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UNCLASSIFIED (U)

8 FAM 403.3

GENDER DESIGNATION

(CT:CITZ-93; 04-05-2023)
(Office of Origin: CA/PPT/S/A)

8 FAM 403.3-1 SUMMARY

(CT:CITZ-66; 12-10-2021)

- a. Applicants may self-certify their gender marker as male "M" or female "F" on U.S. passport and Consular Report of Birth of a U.S. Citizen Abroad (CRBA) applications regardless of the gender marker listed on their evidence of identity and/or citizenship.

NOTE: (U) The terms "sex" and "gender" are often used interchangeably on many application forms, travel documents, and vital record certificates and in Consular Affairs' (CA) systems. CA is in the process of transitioning to the sole use of "gender" on its application forms, systems, and the corresponding issued certificates and documents. Until that transition is complete, the 8 FAM uses the term "gender marker" when referring to the self-certification by the applicant and the term "sex" when referring to the corresponding fields on the U.S. passport, the passport application forms, and CA's systems. "Sex/gender" may also be used to avoid confusion on which field or data is being referenced.

- b. As with all applicants, you must always be respectful and sensitive. You must only ask questions appropriate to obtain the information necessary to determine the citizenship, identity, and entitlement of the applicant.

8 FAM 403.3-2 PROCEDURES

(CT:CITZ-93; 04-05-2023)

- a. Applicants for a U.S. passport and/or a CRBA, who request a different gender than that listed in the sex field on their previous passport, other evidence of citizenship, or evidence of identity may self-designate their gender marker on the application.
- b. There is no documentation required of an applicant to request a change to the gender marker. Medical certification is not required. Parents of minor applicants may select the requested gender marker on the minor's behalf.
- c. *Applicants may request a change to their gender marker on forms DS-11, DS-82, and DS-5504, if they are otherwise eligible to use that form.*
- d. If there is a conflict between the gender marker listed on the passport application and the gender marker listed on the evidence provided, passport specialists and consular officers should verify the intended gender marker with the applicant during the interview in counter adjudication, if available, and annotate the application in the For Issuing Office Only box: **Item 3 — OK.**
- e. If there is no indication on the application that the gender marker listed on the DS-11 was verified during an interview, the discrepancy must be resolved with the applicant

by phone or IRL 708-20. After verifying the applicant's intended gender marker, the passport specialist or consular officer must annotate the application in the For Issuing Office Only box to show the gender marker has been confirmed by the applicant:

Item 3 — OK.

- f. Parent(s)/legal guardian(s) may request a change to their child's gender marker by selecting the requested gender in the sex field on the form DS-11. If there is a discrepancy between the gender marker listed on the application and the submitted documentation, please refer to the guidance in [8 FAM 403.3-2\(d\)](#). You may approve a gender marker change for a minor if both parents sign the passport application or the non-applying parent executes a DS-3053 or equivalent notarized consent, the applying parent provides evidence that one parent's signature is sufficient (see [8 FAM 502.3](#)), or the applying parent demonstrates an exigent or special family circumstance (see [8 FAM 502.4](#) and [8 FAM 502.5](#)).
- g. The applicant is not required to obtain amended identity or citizenship evidence reflecting their gender, as state and foreign laws regarding the documentation of a gender change may vary. The applicant must submit acceptable evidence of U.S. citizenship/non-citizen nationality and identity.
- h. If the sex field is left blank on the form DS-82 or form DS-11, the evidence presented does not show conflicting gender markers, and there is no indication that a gender change is being requested, passport specialists and consular officers have the discretion to:
 - (1) Issue in the gender listed on the previous passport;
 - (2) Call the applicant to confirm intended gender marker; or
 - (3) Send IRL 708-20.

8 FAM 403.3-3 ELIGIBILITY FOR A FULLY VALID PASSPORT OR PASSPORT CARD

(CT:CITZ-66; 12-10-2021)

- a. Passport applicants requesting a change to their gender are eligible for a full-validity passport if all other requirements for issuance are met. Passport specialists and consular officers must not limit passports due to gender transition, and endorsement 46 must no longer be used to reflect a gender transition. The Department does not distinguish gender transition from gender change as it relates to passport issuance.
- b. In instances where an applicant bears multiple valid passport products and only applies to change the gender marker in one of the products, the applicant should be advised, though not required, to request a change to the gender marker in the remaining product(s) for consistency and to prevent any difficulties the traveler may encounter when presenting products with dissimilar information.

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