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PASSPORTS & TRAVEL

What Trans People Need to Know Right Now

The information in this document reflects the legal landscape as of April 2026. The current passport policy is actively being challenged in federal courts.

The Current Situation

Travel and passport rights for transgender people have changed significantly since January 2025, when President Trump signed an executive order directing federal agencies to reflect “sex at conception” on all government-issued identification documents.

WHAT THE POLICY CHANGE DID

- The State Department immediately stopped allowing transgender, nonbinary, and intersex people to update the sex designation on their passports.
- New and renewed passports now show the sex assigned at birth, regardless of gender identity, legal name change, or any other documentation.
- The “X” gender marker option — available since 2022 — was eliminated.

THE REACH OF FEDERAL RECORDS

Many transgender people who have had other identity documents accurately reflecting their gender identity for years — or even decades — assumed that their fully updated documentation would protect them when applying for a passport or renewal. That assumption has proven incorrect.

Federal agencies maintain independent records going back decades. The Social Security Administration, the State Department, and other agencies each hold their own data, and the current administration appears to have directed those agencies to coordinate on sex-at-birth determinations across their records. This means that even when a person’s birth certificate, driver’s license, and Social Security records have all been updated to reflect their gender identity, the State Department may still be accessing records that predate those updates to establish sex assigned at birth.

This is not a bureaucratic error or an administrative inconsistency. It is the intended operation of the current policy. The administration has directed the federal government to look past updated documents to establish what it calls “biological sex,” and federal agencies have the records to do so.

The practical result: transgender people who have lived fully documented lives in their gender identity for years are receiving letters from the State Department requesting original records that establish sex at birth. We address what those letters say — and what to do if you receive one — in the section below.

WHERE THINGS STAND LEGALLY

The ACLU filed a federal lawsuit, *Orr v. Trump*, challenging this policy. A federal court issued a preliminary injunction in June 2025 temporarily blocking the policy — but in November 2025, the U.S. Supreme Court allowed the administration to enforce the policy while the legal challenge continues. The case is still active as of April 2026, with both sides filing motions for summary judgment.

Bottom line: Until courts rule otherwise, anyone who applies for a new passport, a renewal, or a replacement will more than likely receive a passport reflecting their sex assigned at birth.

If You Currently Have a Valid Passport

Your existing passport — including one with an accurate gender marker or an “X” designation — remains valid until its expiration date. You are not required to turn it in or replace it early.

TRAVELING WITH A PASSPORT THAT MATCHES YOUR GENDER IDENTITY

If your current passport has a gender marker that matches your gender identity and presentation, you can continue to use it for travel. A few things to keep in mind:

- * Your passport is a valid, federally issued document. No one can require you to surrender it before it expires.
- * Trans travelers have reported increased scrutiny at borders and airports. Know your rights: you are not required to explain your gender identity or medical history to TSA or border agents.
- * Consider keeping a copy of your court-ordered name change and any legal documentation with you when traveling.
- * If your name on your passport matches your name on your airline ticket, you should not face additional barriers from TSA for that reason alone.
- * Advocates for Trans Equality (A4TE) has an [Airport Security Know Your Rights](#) guide about security procedures.





TRAVELING WITH A PASSPORT THAT DOES NOT MATCHES YOUR GENDER IDENTITY

Many trans people currently hold passports that show their sex assigned at birth, which may not match their current presentation. This is a difficult situation, and it is important to know:

- ✦ A mismatched sex marker on your passport is not, by itself, grounds to prevent you from traveling. However, if your appearance has changed significantly enough that you can no longer be identified from your passport photo, the State Department requires you to apply for a new passport. If you can still be identified from your current photo, do not apply for a new passport. Because you may be traveling with a mismatched sex marker under current policy, it is especially important that your photo match your current appearance so you can be readily identified.
- ✦ TSA screening procedures for transgender travelers are a concern under the current administration. Stories from recent travelers indicate that individual officer discretion is a real factor, screening technology can produce alerts related to trans bodies, and mismatched documents can result in additional screening, delays, and potential mistreatment. Check A4TE's [Airport Security Know Your Rights](#) guide before you travel — it is actively updated.
- ✦ For international travel, your passport is your primary document. Carry any supporting documentation you have — court name change orders, a letter from your physician, etc. — as backup. If you must present documents at the same time that have different sex designations, having additional documentation linking those documents to you, such as a court order or a letter from a medical provider, can help.

Turning 16 and 18: First-Time Adult Passport Applications

For young trans people applying for their first adult passport, this is an especially important moment — and the current policy makes it more complicated. Here's what families and young people need to know:

A COMMON MISCONCEPTION: THE MINOR'S PASSPORT

Many families of transgender youth believe that when their child's passport expires and they apply for a new one, they are simply "renewing" it. This is incorrect, and the distinction matters significantly under the current policy.

A passport issued to a child under the age of 16 is valid for five years. When that passport expires and the child is 16 or older, they must apply for an adult passport. That application is treated as a brand new application — not a renewal. It goes through the full application process, including a review of sex-at-birth records, regardless of what the child's previous passport showed.

Some families also believe that because their child's minor passport was issued using an amended birth certificate reflecting the child's gender identity, there is no prior record the government can use to issue a passport in the sex assigned at birth. Federal records do not work that way. The State Department has access to records across multiple agencies,



including records that predate any amendments. An amended birth certificate updates a state record; it does not remove or override federal records reflecting the original sex designation.

Families who are counting on a child's corrected minor's passport as protection when the child applies for an adult passport should be aware: that protection does not exist under the current policy.

WHAT TO EXPECT UNDER THE CURRENT POLICY

- ✦ A first-time adult passport application will reflect the sex assigned at birth on the original birth certificate, regardless of any changes to the birth certificate, driver's license, or other documents.
- ✦ The Social Security Administration also no longer permits sex marker changes, and the State Department may cross-reference SSA records.
- ✦ You can change your legal name on a passport by submitting a certified court order. However, under the current policy, requesting a name change could trigger the State Department to update the sex marker on your passport to match your birth sex — even if you had previously obtained a corrected marker. Consult an attorney before making any changes to an existing accurate passport.

FOR FAMILIES: WHAT TO CONSIDER

If your child is approaching 16 or preparing to apply for their first adult passport, here are some practical considerations:

- ✦ Think carefully about whether to apply now or wait for the legal landscape to shift. If your child does not have urgent international travel needs, waiting may be an option.
- ✦ If they do need a passport soon, it will be issued with their birth sex. This is painful — and it is also the legal reality right now, not a permanent one.
- ✦ Focus on what you can control at the state level: driver's license, state ID, and — in states where it's possible — birth certificate updates. These remain governed by state law and are not affected by the federal executive order.
- ✦ Keep a copy of all legal name change documentation. Even if the gender marker can't be updated, a consistent legal name across documents reduces travel friction.

A NOTE ON BIRTH CERTIFICATES

The federal executive order does not change state law on birth certificates. If your state allows birth certificate gender marker changes, that right remains intact — for now. Requirements vary widely: some states have simple administrative processes; others have restrictive requirements or have passed laws limiting changes. Check your state's current rules.



If You Receive a Letter from the State Department

Transgender people applying for new passports or renewals — including long-transitioned adults who have held accurate documentation for years or decades — are receiving letters from the State Department informing them that their application cannot proceed until they provide additional documentation. These letters are arriving in response to both new adult applications and renewals.

This is not an administrative error. It is the deliberate operation of a policy designed to establish sex assigned at birth for every passport application, regardless of how thoroughly a person's identity has been legally updated. Being asked to produce records from the earliest years of your life — records that in some cases predate your transition by decades — is the point of the request, not a side effect of it.

WHAT THE LETTER SAYS

One example of a letter received by a transgender passport applicant is excerpted below. The specific language may vary, but the nature of the requests is consistent across reported cases:

"We reviewed your passport application and cannot continue until you respond to this letter.

The evidence used to amend your birth certificate is not shown. Please send:

- * The original documents used to amend your birth certificate, or*
- * If the vital records office did not require documents to amend your birth certificate, please submit a signed statement describing the process. If the amendment involved a name change, please include the details.*

Also, additional information is requested. Please send:

- * Early public records that show your name and sex at the time of your birth. Your biological sex at birth is not clear from the documents you submitted.*

Examples of early public records include the following items, if issued near the time of your birth: medical records, hospital birth records, religious records, early school records, and/or any other public documents created at or near the date and place of your birth."

The letter is asking the applicant to prove they were once someone else. For transgender people who have lived as themselves for years or decades — who may never have had these records, who may have had them destroyed, or who simply no longer have access to them — this request carries a burden far beyond what it appears on its face.



WHAT NOT TO DO BEFORE CONSULTING AN ATTORNEY

If you receive a letter like this, do not respond before consulting an LGBTQ+-affirming attorney or legal organization. Specifically:

- * Do not submit court orders, medical records, or any documentation related to your transition. Providing this information may give the State Department additional grounds to deny your application or create a record you did not intend to create.
- * Do not submit a signed statement describing the process used to amend your birth certificate without legal guidance. How that statement is worded matters, and the consequences of an imprecise statement are not yet well understood.
- * Do not assume that responding quickly or thoroughly will resolve the situation. There is no evidence that prompt or detailed responses to these letters are resulting in accurate passport issuance.
- * Do not assume that not responding is without consequence. Failing to respond will result in your application being denied or your documents being returned without processing. Note the deadline stated in the letter and get legal help before it passes.

WHAT TO DO

- * Contact [Lambda Legal's Help Desk](#) as soon as possible. Lambda Legal is actively tracking these cases and may be able to provide direct assistance or a referral to counsel.
- * Contact the [ACLU LGBTQ & HIV Project](#). The ACLU's ongoing litigation in *Orr v. Trump* means they have direct, current knowledge of how the State Department is processing these cases.
- * Contact [GLAD Law](#). GLAD's legal team handles identity document cases and can provide guidance specific to your situation.
- * Document everything. Keep copies of your original application, all correspondence from the State Department, and records of any phone calls — including dates, times, and names of any representatives you speak with.
- * If you are facing an urgent travel deadline, say so when you first contact a legal organization. Urgency affects what options may be available.



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Practical Travel Tips for Trans Travelers

Regardless of your passport situation, these steps can help make travel safer and less stressful:

- * Make sure your name on your government ID matches your name on your airline ticket exactly.
- * For international travel, research your destination country's policies on transgender travelers before you go. Some countries are significantly more welcoming than others; a few present serious safety risks.
- * Consider whether a letter from your healthcare provider might be useful if you carry medical supplies (hormone medications, syringes, etc.) that may require explanation at customs.
- * Know that TSA officers are not permitted to make screening decisions based on gender identity or ask questions about your medical history or transition status.
- * If you experience discrimination or harassment from TSA, you can [file a complaint with TSA](#) and with [Lambda Legal's Help Desk](#).
- * Trans travelers who are Global Entry or TSA PreCheck members should be aware that enrollment or renewal with mismatched documents may create complications.

