



A HELPFUL GUIDE TO

CORRECTING YOUR GENDER MARKER ON STATE IDs AND FEDERAL IDENTITY DOCUMENTS

CalLEN ▼ LORDE
COMMUNITY HEALTH CENTER

WHAT IS AN IDENTITY DOCUMENT?



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

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!

REMEMBER!

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

■ Any required fees

FIRST, A NOTE...

We hope this guide will help you make the changes you need to on your documents. Fees are subject to change, so double-check to make sure you have the right amount.

STATE IDs

NEW YORK STATE

CHANGE NAME: Show a Court Ordered Name Change. Submit with Form MV-44.¹

CHANGE GENDER MARKER: Provide a letter from your primary care provider with a “medical determination that one gender predominates over the other.”² No surgeries are necessary to correct your NYS Driver’s License or Photo ID. Submit this with Form MV-44, Application for DL or 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. Take it to the DMV office with 6 points of identity³ and a fee of \$12.50 (DL) or \$5 (Photo ID).

NEW JERSEY

CHANGE NAME: Show a Court Ordered Name Change.

CHANGE GENDER MARKER: Complete the top section of the Declaration of Gender Designation Change for NJ Motor Vehicle Commission (MVC) Driver License or ID Card.⁴ 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 identity⁵ and a fee of \$11.

CONNECTICUT

CHANGE NAME: Show a Court Ordered Name Change. Submit with form E-78.⁶

CHANGE GENDER MARKER: Complete Part 1 of the Gender Designation Form for CT Dept. of Motor Vehicles Driver License or ID Card (B-372). Provide a letter from your primary care provider attesting that you are “in active treatment” and “living full time according to the requirements mandated by the [WPATH] Standards of Care for Gender Reassignment.” No surgeries are necessary. Take it to the DMV with a current Photo ID and a fee of \$30.

NY STATE BENEFITS CARDS

CHANGE NAME: Show a Court Ordered Name Change.

CHANGE GENDER MARKER: The Human Resources Administration (HRA) has undergone a policy change allowing them to issue CBIC’s (Common Benefit Identification Cards) without gender markers on them.

- 1 Bring your old CBIC and one other form of picture identification (if available) to an HRA CBIC office.
- 2 Let the service provider know that you would like a new CBIC. All new CBIC’s come without a gender marker. The service provider should be able to provide you with a new Benefits card the same day.

* Securing a genderless Benefits card does not mean that your gender will be correct or updated within the HRA system. It simply means that there will be no gender noted on the face of the card. Holders of the old card are still required to follow “old” policy to correct their gender in the HRA system!



NYC MUNICIPAL ID

IDNYC can help transgender New Yorkers, who often face obstacles obtaining an ID that affirms their gender identity, by allowing people to self-attest their gender without medical documentation. The IDNYC card can be issued with three options: male, female, or “not designated,” with the only proof of gender required being a statement by the applicant that affirms their gender identity.

CONFIRM YOU HAVE THE CORRECT DOCUMENTS TO APPLY. The IDNYC program uses a point system to determine if applicants are able to prove identity and residency in New York City. You will need three points worth of documents to prove your identity and a one point document to prove your residency. All applicants applying independently must provide photo identification and a document with your date of birth listed. The IDNYC program accepts more than 65 categories of different documents, so to determine what documents you can submit, use the IDNYC Document Calculator.

MAKE AN APPOINTMENT TO APPLY. Make an appointment through the IDNYC website.

THE ENROLLMENT PROCESS: When you visit an enrollment center, you will be asked to submit your application and documents proving identity and residency. Your photo will be taken that will be included on the card. All of your original documents will be returned to you immediately when the enrollment process is complete. Your IDNYC card will be mailed to your home in 10-14 business days. If you do not have an address or have security concerns about an address appearing on your IDNYC card, you will be able to pick up your card at the Enrollment Center where you applied 15 business days later.



BIRTH CERTIFICATES

Birth Certificate rules are based on your birthplace and 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.

NEW YORK CITY

CHANGE NAME: Show a Court Ordered Name Change. Submit with form VR-172.⁷

CHANGE GENDER MARKER: Complete VR-172, the Application for the Correction of a Birth Certificate, especially section F and Step 5, where you can indicate the needed change to your gender marker designation and/or name.

To correct your gender marker on your birth certificate in NYC you will need:

- (1) The completed application (VR-172);
- (2) gender marker letter from MD or MH;
- (3) A photocopy of your current ID.

SURGERY IS NO LONGER REQUIRED TO CORRECT A BIRTH CERTIFICATE!

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.

NEW YORK STATE

CHANGE NAME: Show a Court Ordered Name Change. Submit with form DOH-297.⁸

CHANGE GENDER MARKER: You must include medical documentation to correct the gender designation on your Birth Certificate. You should provide: (1) a completed application (2) a notarized affidavit on professional letterhead from a physician (M.D. or D.O.), nurse practitioner, physician assistant, licensed in the United States, who has treated, reviewed, or evaluated the gender-related medical history of the applicant. The notarized affidavit must include: a statement noting that the provider is making his/her findings upon independent and unbiased review and evaluation and is not related to the applicant; the medical professional's license number; and a statement that the applicant has undergone appropriate clinical treatment.

SURGERY IS NO LONGER REQUIRED TO CORRECT A BIRTH CERTIFICATE!

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.



NEW JERSEY

CHANGE NAME: Show a Court Ordered Name Change. Submit with letter indicating change needed.⁹

CHANGE GENDER MARKER: Write a letter detailing the changes you are requesting be made to your birth certificate (name you are changing to, sex designation), along with your original birth information (name given at birth, date and location of your birth, your parents' names) 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.

CONNECTICUT

CHANGE NAME: Show a Court Ordered Name Change.

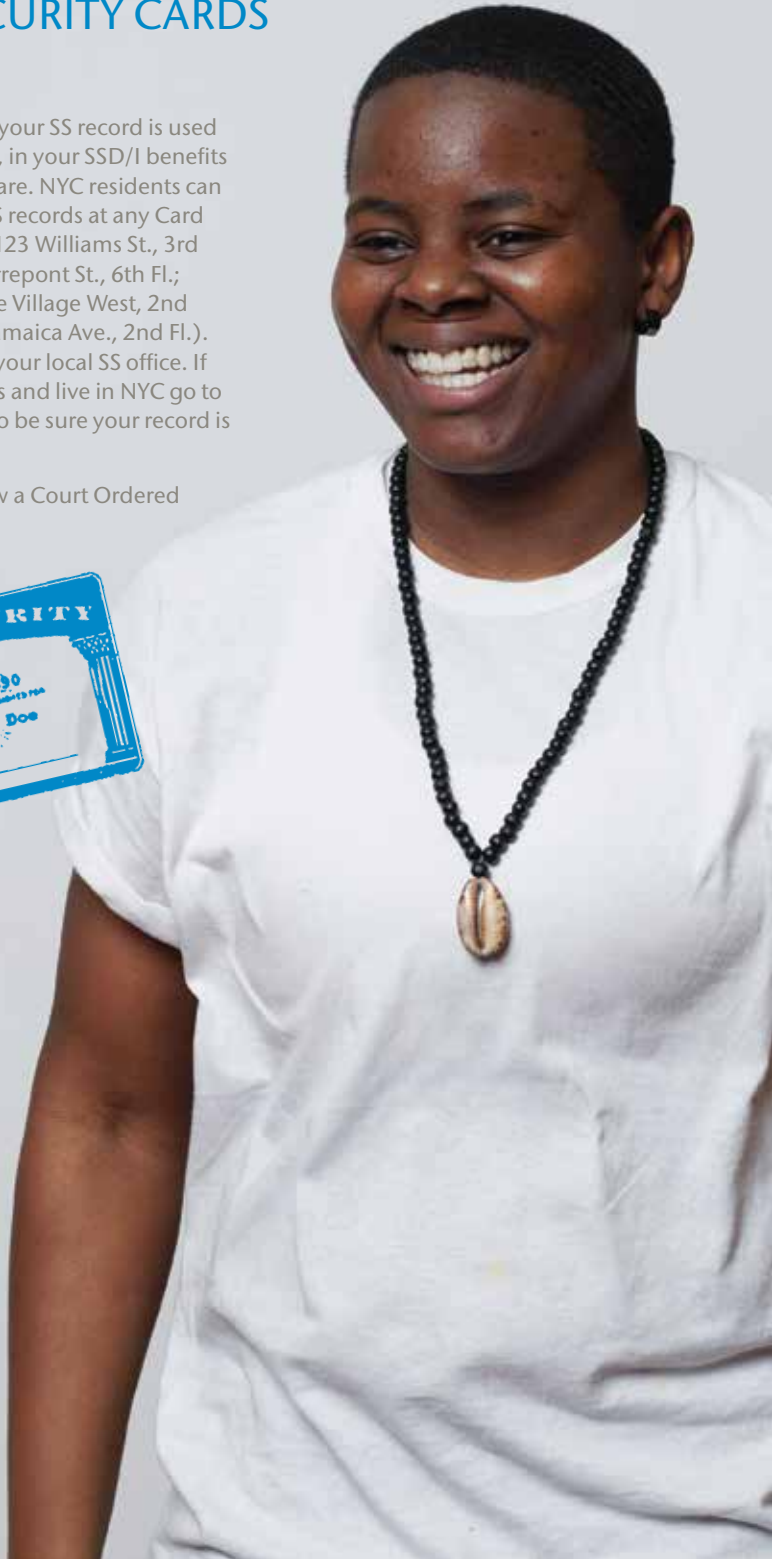
CHANGE GENDER MARKER: You will need a letter or affidavit from (1) the surgeon who performed the "sex change operation, attesting to the fact that the surgery was performed" and (2) a licensed MH provider (therapist or psychiatrist) indicating that you are "socially, psychologically, and mentally" the gender you identify as. Submit to your local dept of health for review by the commissioner.¹⁰



SOCIAL SECURITY CARDS

The gender marker in your SS record is used in background checks, in your SSD/I benefits record, and for Medicare. NYC residents can make corrections to SS records at any Card Center (Manhattan—123 Williams St., 3rd Fl.; Brooklyn—154 Pierrepont St., 6th Fl.; Bronx—820 Concourse Village West, 2nd Fl., Queens—155-10 Jamaica Ave., 2nd Fl.). Outside of NYC go to your local SS office. If you receive SS benefits and live in NYC go to the SS Benefits office to be sure your record is completely corrected.

CHANGE NAME: Show a Court Ordered Name Change.



UNITED STATES PASSPORTS

CHANGE GENDER MARKER: Change Gender Marker: Show any one of the following documents: (1) a letter from an MD/DO (doctor) stating that you have had appropriate clinical treatment for gender transition (to the gender you ID as), that you have a doctor/patient relationship, and that the provider is not perjuring themselves (this is the same policy used by the Department of State for US Passports); OR (2) correct passport; OR (3) correct birth certificate; OR (4) a court-ordered gender marker change

CHANGE NAME: Show a Court Ordered Name Change.

CHANGE GENDER MARKER: 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 Policy¹¹ and detailed requirements on the Department of State's website.¹²

REQUESTING CORRECTIONS TO YOUR PASSPORT:¹³

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-11,¹⁴ 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-82,¹⁴ the Passport by Mail application, and submit your change by mail.



IMMIGRATION DOCUMENTATION

NATURALIZATION CERTIFICATE OR CERTIFICATE OF CITIZENSHIP

CHANGE 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-565,¹⁵ the Application for a Replacement Naturalization/Citizenship Document.

CHANGE GENDER MARKER: 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.¹⁶ 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

CHANGE NAME: Show a Court Ordered Name Change and submit it with Form I-765 for a Replacement Employment Authorization Card.¹⁵

CHANGE GENDER MARKER: 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.¹⁶ 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.

If you're going through the green card or naturalization process, US Citizenship and Immigration Services (USCIS) will require you to attend a biometrics appointment. At a USCIS biometrics appointment, your fingerprints will be taken for analysis and filed with the FBI. Your picture will also be taken.

GREEN CARD/PERMANENT RESIDENT CARD

CHANGE NAME: Show a Court Ordered Name Change and submit it with Form I-90 and applicable supporting documentation and fees.¹⁵

CHANGE GENDER MARKER: 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.¹⁶ 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.



HAVING PROBLEMS CORRECTING YOUR DOCUMENTS?

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?

THEN: 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 Fl.
(212) 809-8585 / lambdalegal.org/nhq

Legal Services of New Jersey (New Jersey)

Web Intake: lsnjlawhotline.org
(888) 576-5229 / lsnj.org

The Loft LGBT Center (Westchester)

White Plains: 252 Bryant Ave.
(914) 948-2932 / loftgaycenter.org

Long Island GLBT Community Center (Long Island)

Bay Shore: 34 Park Ave.
(631) 665-2300 / liglbtcenter.org

NYLAG: LGBT Law Project (NYC)

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

Sylvia Rivera Law Project (NYC)

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

Transgender Legal Defense & Education Fund (NYS)

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

Urban Justice Center:

Peter Cicchino Youth Project (NYC)

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

RESOURCES

1. **NYS DMV Forms.** www.dmv.ny.gov/forms.htm
2. **Patricia Adduci to All Issuing Offices, April 29, 1987, NYS DMV, Office of the Commissioner.** srlp.org/files/NY%20DMV%20Sex%20Change%20Policy.pdf.
3. **NYS DMV. Proofs of Identity.** www.dmv.ny.gov/forms/id44.pdf
4. **NJ MVC. Declaration of Gender Designation Change for Driver License or ID Card.** www.state.nj.us/mvc/pdf/Licenses/genderchange.pdf.
5. **NJ MVC. 6 Point ID Verification System.** www.state.nj.us/mvc/pdf/Licenses/ident_ver_posterprint.pdf.
6. **CT DMV. Change of Name.** www.ct.gov/dmv/cwp/view.asp?a=805&q=244738.
7. **NYC DOHMH. Correcting a Birth Certificate.** www.nyc.gov/html/doh/downloads/pdf/vr/bcorrect.pdf.
8. **NYS DOH. DOH-297, Application for Correction of Certificate of Birth.** www.malonevillage.com/FORMS/Birth_correction.pdf.
9. **State of NJ. DOH. How to Amend a Record.** www.state.nj.us/health/vital/amend.shtml.
10. **CT Dept. of Pub. Health. Amendments and Corrections to Vital Records.** tinyurl.com/AmendCTBirthCert.
11. **National Center for Transgender Equality. Understanding the New Passport Gender Change Policy. January 2012.** transequality.org/Resources/passports_2012.pdf.
12. **US Dept. of State (DOS). Identification Requirements for Gender Reassignment Applicants.** travel.state.gov/passport/get/first/first_5100.html.
13. **US DOS. Change or Correct Passport.** travel.state.gov/passport/correcting/correcting_2654.html.
14. **US DOS. Passport Forms.** www.state.gov/m/a/dir/forms/passport/.
15. **US Citizenship and Immigration Services (USCIS). Forms.** www.uscis.gov/Forms.
16. **US Dept. of Homeland Security. USCIS. Policy Memorandum. PM-602-0061. Adjudication of Immigration Benefits for Transgender Individuals. April 10, 2012.** www.uscis.gov/USCIS/Outreach/Feedback%20Opportunities/Interim%20Guidance%20for%20Comment/Transgender_FINAL.pdf

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356 West 18th Street • New York, NY 10011

LOCATIONS

**Callen-Lorde Community
Health Center: Main Site**
356 West 18th Street
New York, NY 10011

**Callen-Lorde Seventeen:
Thea Spyer Center for
Integrated Health**
230 West 17th Street
New York, NY 10011

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