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The updated passport gender markers on passports are in violation of the ruling on State by the U.S. District Court for the District of Colorado in the Zzyym v. Blinken case. They deny the existence of intersex people, which, regardless of their external appearance, exist. Intersex people have fought many years to be allowed an X marker, and so have nonbinary people.

As a nonbinary US born and raised citizen who lives overseas, I was terrified of the new executive order regarding the X option removal. I had just renewed my passport last year and was delighted to put an X on my passport and was proud of my country for being so forward to allow this option, like many other European countries have been allowing as well. Removing it is a step in the wrong direction for equality. I was fearful for my return to the states to visit an ailing family member and was worried that I would have my passport taken from me upon arrival to the states due to the new executive order, and then be unable to return to my studies abroad. The vagueness of the executive order has allowed bigoted governmental employees to mistreat transgender and intersex individuals in airports and while renewing or applying for their passports, and many people have had their documents stolen, vital documents like birth certificates, ID cards, etc.