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

- 1) The applicant knows that neither 'M' or 'F' is accurate for item 3, 'Sex'.
- 2) The applicant does not know whether 'M' or 'F' is accurate for item 3, 'Sex'.
- 3) Gender or sex markers vary between documents, or are inaccurate on all documents.

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. Further, many of us 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?

For case '3', gender or sex markers may differ between documents for a variety of reasons, generally related to either clerical errors or change in one's knowledge of one's gender or sex. In some cases, one's gender or sex markers might be inaccurate on all official documents. EO 14168 attempts to reject the legitimacy of some subset of these reasons for varying / inaccurate gender or sex markers. Specifically, given the EO's definitions of sex, it apparently rejects the possibility that someone would switch from having belonged, at conception, to the category of people producing large gametes to later belonging, at conception, to the category of people producing small gametes—or vice versa, from small to large gametes. So far as I know, those particular changes have not been documented to occur, nor have I heard anyone suggest that they do occur / they have personally experienced such a change. In any case, the EO does not, nor does it attempt to, exclude all cases in which someone's gender or sex marker will vary between documents. We can reasonably assume that people whose marker has changed will continue to apply for passports. What is the process in such cases? Is one particular document or set of documents taken to be authoritative? If so, given that no official documents implement the sex definitions provided in the EO, on what basis could any particular document(s) be accepted as reflecting, or rejected as not reflecting, those sex definitions? Or is the marker chosen on the form taken to be authoritative? Is additional documentation required to explain discrepancies?