

Author Full Name : Nico Norman**Received Date :** 02/20/2025 10:30 PM**Comments Received :**

I am writing to strongly oppose the proposed changes to form DS-11 that would replace "gender" with "sex" and require applicants to disclose their so-called "biological sex at birth." This policy is not only discriminatory but also unconstitutional, as it violates the equal protection and due process clauses of the Fourteenth Amendment. Additionally, it contradicts longstanding medical and scientific consensus on sex and gender and imposes unnecessary barriers on transgender and nonbinary individuals seeking passports.

Courts have consistently recognized that transgender individuals have a right to accurate identification documents that reflect their gender identity, as seen in rulings such as *Zzyym v. Pompeo*. By enforcing an inaccurate and arbitrary definition of sex, this policy creates a substantial burden on transgender applicants, violating their constitutional rights and exposing them to potential harassment and discrimination when traveling or proving their identity.

Furthermore, the revised form contradicts established medical understanding of sex and gender. The American Medical Association, American Psychological Association, and World Health Organization recognize that gender is not solely determined by biological sex characteristics but is a complex interplay of genetic, hormonal, and social factors. Forcing applicants to list a sex marker that does not align with their lived reality serves no legitimate governmental interest and instead functions as an unnecessary act of exclusion and surveillance.

From an administrative perspective, these changes also introduce inefficiencies and unnecessary burdens. Many passport holders already have documentation that reflects their gender identity. By imposing a requirement to list a so-called "biological sex at birth," the Department of State is setting up a scenario where applicants may have conflicting documents, causing confusion, delays, and potential legal challenges. This contradicts the stated goal of minimizing reporting burdens and improving efficiency in information collection.

More broadly, this policy represents an unnecessary intrusion by the federal government into the personal lives of American citizens. The ability to obtain accurate identification documents is essential for exercising fundamental rights, including travel, employment, and participation in public life. Government policies should prioritize individual liberty and personal freedom, rather than impose ideological restrictions that serve no legitimate function. The American people, regardless of political affiliation, should be concerned whenever the government enforces arbitrary classifications that limit personal autonomy and erode civil liberties.

The United States has made significant progress in recognizing the rights of transgender and nonbinary individuals, including through previous changes to passport policies that allowed for an accurate "X" gender marker option. Reversing these advances under the guise of "biological truth" is not only a step backward but an alarming endorsement of government overreach into the private lives and identities of American citizens.

I urge the Department of State to reject these changes and uphold policies that respect the dignity, rights, and identities of all passport applicants. Reverting to a restrictive and outdated definition of sex serves no legitimate purpose and only perpetuates harm against an already marginalized community.