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It is not clear how to correctly fill out this form in the following cases:

- 1) The applicant knows that neither 'M' nor 'F' is accurate for item 3, 'Sex'; or that neither is accurate for the incorrect identifying information section near the bottom of page 2.
- 2) The applicant does not know whether 'M' or 'F' is accurate for item 3, 'Sex'; or does not know which is accurate for the incorrect identifying information section near the bottom of page 2.

I think case '1' is fairly self-explanatory. People who are neither male nor female objectively exist, how are they supposed to fill out the form?

For case '2', the definitions of sex in EO 14168 indicate that sex is determined by characteristics present at conception that affect gamete production. Most people do not have any memory or record of their characteristics at conception. Gender or sex markers on birth certificates are unambiguously not based on such characteristics. They are based on categorization of external genitalia by medical staff, but genitals are not present at conception. Many of us also do not have enough information about our current or potential past gamete production to know if, after conception, we are or were in particular categories based on the kinds of gametes we produced. Personally, I neither have information about my characteristics at conception, nor information that I produced a particular kind of gamete at any subsequent time point. How would I or someone else in my position fill out the form?

Further, when one's gender or sex marker was incorrect on a prior passport, the text near the bottom of page 2 of the form, "Please submit evidence documenting your correct identifying information (such as a certified marriage certificate or birth certificate) [...]" implies that the gender or sex marker on one's birth certificate is taken to be authoritative. Is this correct? Are other forms of documentation accepted? If so, which?

As mentioned above, gender or sex markers on birth certificates do not follow the definitions of 'sex' given in EO 14168—they are based on genital characteristics present at birth, not on characteristics present at conception that determine gamete production. If birth certificates are taken to be authoritative, what is the justification for applying a definition contrary to that of EO 14168?

Birth certificates also contain clerical errors and similar mistakes. Different states have different rules about correcting birth certificate errors, and in some cases an applicant may be unable to correct an inaccurate birth certificate. What does one do when one's birth certificate is inaccurate but can't be corrected? Would other forms of documentation be accepted in this case? If so, which?

Finally, near the bottom of page 2 of the instructions—"If your U.S. passport book was limited due to sex transition, please visit travel.state.gov/sexmarker for information on the documentation you need to submit with this application."—As of 22 Feb 2025, there is no information on this topic at that URL. Similar text appears at the bottom of page 2 of the form, with the same URL listed.