



UNDERSTANDING THE NEW PASSPORT GENDER CHANGE POLICY



June 2010

In June 2010, the State Department announced a new policy to issue passports that reflect 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 U.S. or foreign government officials in order to be able to travel. 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. Incorrect 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.

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.

WHEN A PHYSICIAN CERTIFICATION IS REQUIRED

Under the new policy, a physician certification is required if the documents you submit with your application, which may include a prior passport, driver's license, birth certificate, or other documents, do not all reflect the correct gender. If all the documents you submit with your application reflect the correct gender, you do not need to submit a physician certification. See the application instructions below for more details.

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. At this time, the physician must be an 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 practicing in one of those specialties. Otherwise, you will need to obtain a letter from your primary care physician or another qualified doctor.

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.

WHAT THE PHYSICIAN CERTIFICATION MUST INCLUDE

The State Department has provided the following model letter for physician certifications. All certifications must include all of the information seen here.

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).

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Alternatively, to obtain a limited two-year passport, the letter should state that:

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

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.

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 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.)

NAME CHANGE ON PASSPORTS

State Department policies concerning name changes have not changed. You must submit form DS-5504, Application for a U.S. Passport (Name Change, Data Correction and Limited Passport Book Replacement), along with 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 State Department's website for more details.

APPLYING FOR OR RENEWING A PASSPORT

Applying to renew a passport by mail

You may renew a passport by mail if:

- You can submit your most recent passport with your application
- You were at least sixteen years old when it was issued
- It was issued no more than fifteen years ago
- You presently use the same name printed on the last passport OR had your name changed by marriage or court order and can submit legal documentation to prove the change

To renew by mail, you will need:

- A completed form DS-82, Application for U.S. Passport by Mail, available online at http://travel.state.gov/passport/forms/ds82/ds82_843.html
- The previous passport
- Two 2x2 inch photographs of your face
- A physician certification, as described above
- Legal documentation of name change, if needed
- Current applicable fees, available at http://travel.state.gov/passport/fees/fees_837.html

Mail the application to the address listed on form DS-82.

Applying for a passport in person

If you are applying for a passport for the first time, or if you do not meet the criteria above to renew by mail, you must apply in person. You will need:

- Two 2x2 inch photographs of yourself
- Proof of U.S. citizenship such as a previous passport or a birth certificate
- A valid form of government-issued photo identification such as a previous passport, driver's license or state or tribal identification card
- A completed form DS-11, Application for a U.S. Passport, available online at <http://www.state.gov/documents/organization/79955.pdf>
- If one or more of the submitted documents does not reflect your current gender, a physician certification, as describe above
- Legal documentation of name change, if needed
- Current applicable fees, available at http://travel.state.gov/passport/fees/fees_837.html

Take these documents and fees in person to any acceptance facility. These include courthouses, post offices, some public libraries and certain county and municipal offices. Additionally, there are thirteen regional passport agencies and one Gateway City Agency, which serves those who need expedited service. 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.

CHANGING A LIMITED VALIDITY TO A FULL VALIDITY PASSPORT

If you have obtained a limited validity passport and, within two years subsequently, have had the clinical treatment determined to be appropriate for you, you should submit the following by mail:

1. A completed form DS-5504, Application for a U.S. Passport (Name Change, Data Correction and Limited Passport Book Replacement)
2. A physician certification, as described above, stating that you have had appropriate clinical treatment for gender transition

Submit these documents to the address specified on the form. Unless you request expedited service, no new fee is required.

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 new policy for passports also applies for updating a CRBA. Consult the State Department's website for more details.

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 NCTE, your Regional Passport Office, or your U.S. Senator's Office. NCTE is monitoring implementation of the new policy.

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.

FULL TEXT OF THE NEW POLICY

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

OTHER RESOURCES

- US State Department Passport Home: http://travel.state.gov/passport/passport_1738.html
- US State Department, Change Your Name in Your Passport: http://travel.state.gov/passport/correcting/ChangeName/ChangeName_851.html
- US State Department, Frequently Asked Questions: Passports and Citizenship Documents http://travel.state.gov/passport/faq/faq_1741.html
- National Passport Information Center 1-877-487-2778