

UNITED STATES OF AMERICA

BEFORE THE DEPARTMENT OF STATE

**Proposed Information Collection: Three (3) Passport Services Information Collections—
Application for a U.S. Passport; U.S. Passport Renewal Application for Eligible
Individuals; and Application for a U.S. Passport: Corrections, Name Change Within 1
Year of Passport Issuance, and Limited Passport Holders**

**OMB Control Number: 1405-0005 Form Number DS-11; OMB Control Number: 1405-
0020 Form Number DS-82; OMB Control Number: 1405-0160 Form Number DS-5504**

**COMMENTS OF THE LGBTQI HEALTH POLICY ROUNDTABLE AND THE LGBTQIA+ PRIMARY
CARE ALLIANCE**

Pursuant to the Department's February 24, 2022, notice, 87 Fed. Reg. 10426, the LGBTQI Health Policy Roundtable and the LGBTQIA+ Primary Care Alliance submit these comments on the three Proposed Information Collections: Application for a U.S. Passport; U.S. Passport Renewal Application for Eligible Individuals; and Application for a U.S. Passport: Corrections, Name Change Within 1 Year of Passport Issuance, and Limited Passport Holders.

We support the Department's proposed information collection to update the passport applications forms to conform to the new policy that permits applicants to select their gender marker without presenting medical documentation.

The Federal LGBTQI Health Policy Roundtable is a coalition of community health centers and national advocacy organizations that share a focus on laws and policies that affect the health well-being of lesbian, gay, bisexual, transgender and nonbinary, queer, intersex, and/or asexual (LGBTQIA+) populations. Individually and collectively, our organizations work to promote legal reforms and federal policies that advance the health and dignity of sexual and gender diverse people. Our community health center members provide primary healthcare, gender-affirming care for transgender and nonbinary people, HIV specialty care, and mental health and substance use treatment services to many tens of thousands of individuals and families, majorities of whom identify as lesbian, gay, bisexual, transgender, queer, or gender nonbinary. Our health centers have years of experience helping patients navigate the

complexities of gender-affirming care and social and medical transition for transgender and nonbinary patients and clients. Our membership also includes national advocacy organizations representing LGBTQI communities throughout the country.

The LGBTQIA+ Primary Care Alliance includes Federally Qualified Health Centers (FQHCs), State Primary Care Associations, community health centers, and other healthcare organizations and providers throughout the nation, who promote best practices for providing culturally responsive and compassionate healthcare and related services for persons identifying as LGBTQIA+. The Alliance members joining in these comments collectively serve several hundred thousand individuals and families every year, in the Northeast, Mid-Atlantic, Midwest, South, and West. Our members also advocate for federal, state, and local laws and public policies that advance the health and well-being of sexual and gender diverse people, with particular emphasis on persons of color, immigrants, people with disabilities and chronic illnesses, low-income individuals and families, transgender and gender diverse persons, sex workers, drug users, and other particularly marginalized communities.

Among our members are medical-legal partnerships established to provide pro bono legal assistance. Medical-legal partnerships offer legal assistance to individuals and families on a wide range of issues, including discrimination in employment and healthcare; federal, state and local public benefits programs; disability insurance; immigration; medical confidentiality; and name and gender marker changes in legal records for transgender individuals. Legal Services are a critical part of providing comprehensive, integrated healthcare and related services to people living with HIV, the LGBTQIA+ community, and others who rely on FQHCs for healthcare. Among the most highly utilized legal services are assistance with updating identity documents for transgender and nonbinary clients. Attorneys help transgender adults and minors with court-ordered name and gender changes, updates to birth certificates and other state-issued identity documents, and updates to many federal records.

There is a significant need among transgender and nonbinary persons, as well as people with intersex traits, to access accurate identity documents (IDs). Unfortunately, many states across the country impose intrusive requirements and prohibitive costs that create procedural barriers to ensuring that the gender marker on forms of identification reflect people's lived

gender.¹ According to the 2015 U.S. Transgender Survey, over two-thirds (68%) of the more than 27,000 transgender respondents reported that they do not have any ID that matches their name and gender.² This problem subjects transgender, nonbinary, and intersex people to violence and discrimination. One-quarter (25%) of transgender people who showed an ID that did not match their gender expression were verbally harassed, 16% were denied benefits or service, 9% were asked to leave, and 2% were assaulted.³ While data on people with intersex traits are lacking, research from 2020 indicates that 77% of LGBTQ intersex respondents reported that experiences of discrimination affected their ability to obtain accurate IDs.⁴

X Gender Markers Protect Privacy and Support Safety and Dignity

These new application forms will effectuate the existing policy by offering a gender-neutral option on IDs with no requirement for third-party medical documentation, similar to policies in place for obtaining drivers licenses in an increasing number of states, including Oregon, the District of Columbia, Minnesota, California, Massachusetts, Maryland, Virginia, and Colorado.

We agree with the Department's plan to effectuate a gender-neutral marker that reflects an unspecified gender or another gender. The gender-neutral marker "X" is a beneficial option for a number of reasons. This alternate marker provides a more accurate option for people who do not readily identify with the categories of "male" or "female." A gender-neutral marker also allows for increased privacy and safety for individuals who do not want to disclose their gender on their identification.

Self-Attestation of Gender is Accurate and Efficient

Requiring healthcare providers to attest to an individual's gender identity is costly, burdensome, and entirely unnecessary. Self-designation is an improved approach and in line with existing policies for height, weight, hair color, eye color, etc. An applicant's own report is the

¹ Movement Advancement Project. "Equality Maps: Identity Document Laws and Policies." <https://www.lgbtmap.org/equality-maps/identity-document-laws>. Accessed 03/18/2022.

² James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.

³ Id.

⁴ Medina, C., Mahowald, L., Key Issues Facing People With Intersex Traits, Center for American Progress, (2021), <https://www.americanprogress.org/article/key-issues-facing-people-intersex-traits/>.

most accurate means of ascertaining the appropriate designation for their documents. With this change, the United States joins Argentina, Denmark, Iceland, New Zealand, Nepal, and Canada in allowing applicants to select an X gender marker without medical documentation.⁵

Self-attestation of gender marker without medical documentation removes barriers to accessing identity documents that match a person's lived experience. Barriers to accessing medical documentation include paying for medical visits, navigating complex medical systems, and finding an affirming provider. These barriers are exacerbated for low-income individuals who may be unable to afford regular medical appointments, and those living in rural areas who may not have the option of seeing an affirming medical provider or for whom driving the distance to an affirming provider is an untenable burden.

Additionally, self-attestation is an efficient use of government resources. Self-attestation eliminates delays from reviewing medical documentation, improving processing time and reducing delays.

Conclusion

Obtaining accurate identity documents is a matter of access to services, equality, dignity, and safety. This coalition strongly supports the passage of this bill.

Thank you for the opportunity to share our experience.

Signed:

AIDS United

Callen-Lorde Community Health Center

Center for American Progress

CrescentCare

GLMA: Health Professionals Advancing LGBTQ Equality

⁵ Rogers, K., "How the letter X is changing the game for travelers — and what that could mean for the US" CNN Travel, (March 17, 2021) Accessed via <https://www.cnn.com/travel/article/countries-with-third-gender-x-passports/index.html>.

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