



March 31, 2023

PA-2023-12

Policy Alert

SUBJECT: Selecting Gender on USCIS Forms

Purpose

U.S. Citizenship and Immigration Services (USCIS) is revising policy guidance in the [USCIS Policy Manual](#) to clarify that benefit requestors may select their gender on USCIS forms (or change a prior gender selection) without the need to provide supporting documentation.¹ Documents issued by USCIS as a result of the benefit adjudication will reflect the gender selected by the benefit requestor.²

Background

Prior USCIS guidance required benefit requestors seeking to change their gender marker on immigration documents to submit documentation about their gender identity to support the requested change. USCIS is removing these evidentiary requirements in line with priorities from existing Executive Orders³ and to reduce barriers for USCIS' customers.⁴ Removing evidentiary requirements regarding gender markers better ensures that all secure identity documents and biographic data are accurate, particularly for noncitizens who were unable to accurately state their gender in their initial applications or who may otherwise need an update to their gender marker; it also removes the burden imposed by requiring that requestors have to publicly discuss or provide documentation regarding the gender listed on their identity documents in order to obtain a benefit or service.

This update is also intended to reduce barriers to travel, employment, services, and benefits by eliminating delays and preventing discrimination and harassment due to inconsistent identity documents. In response to stakeholder feedback as well as recent changes made by a number of state and federal agencies, USCIS is now removing the requirement that benefit requestors submit proof of their gender identity when seeking to change their gender marker on USCIS benefit requests or secure

¹ The instructions for the Application for Replacement Naturalization/Citizenship Document ([Form N-565](#)) require that applicants submit documents in support of their request to change their gender marker. Therefore, the guidance in this Policy Manual update does not currently apply to Form N-565, and benefit requestors must continue to submit the form in accordance with the form instructions. See [8 CFR 103.2\(a\)\(1\)](#).

² Currently, the only gender markers available on USCIS forms and secure documents are Female (F) or Male (M).

³ See [87 FR 37189](#) (Jun. 15, 2022). See [86 FR 7023](#) (Jan. 20, 2021). See [86 FR 8277](#) (Feb. 5, 2021).

⁴ On April 19, 2021, DHS published a Request for Public Input (RPI) seeking the public's input on barriers to USCIS benefits and services. See [86 FR 20398](#) (Apr. 19, 2021). Commenters raised similar issues in response to the RPI and during recent DHS listening sessions.

documents,⁵ except for the Application for Replacement Naturalization/Citizenship Document ([Form N-565](#)).⁶

This guidance, contained in Volumes 1, 11, and 12 of the Policy Manual, is effective immediately and applies to all cases filed or pending on or after March 31, 2023. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Explains that benefit requestors may self-select their gender marker (in an initial filing or a subsequent change to a prior gender selection), without the need to provide supporting documentation or to match the gender listed on their identity documents.
- Removes the prior requirement that benefit requestors submit proof of their gender identity to change gender markers or to update their selected gender marker to match other supporting documentation.

Summary of Changes

Affected Section: Volume 1 > Part E > Chapter 5 > Section B, Personal Information

- Replaces existing text in Subsection 2 (Gender) with new content.

Affected Section: Volume 11 > Part A > Chapter 2 > Section A, Personal Information Used on Secure Identity Documents

- Replaces existing text in Subsection 4 (Gender) with new content.

Affected Section: Volume 12 > Part K, Certificates of Citizenship and Naturalization

- Adds footnote to the last bullet in Subsection 1 (Information about the Applicant) in both Chapter 2, Section B (Contents of Certificate of Citizenship) and Chapter 3, Section B (Contents of Certificate of Naturalization).

⁵ This change is consistent with a growing number of states that have implemented self-certification policies for gender marker designations on driver's licenses and identification cards. It is also similar to policies that have been adopted by other DHS components and federal agencies. For example, see the Transportation Security Administration's [Transgender/Non Binary/Gender Nonconforming Passengers](#) webpage on its enhancements to its PreCheck procedures and the U.S. Department of State's [Selecting your Gender Marker](#) webpage on selecting gender markers on U.S. passports. This Policy Manual update, like the prior USCIS policy, does not require the requested gender marker to match the state-issued identity documents. The prior USCIS policy permitted use of a gender marker differing from state-issued identity documents if there was other evidence recognizing a change of gender, such as a court order or documentation from a medical professional. For this reason, this Policy Manual update does not impact state, local or other government entities. USCIS has determined that any adverse impacts would be negligible, and those impacts do not outweigh the benefits provided by this updated policy.

⁶ The guidance in this Policy Manual update does not currently apply to the Application for Replacement Naturalization/Citizenship Document ([Form N-565](#)). Benefit requestors must continue to submit the form in accordance with the form instructions. See [8 CFR 103.2\(a\)\(1\)](#).

Affected Section: Volume 12 > Part K > Chapter 4, Replacement of Certificate of Citizenship or Naturalization

- Changes Section A title “General Requests to Replace Certificate of Citizenship or Naturalization” to “General Provisions” and moves last two paragraphs of Section A to subsequent sections with revisions.
- Changes Section B title “Replacement of Certificate of Citizenship” to “Requests to Change Name or Date of Birth” and amends and reorganizes content.
- Adds Section C (Clerical Errors) with minor amendments to the relocated content from Section B.
- Adds Section D (Request to Change Gender Marker) with new content.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 1: General Policies and Procedures, Part E, Adjudications, Chapter 5, Verification of Identifying Information [[1 USCIS-PM E.5](#)].

Volume 11: Travel and Identity Documents, Part A, Secure Identity Documents Policies and Procedures, Chapter 2, USCIS-Issued Secure Identity Documents [[11 USCIS-PM A.2](#)].

Volume 12: Citizenship and Naturalization, Part K, Certificates of Citizenship and Naturalization, Chapter 2, Certificate of Citizenship [[12 USCIS-PM K.2](#)]; Chapter 3, Certificate of Naturalization [[12 USCIS-PM K.3](#)]; and Chapter 4, Replacement of Certificate of Citizenship or Naturalization [[12 USCIS-PM K.4](#)].