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Restricting the gender choices to only male or female, which is sex, not gender, on passport applications is in violation of the injunction put on the State by the U.S. District Court for the District of Colorado in the Zzyym v. Blinken case.

In addition, it completely ignores the fact that intersex people exist and that biologically there are infinitely different sexes in the world. Geneticists have determined that biological sex falls on a spectrum and that there is no binary.

<https://www.scientificamerican.com/article/sex-redefined-the-idea-of-2-sexes-is-overly-simplistic1/>

This is true with all animals. For example, I raise goats. If a goat who appears to be a doe (female goat) is born with multiple bucks (male goats), there is an increased chance that she will be what's called a freemartin, meaning, because she was exposed to too much testosterone in utero, she does not have a complete female reproductive system and will much more likely show buck characteristics as she matures. Intersex goats are fairly common as well, especially if you breed for certain characteristics, such as being hornless.