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We knew before pregnancy due to IVF genetic screening that our son is a chromosomally normal 46 XY male. However based on ultrasound anatomy scans, for the majority of the pregnancy we expected him to be born with female genitalia, most likely due to Complete Androgen Insensitivity. This is an intersex condition that affects 1 in 20,000 genetic males, giving them the physical characteristics of a female.

We discussed ahead of the birth how we would handle this child who was genetically male yet physically female including using they/them pronouns and applying for a passport with the X gender marker. As Judge Ana Reyes recently noted in Talbott v Trump arguments, "This executive order is premised on an assertion that's not biologically correct [...] There are anywhere near 30 intersex examples. Anyone who doesn't have XX or XY chromosomes is not just male or female, they're intersex."

At birth, he did wind up with male genitalia that fooled the ultrasound scans due to an unrelated "difference in sex development." Though the X gender marker is no longer needed for his application, I acknowledge first hand that intersex humans do exist who do not fit neatly into M/F gender markers and deserve the ability to accurately represent themselves on their passports.