



Transgender Law Center

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Updating Names and Gender Markers on Federal Identity Documents



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Introductions...

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Agenda

- I. Introductions
- II. What do I do right now? Federal & State Powers related to ID Documents
- III. Federal Documents
 - A. Social Security
 - B. Passport
 - C. Consular Report of Birth Abroad
 - D. Immigration Documents
- IV. Questions

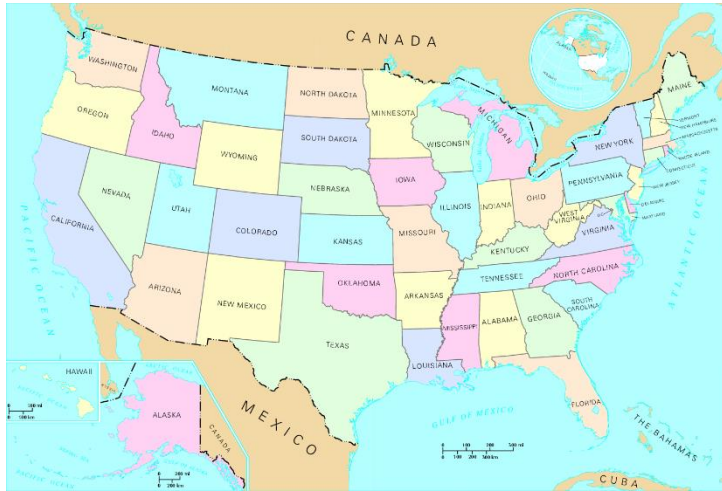
Updating Names and Gender Markers on Identity Documents



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State Issued ID Documents



- Court Ordered Name Change
- Name & Gender Change on Birth Certificate
- Name & Gender Change on Driver's License/State ID

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State Issued ID Documents

- Each state has its own documentation requirements for changing **gender markers** on birth certificates and driver's licenses and for petitioning for **court-ordered name changes**.
- To quickly check standards in your state, visit **National Center for Transgender Equality's** ID Documents Center at www.transequality.org/documents
- For folks in **California**, check out **Transgender Law Center's** ID Please at www.transgenderlawcenter.org/id-please

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What We Know...

Federal ID Documents

TLC & other trans advocates have fought hard to remove burdensome one-size-fits all surgery requirements to update the gender on federal documents....

- U.S. Passport - 2011
- USCIS - 2012
- Social Security Administration - 2013



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If you don't already have a name change:

1. Apply for an updated *gender* marker only,
2. Apply for a court ordered name change
3. When the name change is granted, update federal documents with new name.

BUT: You may need to pay additional fees.

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Federal Identity Documents



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Social Security Administration

- ❖ Changes to names and gender markers can be made **in person** at Social Security Administration (SSA) offices.
- ❖ Although Social Security **cards** do not list **gender markers**, SSA does maintain gender markers in electric files which are queried for identity verification. Thus, transgender people can be **outed** if they do not update gender with SSA.



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Social Security Administration Name and/or Gender Change

- Form SS5 is the “Application for a Social Security Card.”
- Blank forms are available for download online at:
<https://www.ssa.gov/forms/ss-5.pdf>
- *The form should be filled out using your new name (And your current gender if you are also applying for a gender change)*

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Social Security – Required Documentation

- **U.S. citizenship or immigration status** (e.g., a birth certificate or passport. This document does not need to be in your current name/gender as long as you can document the change.)
- **Legal name change** (e.g., a certified copy of your court order; the SSA may also accept proof of name change through marriage, adoption, divorce, or Certificate of Naturalization)
- **Proof of Identity** (e.g., a driver's license or other photo ID. This document does not need to be in your current name/gender as long as you can document the change.)

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Social Security –Gender Change

Gender Change: A person can update their gender with Social Security by presenting **ANY** of the following documents:

- A court-ordered gender change;
- A state issued amended birth certificate listing the correct gender.
- An updated full validity U.S. Passport showing the new gender; **or**
- **A declaration from a physician stating you have had “appropriate clinical treatment” for gender change.**

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Social Security – Name &/or Gender Change Model Physicians Declaration

(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), 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 of Physician

Typed Name of Physician

Date

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U.S. Passport – Name &/or Gender Change

Currently, a person can update their name and gender on their U.S. Passport.

A full validity passport is good for 10 years and may often be shown as proof of citizenship and identity instead of a birth certificate.



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To change your name and/or gender on your U.S. Passport, you will use one of three forms:

- **DS-5504** (“Application for a U.S. Passport - Name Change, Data Correction, and Limited Passport Replacement”);
- **DS-82** (“U.S. Passport Renewal Application for Eligible Individuals”), or
- **DS-11** (“Application for a U.S. Passport”).

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Form DS-5504 –

<http://www.state.gov/documents/organization/212249.pdf>.

This form should only be used for updating a your **name only** on a previously issued, currently valid U.S. Passport **within one year from the date of issue**.

- You may submit this application by mail and there is no accompanying fee for routine processing.

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Form DS-82 -

<http://www.state.gov/documents/organization/212241.pdf>:

- You should use this form if your passport if you are **only** updating your **name** and it was issued **more than one year ago**.
- You will have to submit a fee along with your application, but you can apply by mail.

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Form DS-11 <http://www.state.gov/documents/organization/212239.pdf>

The DS-11 application is the basic application for a U.S. Passport and it **must** be used if **any** of the following are true:

- You have never been issued a U.S. Passport;
- You are under age 16;
- You were under age 16 when your previous passport was issued;
- Your most recent U.S. Passport was issued more than 15 years ago;
- Your most recent U.S. Passport was lost or stolen;
- You are requesting a gender marker change; or
- Your name has changed since your previous U.S. Passport was issued but you are unable to legally document your name change.

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Form DS-11:

- The DS-11 application **must** be submitted **in person**.
- You can fill out the DS-11 online, but you must then download it and submit it in person with a fee. It is available at <http://www.state.gov/documents/organization/212239.pdf>
- A list of places where you can submit the DS-11 is available at: <http://iafdb.travel.state.gov/>

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Checklist for Changing Your Name and Gender on a U.S. Passport

- Form DS-11
- A certified copy of a court ordered name change
- 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 or driver's license
- A letter from your attending medical physician on office letterhead that states that you have had "appropriate clinical treatment for gender transition."
- Fees

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Checklist for Changing Your Name **ONLY** on a U.S. Passport

- Form DS-5504, DS-82, or DS-11
- A certified copy of a court ordered name change
- Two 2x2 inch photographs of yourself (if submitting DS-82 or DS-11)
- 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 or driver's license
- Fees (if submitting DS-82 or DS-11)

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Checklist for Changing Your Gender **ONLY** on a U.S. Passport

- Form DS-11
- 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 or driver's license
- A letter from your attending medical physician on office letterhead that states that you have had "appropriate clinical treatment for gender transition." A model declaration is included below.
- Fees

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U.S. Passport – Name &/or Gender Change

A list of current passport fees is available at:

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

The U.S. Department of State allows you to use a photo that represents the way you look, regardless of whether the photo stereotypically corresponds to the gender marker on your passport.

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Updating Name & Gender on U.S. Immigration Documents

It is also possible for a person to amend their immigration documents, such as employment authorization card, permanent residency card, and U.S. naturalization certificate, to reflect their accurate name and gender.



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Model Physician's Letter for Documents Issued by USCIS

- Identical to the model letter provided for the SSA/Passport, but *must* include the DEA (Drug Enforcement Administration) registration number or a comparable foreign designation number and issuing state/country of medical license.
- It should also be on office letterhead, and must follow the given language *exactly*

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Name & Gender Changes with USCIS: Employment Authorization Card

- Employment authorization card, you will need to submit Form I-765;
 - <https://www.uscis.gov/i-765>
- A Physician's Declaration
- It is generally a good idea to consult an immigration attorney prior to starting any application process.

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Name & Gender Changes with USCIS: Permanent Resident Card

- Permanent resident card, you will need to submit Form I-90;
 - Found at <https://www.uscis.gov/i-90> with instructions
- On the form under the “Reason for application”, 2E – My name or other biographical information has been legally changed since my last permanent resident card was issued.

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Name & Gender Changes with USCIS: Naturalization Certificate

- Naturalization certificate, you will need to submit Form N-565;
 - Found at <https://www.uscis.gov/n-565> with instructions
- Part 2 Question 2 asks for the reason for issuing a new certificate. Mark either or both D for name change and F for gender change and follow instructions.

Questions?