a person's current gender when either a previous passport or other personal documentation presented by an applicant reflects a different gender. Under the new policy, a transgender person can obtain a passport reflecting his or her current gender by submitting a certification from a physician confirming that he or she has had appropriate clinical treatment for gender transition. This policy replaces the Department's old policy, which required documentation of sex reassignment surgery.

WHY THE NEW POLICY WAS NEEDED

The purpose of a passport is to facilitate travel between a person's country of citizenship and other countries; there is no need for a person to reveal gender-related medical care to either US or foreign government officials in order to be able to travel. In fact, doing so exposed people to danger. In the past, many transgender people could not obtain an updated passport and were afraid to travel abroad. Traveling with a passport that does not reflect your current gender can cause great anxiety and can be dangerous. Outdated gender designations can "out" a person as transgender in all kinds of situations, and can put people at risk of discrimination, harassment, and even violence.

In addition, like everyone else, transgender people's medical needs vary. There are a variety of accepted treatment options for gender transition, and not all of them are appropriate for everyone. For example, people may have medical conditions that are contraindications for surgical procedures. Additionally, many people cannot afford the transition-related care they do need, and many insurance plans still do not cover these medical needs. Requiring particular medical treatments in order to change a passport did not reflect the reality of transgender people's lives and is not in keeping with current medical practice.

OBTAINING A PASSPORT WITH YOUR CURRENT GENDER

Under the new policy, you can obtain a passport with an updated gender if you have had clinical treatment determined by your doctor to be appropriate in your case to facilitate gender transition. It does not matter whether or not you have previously obtained a passport listing another gender.

If you are just beginning transition and need to travel abroad, you can obtain a two-year provisional passport. (The State Department calls it "limited validity" though it has all the force of a regular passport but is only good for two years.) Once your doctor and you believe you have had clinical treatment appropriate in your case, you can obtain a full, regular passport.

If you have a valid passport with an outdated gender designation

If you have a passport that is still valid but does not reflect your current gender, you should submit the following by mail:

1. Form DS-5504, Application for a U.S. Passport (Name Change, Data Correction and Limited Passport Book Replacement)
2. A signed statement by a physician who has treated you, on office letterhead, stating that you have had appropriate clinical treatment for gender transition

Submit these documents to the address specified on the form. For expedited service include a \$60 fee; otherwise, no fee is required.

If you are applying for a passport for the first time

Anyone applying for a passport for the first time must apply in person. To find the acceptance facility closest to you, visit the State Department's website, "Passport Acceptance Facility Search Page," at <http://iafdb.travel.state.gov/> or call the National Passport Information Center at 1-877-487-2778.

You will need to present the following:

1. Two 2x2 inch photographs of yourself
2. Proof of U.S. citizenship such as a birth certificate or enhanced driver's license
3. A valid form of government-issued photo identification such as a driver's license or tribal identification card (may be the same as proof of citizenship)
4. A completed Form DS-11, Application for a U.S. Passport
5. Relevant fees

If your proof of citizenship and identity reflect your current gender, you do not need to submit any additional documentation; for example, if you have changed both your birth certificate and driver's license to reflect your current gender, you can use these as they are now without any other documents.

However, if one or more documents used to prove your citizenship or identity does not reflect your current gender, you must also submit:

6. A signed statement by a physician who has treated you, on office letterhead, stating that you have had appropriate clinical treatment for gender transition.

WHAT CONSTITUTES APPROPRIATE CLINICAL TREATMENT

The new policy recognizes that people's medical needs vary, and that treatment options must be decided by health care professionals on an individual basis. You are entitled to a passport reflecting your current gender if you have had the clinical treatment determined by your health care providers to be appropriate, in your individual case, to facilitate gender transition. No specific treatment is required, and details of your treatment need not be provided. In fact, NCTE encourages you and your doctor to only state in the letter that you have had "the clinical treatment determined by your health care providers to be appropriate." Details about surgery, hormone treatment, or other treatments are unnecessary and not helpful.

WHO CAN WRITE A LETTER TO CERTIFY APPROPRIATE TREATMENT

You will need a letter from a licensed physician with whom you have a doctor-patient relationship and who is familiar with your transition-related treatment. This may be an internist, psychiatrist, endocrinologist, urologist or gynecologist. If possible, the letter should come from a physician licensed in the United States. You may submit a letter from a foreign physician, however, your application may be delayed to verify the physician's credentials.

NCTE is working with the State Department to clarify how foreign physicians can document their credentials.

It is important to note that letters must come from a physician certified in one of the specialties listed (internist, psychiatrist, endocrinologist, urologist or gynecologist.) Therefore, if you have or have had genital or other sex reassignment surgery, your surgeon can only provide a letter for passport purposes if he or she is certified in one of those specialties. Otherwise, you will need to obtain a letter from your family physician or other qualified doctor.

OTHER MEDICAL INFORMATION

Other than the required certification from your physician, there is no need to submit any additional details or documentation regarding your medical history or treatment. Your doctor does not need to certify that you have undergone any specific treatment or procedure and we recommend that, for the sake your privacy, that they do not do so.

PASSPORTS FOR MINORS

The new policy applies to both adults and minors. All passport applications for minors are subject to special parental consent requirements. (These requirements apply to all minors, not just transgender minors.)

CONSULAR RECORD OF BIRTH ABROAD

A Consular Record of Birth Abroad (CRBA) is the equivalent of a birth certificate for American Citizens born abroad. The same policy issued for passports applies for updating a CRBA. To change the gender marker on your CRBA, you should submit:

7. A notarized request detailing the needed amendment(s)
8. The original or replacement CRBA (FS-240) form.
9. Proof of identity such as a driver's license
10. Fee of \$50
11. A signed statement by a physician who has treated you, on office letterhead, stating that you have had appropriate clinical treatment for gender transition.

Send the above to: Department of State, Passport Services, Vital Records Section, Room 510, 1111 19th St. NW, Washington, DC 20522-1705.

NAME CHANGE ON PASSPORTS

State Department policies concerning name changes have not changed. You must submit a court order or marriage certificate reflecting the name change, or records documenting consistent use of your current name over a five-year period. Consult the Foreign Affairs Manual for details.

MODEL PHYSICIAN LETTER

The State Department's model letter reads as follows:

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 foregoing is true and correct.

IF YOU HAVE PROBLEMS

The new policy specifically instructs passport specialists to treat transgender applicants with respect, including using appropriate pronouns and to not ask unrelated questions. However if you encounter improper requests for information, unprofessional behavior, or other difficulties obtaining a passport, contact your Regional Passport Office, your U.S. Senator's Office, or NCTE.

If you encounter discrimination, harassment or other serious difficulties relating to being transgender while traveling abroad, contact the closest U.S. Consulate or Embassy immediately.

OTHER RESOURCES

US State Department Foreign Affairs Manual, 7 FAM 300 Appendix M: Gender Change
<http://www.state.gov/documents/organization/143160.pdf>

US State Department Passport Home
http://travel.state.gov/passport/passport_1738.html

US State Department, "How to Change Your Name in Your Passport"
http://travel.state.gov/passport/fri/ChangeName/ChangeName_851.htm

US State Department, Frequently Asked Questions: Passports and Citizenship Documents
http://travel.state.gov/passport/fri/faq/faq_1741.html

National Passport Information Center
1-877-487-2778