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These changes are not necessary to the functioning of the State Department and represent expensive, wasteful changes to an already effective and time-consuming process.

First, intersex people or people with differences of sex development (DSD) would have no accurate option to indicate their sex; this could affect up to 2% of the US population, which, to use a common comparison, is more than the number of redheads in the US. For those who find out about intersex conditions later in life, this will cause additional difficulties in obtaining a passport, and could require them to expose an often stigmatized medical condition.

Second, the application requirement to state that one has not been required to register as a sex offender is unnecessary and is statistically more likely to affect LGBTQ+ people. Research into registered sex offenders has shown that some were charged with things as simple as not disclosing HIV status despite not transmitting the disease. In some states, lewd bumper stickers were cause to be put on the registry. Given the uneven application of charges, the severe barriers people already face (unable to find secure housing, denied jobs and unable to access medical care, threatened with violence or experiencing violence), it is unnecessary to require this information.