



Services for Transgender and Gender Non-Conforming (TGNC) People

Callen-Lorde Community Health Center

Correcting Your NY, NJ, and Federal Identity Documents

A quick guide ...

What is an Identity Document?

- Driver's License and Non-Driver's Photo ID
- NYS Benefits Card
- Social Security Card (and record)
- Passport
- Birth Certificate
- Naturalization Certificate, Employment Authorization Card, or Permanent Resident Card



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Going to change your info...

Going to these offices to change your information is sometimes very stressful. We don't always know what to expect, or how we will be treated. Here are some things to keep in mind to try to make your trip go smoothly.

- **Know what is required to make the requested change.** If you don't have the correct documentation you will not be able to get the changes or documents you are requesting.
- **Bring a friend!** It's always great to have someone by your side, who can both keep you cool, calm, and collected, and who can also advocate for you, if needed.
- **Believe the best-case scenario is possible.**
- **Keep a positive and professional attitude,** even if seems hard, and even if they are being rude, inconsiderate, or even transphobic. If it is getting to a point where you need to leave, try to do so calmly.
- **Stay safe!** If you get upset, do not escalate, and do not give anyone a reason to call security or the police.
- **Have a plan for something nice to do afterwards.** Touch base with a friend. Take a walk. Treat yourself to something calming or celebratory!

And remember...

- If the worker you are talking to asks detailed questions about your surgical or genital status, your identity, or other invasive questions, you do not need to answer them. You can say: "I do not feel comfortable discussing my personal medical history. I'm just trying to update my record. Can you help me out?"
- If you are having a problem with the worker you are talking to, you can request to speak to their supervisor.
- You might have a totally different experience if you come back the next day! You never know who's going to be waiting for you at the window. They might be a fantastic ally!

First, A Note ...

We hope this guide will help you make the changes you need to make on your documents. There's information about documents and fees needed, and some strategies, too. Fees are subject to change, so double-check to make sure you have the right amount.

Remember!

To be sure you have what you need to make changes to your identity documents, always bring:

- Photo ID
- Birth Certificate, Immigration Documents, or Passport
- Social Security Card
- Proof of Address
- Court-Order Name Change if some of your documents have your new name and some have your old name.

State IDs

State IDs are based on where you currently live.

New York State

To change your name: Show a Court Ordered Name Change.

To change your sex: Provide a letter from your primary care provider with a "medical determination that one



gender predominates over the other."¹ No surgeries are necessary to correct your New York State Driver's License or Non-Driver's Photo ID. Submit this with Form MV-44, Application for DL or Non-DL Photo ID.

You must go to the DMV office to correct this ID Document. If you are getting a new ID or your ID has expired, you will be required to pay the fee for a new or renewed ID. Otherwise, you will need to pay the fee for a correction. You must show 6 points of identity (see back page for guide) to apply for a New York State ID.²

New Jersey

To change your name: Show a Court Ordered Name Change.

To change your sex: Complete the top section of the Declaration of Gender Designation Change for New Jersey Motor Vehicle Commission (MVC) Driver License or Identification Card.³ Have your licensed medical provider, therapist, or social worker complete the bottom section and sign the form. Take it to the MVC office with 6 points of identity (see back page for guide)⁴ and a processing fee of \$11.



Birth Certificates

Birth Certificate changes are based on your birthplace.

New York City

To change your name: Show a Court Ordered Name Change.

To change your sex: Complete VR-172, the Application for the Correction of a Birth Certificate, especially section F and Step 5. "What is wrong?": Sex designation; "How does it appear now?": Sex assigned at birth; "What should it be?": Gender you identify as. Also include your name correction in Step 5.



You must include medical documentation to correct the sex designation on your Birth Certificate. You should provide: (1) a letter from your

SRS surgeon indicating date and place surgery was performed, and type of sex reassignment procedure(s) performed—only lower surgeries count, i.e. orchiectomy, vaginoplasty, or phalloplasty, or both hysterectomy and mastectomy; (2) the surgical operative report from your surgery, dated and signed by your surgeon; (3) a letter

from a mental health professional confirming that your transition to the gender you identify as is complete.

Follow directions on form VR-172 to submit application, with fees (\$40 processing fee plus \$15 per copy for each new certificate). Take or mail to 125 Worth St., Rm 144, NY, NY 10013.

You will be issued a new birth certificate.

New York State

To change your name: Show a Court Ordered Name Change.

To change your sex: Complete the Application for the Correction of Birth Certificate: "Item in Error": Sex designation; "As it Appears": Sex assigned at birth; "As it Should Be": Gender you identify as. Also include your name correction.



You must include medical documentation to correct the sex designation on your Birth Certificate. You should provide: (1) a letter from your surgeon indicating date and place surgery was performed, and type of sex reassignment procedure performed (only lower surgeries count); (2) the surgical operative report from your surgery, dated and signed by your surgeon; (3) a letter from a therapist "documenting true Transsexualism or inappropriate sexual identification"; and (4) a letter from your medical provider regarding "hormonal, chromosomal, or endocrinological information"

Follow directions on the form to submit application, with relevant fees. (First corrected certificate free, additional certified copies are \$15 each). Send to: Correction Unit, Vital Records Section, PO Box 2602, Albany, NY 12220-2602.

You will be issued a new birth certificate.

New Jersey

To change your name: Show a Court Ordered Name Change.

To change your sex: Write a letter detailing the changes you are requesting be made to your birth certificate (name you are changing to, correct sex designation), along with your original birth information (name given at birth, the date and location of your birth, your parents' names, if on your birth certificate) or a copy of your birth certificate and include with it a sealed copy of the court ordered name change, a notarized copy of a detailed letter from your surgeon regarding your SRS (or a notarized copy of the surgical report from your surgery), and your return address and phone number. Mail this documentation with a \$27 check or money order made out to the New Jersey State Treasurer to New Jersey Department of Vital Statistics, ATTN: Modifications Unit, PO Box 370, Trenton NJ, 08625. Requests may only be made by mail.

You will be issued a new birth certificate with the correct sex.



Other States

To change your name: Show a Court Ordered Name Change.

To change your gender: Rules vary by state. For detailed explanations, see Dr. Becky Allison's guide to Changing Birth Certificates at drbecky.com/birthcert.html and Lambda Legal's *Sources of Authority to Amend Sex Designations on Birth Certificates* at lambdalegal.org/publications/sources-of-authority-to-amend.

NY State Benefits Cards



To change your name: Show a Court Ordered Name Change.

To change your sex: There is no policy. The Human Resources Administration (HRA)/Medicaid unofficially requires correcting

the Birth Certificate and/or Social Security Record to correct your Medicaid/Benefits card.

You must go to the Medicaid office to correct this ID

document. If you are on HASA, you must go to your HASA worker.

To correct your Managed Care Plan Card, you must correct your HRA record and then call your Managed Care Plan and ask them to correct their record and send you a new card.

United States Passports

To change your name: Show a Court Ordered Name Change.

To change your sex: You will need a letter from your primary care provider indicating that you are in clinical treatment determined by your doctor to be appropriate for your gender transition. There is a template for the letter on National Center for Transgender Equality's fact sheet on Understanding the New Passport Gender Change Policy⁴ and detailed requirements on the Department of State's website.⁵

Requesting corrections to your Passport:⁶

If this is your first passport: You must apply in person and provide valid documentation, at any post office or at the Passport Agency office at 376 Hudson Street, Manhattan. You can only apply at the Passport Agency office if you have international travel scheduled within the next 2 weeks or if you need your passport within 4 weeks to obtain a visa.



Complete Form DS-11, the Passport Application, and submit it along with one passport photo, proof of citizenship (a US Birth Certificate, a Consular Report of Birth Abroad, a Naturalization Certificate, or a Certificate of Citizenship), a government-issued photo-ID, your passport fee (\$140 for a Passport Book & Card, \$110 for a Passport Book only, and \$30 for a Passport Card only, plus a \$25 execution fee, and an optional \$60 fee for expedited service), your court-ordered name change, and the letter from your PCP regarding your sex designation change. You will receive

your passport in 4-6 weeks for routine service or 2-3 weeks for expedited service.

If your passport is less than 1 year old and you are making a correction to your name and/or gender: Complete Form DS-5504 for Name Change and Data Correction. You will not need to pay an additional fee (expedited service will cost \$60). All people correcting their gender must submit their documentation in person. Bring your completed form along with your supporting documentation (court order and provider's letter) to the passport office to request the corrections.

If your passport is more than 1 year old and you are correction to your name and/or gender: Complete form DS-11, the Passport Application. You will need to pay the fee for a passport renewal (\$140 for Passport Book & Card, \$110 for a Passport Book only, and \$30 for a Passport Card only, and \$60 for expedited service if necessary), bring all necessary documentation for a passport renewal, a new passport photo, your court order name change, and provider's letter to the passport office to request the corrections. If you are only changing your name you may complete form DS-82, the Passport by Mail application, and submit your change by mail.

Social Security Cards

While there is no sex designation on your Social Security Card, there is one in your record. It is used in some background checks, in your SSD/I benefits record, and to enroll you in Medicare. All NYC residents can make corrections to your Social Security Card records at any of the Card Centers (Manhattan—123 Williams St., 3rd Fl.;



Brooklyn—154 Pierrepont St., 6th Fl.; the Bronx—820 Concourse Village West, 2nd Fl., and Queens—155-10 Jamaica Ave., 2nd Fl.) and Staten Island residents may go to a local Social Security office if they prefer. If

you receive SSD/I and/or Medicare you must also go to your SS Benefits office to make needed changes to your record.

To change your name: Show a Court Ordered Name Change.

To change your sex: Bring a letter from your surgeon or your primary care provider verifying that a sex change procedure has occurred. The letter must include identifying information about you (name, date of birth) to clearly identify you. Submit it with a state-issued photo ID, a Birth Certificate or Passport, and the Application for a Social Security Card.

Immigration Documentation

Naturalization Certificate or Certificate of Citizenship

To change your name: If you are applying for Naturalization: There is an option on the naturalization form that will allow you to change your name without a court process. Talk with your immigration lawyer if you have questions.

If you are already a naturalized citizen, you must show a Court Ordered Name Change to correct your record and submit Form N-565,¹⁰ the Application for a Replacement Naturalization/Citizenship Document



To change your gender: Complete Form N-565 along with a letter from your provider certifying that you are in care and that you have had appropriate clinical treatment for transition to the gender you identify as, and that your provider has either treated you or reviewed your medical history regarding your transition.¹¹ A similar letter to that used by the Department of State for correcting US Passports may be used. Submit Form N-565 along with required identity documents, a passport photo, and the required filing fee to the appropriate processing center (by state, see Form N-565 for directions).

Employment Authorization Card

To change your name: Show a Court Ordered Name Change and submit it with Form I-765 for a Replacement Employment Authorization Card.

To change your gender: Complete Form I-765 along with a letter from your provider certifying that you are in care and that you have had appropriate clinical treatment for transition to the gender you identify as, and that your provider has either treated you or reviewed your medical history regarding your transition.¹¹ A similar letter to that used by the Department of State for correcting US Passports may be used. Submit Form I-765 along with required identity documents, a passport photo, and the required filing and biometric fees to the appropriate processing center (see Form I-765 for directions).



Green Card/Permanent Resident Card

To change your name: Show a Court Ordered Name Change and submit it with Form I-90 and applicable supporting documentation and fees.¹³



To change your gender: Complete Form I-90 along with a letter from your provider certifying that you are in care and that you have had appropriate clinical treatment for transition to the gender you identify as, and that your provider has either treated you or reviewed your medical history regarding your transition.¹¹ A similar letter to that used by the Department of State for correcting US Passports may be used. Submit Form I-90 along with required identity documents, a passport photo, and the required filing and biometric fees to the appropriate processing center (see Form I-90 for directions).

Having problems correcting your documentation?

First, check:

- Do I have the right documentation to complete the change I am requesting?
- Do I have the right documentation to prove that the record is mine?

If it seems there is some other problem that is making it difficult to correct your documentation, it might be a good time to seek support.

These are some legal organizations with experience supporting transgender and gender non-conforming people around these issues.

Immigration Equality (NYC)

Manhattan: 40 Exchange Place, St. 1705
(212) 714-2904 / immigrationequality.org/

Lambda Legal (National/Northeast)

Manhattan: 120 Wall Street , 19th Floor
(212) 809-8585 / lambdalegal.org/nhq

Legal Services of New Jersey

Web Intake: snjlawhotline.org/
(888) 576-5229 / snj.org

NYLAG: LGBT Law Project (NYC)

Manhattan: 7 Hanover Square, 18th Floor
(212) 613-5000 x5107 / nylag.org/units/lgbt-law-project/

Sylvia Rivera Law Project (NYC)

Manhattan: 147 W 24th St, 5th Floor
(212) 337-8550 / srlp.org/

Transgender Legal Defense & Education Fund (NYS)

Manhattan: 151 West 19th St., Suite 1103
(646) 862-9396 / transgenderlegal.org/

Urban Justice Center: Peter Cicchino Youth Project

Manhattan: 123 William Street, 16th Floor
(877) LGBT-LAW / urbanjustice.org/ujc/help/peter.html

Footnotes/Resources

1. Patricia Adduci to All Issuing Offices, April 29, 1987, New York State, Department of Motor Vehicles, Office of the Commissioner. <http://srlp.org/files/NY%20DMV%20Sex%20Change%20Policy.pdf>.
2. New York State Department of Motor Vehicles. Proofs of Identity. <http://www.dmv.ny.gov/forms/id44.pdf>
3. New Jersey Motor Vehicle Commission. Declaration of Gender Designation Change for Motor Vehicle Commission (MVC) Driver License or Identification Card. <http://www.state.nj.us/mvc/pdf/Licenses/genderchange.pdf>.
4. New Jersey Motor Vehicle Commission. 6 Point ID Verification System. http://www.state.nj.us/mvc/pdf/Licenses/ident_ver_posterpint.pdf.
5. Lambda Legal. Sources of Authority to Amend Sex Designation on Birth Certificates. January 3, 2012. <http://www.lambdalegal.org/publications/sources-of-authority-to-amend>.
6. Allison, Becky. U.S. States and Canadian Provinces: Instructions for Changing Name and Sex on Birth Certificate. <http://www.drbecky.com/birthcert.html>.
7. National Center for Transgender Equality. Understanding the New Passport Gender Change Policy. January 2012. http://transequality.org/Resources/passports_2012.pdf.
8. U.S. Department of State. Identification Requirements for Gender Reassignment Applicants. http://travel.state.gov/passport/get/first/first_5100.html.
9. U.S. Department of State. Change or Correct Passport. http://travel.state.gov/passport/correcting/correcting_2654.html.
10. U.S. Citizenship and Immigration Services. N-565, Application for Replacement Naturalization/Citizenship Document. <http://www.uscis.gov/n-565>.
11. U.S. Department of Homeland Security. U.S. Citizenship and Immigration Services. Policy Memorandum. PM-602-0061. Adjudication of Immigration Benefits for Transgender Individuals. April 10, 2012. http://www.uscis.gov/USCIS/Outreach/Feedback%20Opportunities/Interim%20Guidance%20for%20Comment/Transgender_FINAL.pdf.
12. U.S. Citizenship and Immigration Services. I-765, Application for Employment Authorization. <http://www.uscis.gov/i-765>.
13. U.S. Citizenship and Immigration Services. I-90, Application to Replace Permanent Resident Card. <http://www.uscis.gov/i-90>.

