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US Supreme Court Allows Trump Administration to Enforce Policy Restricting Use of Affirming Passport Sex Markers

On Thursday, November 6th, 2025, the Supreme Court of the United States granted the Trump administration's request for a stay on an injunction that **temporarily prohibited** Customs and Border Protection (CBP) from enforcing a new rule **requiring that sex markers** on new or renewed US passports **match applicants' sex assigned at birth**. These new rules are likely to remain in effect until the Supreme Court has made a ruling in the case of Trump v. Orr, if not further.

The full effects of this stay are currently unknown, leaving transgender, gender expansive, and intersex (TGI) people applying for passports and using air travel in legal limbo. **CBP is now free to resume enforcing the new rule**, potentially forcing impacted passport applicants to list their sex assigned at birth on their passport, even if it does not align with their other legal documents or identity.

The **long-term validity of passports issued** to impacted TGI applicants while the injunction was in place **is also in question**. The Trump administration **previously indicated they would revoke such passports**, which would limit the ability of those impacted to legally enter most countries.

These changes are part of a series of actions by the Trump administration that limit and/or remove the ability for TGI individuals to hold accepted legal identification that accurately reflects their identity. On October 14th, 2025, CBP updated the Advance Passenger Information System (APIS) to only accept an "M" or "F" sex marking. "X" sex markers are now deemed invalid and a manual override must be entered.

Both of these changes open TGI travelers up to **increased harassment, discrimination, and accusations of false identification**. Underpinning this persecution is the unchangeable, binary vision of sex and disavowment of gender outlined in Executive Order 14168, signed by President Trump in January 2025.

Help Me Leave maintains that the **right to accurate and affirming identification is universal and should be protected by every government**. This ruling and related harmful administrative changes will be reflected in the ongoing series of reports that are the foundation of our #NoLongerSafe campaign, which provides evidence to

encourage the international community to challenge and reevaluate the US designation as a "safe country". We remain committed to the documentation and analysis of the threats faced by TGI people and other communities experiencing persecution in the US.

You can read more about this ongoing case at the American Civil Liberties Union:
<https://www.aclu.org/cases/orr-v-trump>

Important Milestones

- Executive Order 14168 signed on January 20th, 2025
- Preliminary injunction stops Trump administration from enforcing new rule on plaintiffs on April 18, 2025
- Injunction's coverage expanded to cover all transgender, nonbinary, and intersex applicants on June 17, 2025
- Appeals court denies Trump administration's stay order, on September 4th, 2025
- "X" sex markers rejected in APIS update starting October 14th, 2025
- Supreme Court grants stay order on November 6th, 2025

About Help Me Leave

Help Me Leave! is a volunteer-run, not-for-profit platform helping people find safe pathways out of countries where their rights are under threat. We provide practical visa and relocation information, connect people with legal and community support, and advocate for fairer global migration systems.

For press inquiries or expert comment, visit www.helpmeleave.us