U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS-2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

PM-602-0141

DATE: January 19, 2017

Policy Memorandum

SUBJECT: Revision of Adjudicator's Field Manual Subchapter 10.22 - Change of Gender Designation on Documents Issued by U.S. Citizenship and Immigration Services

Purpose
This policy memorandum (PM) and accompanying revisions to the Adjudicator's Field Manual (AFM) update U.S. Citizenship and Immigration Services (USCIS) policy regarding procedures and requirements to change the gender designation on a USCIS-issued document.

Scope
This PM applies to and binds all USCIS employees.

Authorities
Section 103(a) Immigration and Nationality Act; 8 CFR 103.2.

Policy
USCIS officers will follow the policy stated in the AFM, as amended by this PM, in adjudicating petitions or applications that request modification of the gender designation reflected on USCIS-issued documents.

Implementation
Subchapter 10.22 of the AFM is amended to read as follows:

Chapter 10 An Overview of the Adjudication Process

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10.22 Change of Gender Designation on Documents Issued by USCIS

USCIS issues a variety of documents that show identity and immigration status in the United States. These include, but are not limited to, Employment Authorization Documents, Refugee Travel Documents, Permanent Resident Cards, and Certificates of Citizenship or Naturalization. Individuals may request a change in the gender reflected on a USCIS-issued document using the standard USCIS form for requesting the desired document. USCIS will issue an initial or amended document reflecting the changed gender designation if the individual presents one of the following forms of evidence in support of the change in gender designation along with meeting all other requirements for the requested document:

- A court order granting change of sex or gender;

- A government-issued document reflecting the requested gender designation. Acceptable government-issued documents include an amended birth certificate, a passport, a driver's license, or other official document showing identity issued by the U.S. Government, a state or local government in the United States, or a foreign government; or

- A letter from a licensed health care professional certifying that the requested gender designation is consistent with the individual's gender identity. For the purposes of this subchapter, a licensed health care professional includes licensed counselors, nurse practitioners, physicians (Medical Doctors or Doctors of Osteopathy), physician assistants, psychologists, social workers, and therapists. The health care certification letter must include the following information:

    - The health care professional's full name, address, and telephone number;

    - The health care professional's license number and the issuing state, country, or other jurisdiction of the professional license;

    - Language stating that the health care professional has treated or evaluated the individual in relation to the individual's gender identity[1]; and

    - The health care professional's assessment of the individual's gender identity.

Sample health care certification language can be found in Appendix A at the end of subchapter 10.22.

USCIS may request additional evidence of the individual's gender identity, as necessary to verify the requested change in gender designation. As in all adjudications, if an officer finds significant substantive discrepancies, has reason to question the accuracy or authenticity of documents submitted, or finds other indicators of fraud, the case may be referred to the USCIS Fraud Detection and National Security Directorate (FDNS) in accordance with current national and local policies.

If the individual is also requesting that a name change be reflected on the document to be issued by USCIS, evidence that the name change was completed according to the relevant state or foreign law must also be submitted.

USCIS-issued documents that display a gender or sex identifier are limited to indicating only female or male. Consequently, requests for USCIS-issued documents reflecting a change of gender designation must indicate either female or male as the new gender.

[1] Proof of sex reassignment surgery or any other specific medical treatment is *not* required to issue the requested document in the changed gender.

Appendix A – Sample Language for Health Care Certification

**The format and language below is one example of an acceptable health care certification letter; other language and formats should also be accepted as long as they satisfy the requirements set out in Subchapter 10.22.*

Health Care Certification

[*Date*]

To Whom It May Concern:

I am a licensed [*counselor, nurse practitioner, physician, physician assistant, psychologist, social worker, or therapist*], and I have treated or evaluated [*patient's name*] in relation to [*patient's name]'*s gender identity. In my professional opinion, [*patient's name*]'s gender identity is consistent with a designation of [*male or female*].

Patient's Information**:**

Full Name:

Date of Birth:

Health Care Professional's Information**:**

Full Name:

Organization (if any):

Address:

Phone Number:

License Type: [*counselor, nurse practitioner, physician, physician assistant, psychologist, social worker, or therapist*]

License Number:

Issuing State, Country, or other Jurisdiction of License:

Sincerely,

[*Health Care Professional's Signature]*

[*Health Care Professional's Printed Name*]

Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate channels to the USCIS Office of Policy & Strategy.