



UNDERSTANDING THE NEW PASSPORT GENDER CHANGE POLICY



Updated January 2012

This resource includes new information based on additional changes made by the State Department in January 2011.

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. In January 2011, the State Department made further improvements to its new policy.

OBTAINING A PASSPORT WITH YOUR CURRENT GENDER

Under the new policy, you can obtain a full ten-year 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.

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. This may be **any** physician who is familiar with your treatment, including a primary care physician or specialist.

WHAT THE PHYSICIAN CERTIFICATION MUST INCLUDE

The State Department has provided the following model letter for physician certifications. All certifications must be on the physician's office letterhead and include **all** of the information seen here, including **both** the physician's license or certificate number and DEA registration number. You should ask your physician to use this letter and not give additional personal health information that is not included here.

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).

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

Signature

Typed Name

Date

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.

The State Department will issue a limited, two-year passport with an updated gender based on a physician's letter stating that the applicant "is in the process of gender transition." We believe there is no reason for a transgender person to apply for the limited passport. However, if your physician will not state that you have had appropriate treatment, this option is open to you.

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, 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 A PASSPORT

To apply to obtain or renew a passport, 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 described 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 passport 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.

APPLYING FOR A PASSPORT CARD

A U.S. passport card is a wallet-sized card that looks like a driver's license. A passport card is significantly less expensive than a traditional passport book but **cannot be used for international travel by air**. A passport card may be used as everyday identification within the United States and for land or sea travel to Canada, Mexico, the Caribbean and Bermuda. Application forms and documentation requirements for a passport card are the same as for a passport book; simply check "passport book" on the application form.

APPLYING TO RENEW A PASSPORT BY MAIL

If you are requesting gender change, you **must** use form DS-11 and apply in person, even if you would otherwise be eligible to renew by mail. **This is a new requirement**. By contrast, if you are only applying for a change of name, or do not need to change any information, you may be eligible to renew by mail using form DS-82. Consult the State Department's website for details.

CHANGING A LIMITED VALIDITY TO A FULL VALIDITY PASSPORT

If you have a limited validity passport that has not yet expired, 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