



CIVIL RIGHTS

LGBTQ+ RIGHTS

POLITICS + GOV

## The State Department is blocking new passports for trans Americans

The ACLU has warned that transgender people risk losing access to their passport and supporting documents if they apply to update their gender marker.

BY: **ORION RUMMLER, THE 19TH** - FEBRUARY 3, 2025 3:56 AM



Getty Images

*This story was originally reported by Orion Rummeler of [The 19th](#). [Meet Orion](#) and read more of his reporting on LGBTQ+ issues. The Michigan Advance is part of The 19th Reporting Network.*

The State Department is no longer issuing U.S. passports with “X” gender markers and has suspended processing all applications from Americans seeking to update their passports with a new gender

marker. This suspension, made in response to [President Donald Trump's executive order](#) signaling his administration's opposition to gender diversity, affects all transgender and nonbinary Americans, including those currently traveling or overseas.

The agency says that it will issue guidance on previously issued passports with an "X" marker and that more information will be available on its [travel website](#). However, no formal policy has been released, which is fueling confusion among trans and nonbinary people trying to update their documents.

That includes Ash Lazarus Orr, a trans activist living in West Virginia. Orr applied to update their name and gender marker on their passport on January 16 – days before Trump was sworn into office. He paid \$300 for expedited service, but his paperwork wasn't processed until January 22. When Orr called the agency's hotline for Americans waiting on passports who have upcoming international travel, they were told that the agency had no guidance to offer and that their documents had been "set aside."

## Trans Unity rally brings hundreds to Michigan Capitol



Targeted by President Donald Trump from his first day in office, trans individuals, allies and their loved ones gathered in front of the Michigan Capitol Thursday for a Trans Unity rally to express their anger and fear, but mostly their solidarity. One of Trump's executive orders is viewed as a direct attack

on the existence ... Continue reading



Michigan Advance

Now Orr is without his passport, without his birth certificate and without his marriage license. Over the phone, he was told that his documents are being held in San Francisco, where they were originally being processed.

“They have my documentation that is very personal to me, and they cannot tell me if I’m going to be getting that back,” they said.

The [American Civil Liberties Union](#) has warned trans and nonbinary Americans that if they submit a new application to change the gender marker on their passport, they risk losing access to their passport and supporting documents while their application is being processed. An ACLU spokesperson attributed this information to reports of discrimination received through the organization’s [online intake form](#), as well as direct conversations with people who have described this happening to them.

Trump’s executive order directed federal agencies to require that government-issued identification documents, including passports and visas, reflect sex assigned at birth. Since this [order](#) states that it is the policy of the United States to recognize two sexes, male and female, and that these sexes are not changeable, “the department’s issuance of U.S. passports will reflect the individual’s biological sex,” an agency spokesperson said in an emailed statement on Friday evening. Under Trump’s executive order, “sex” explicitly excludes gender identity.

Secretary of State Marco Rubio reportedly instructed agency staff on Thursday to implement that executive order as it pertains to passports immediately, as first reported by [The Guardian](#) and [The Intercept](#). Now, Orr is without his personal identity documents six weeks before pre-planned international travel and in the middle of planning a move out of West Virginia.

The Biden administration [made it easier](#) for trans and nonbinary people to update their federal identity documents. Accurate and consistent gender markers on identity documents dramatically reduces the risk that trans people will face violence, harassment and discrimination, according to the [Movement Advancement Project](#), which tracks LGBTQ+ policy.

The dismantling of this policy has radical consequences, said a former State Department official who spoke on condition of anonymity due to fear of lingering retaliation from the agency under the Trump administration. Not only does it force transgender people to carry identity documents that don’t accurately reflect their identity, this move also signals globally that U.S. policy on trans rights is moving backward, they said.

“The confusion that this decision creates is intentional. It is

designed to make things harder for trans and nonbinary people,” they said.

When The 19th called the National Passport Information Center on January 23 to ask for more information, an employee on the technical support desk said that the State Department is aware of Trump’s executive order and that guidance will be posted online once information is available.

Erin Ryan Heyneman, a nonbinary person living in Massachusetts, called that same hotline. They don’t need to renew their passport; they said they just wanted to find out what was going on. Although they feel safe in their state, which has nondiscrimination protections in place for LGBTQ+ people, they still felt the need to act because of the way confusion can endanger their wider community.

“People just really don’t know who to believe or what to believe,” they said. More LGBTQ+ people need to seek information from trusted sources, they said. But when trying to seek that information from an official source, Heyneman was met with more uncertainty. The employee on the phone was sympathetic, but they had no information about passports being confiscated.

As Orr waits to learn whether they will get their passport back due to federal anti-trans policies, they are facing down the prospect of leaving their home because of transphobia within the state.

West Virginia has become increasingly hostile to trans and nonbinary people like himself amid a [surge in anti-trans rhetoric](#) across the country, and Orr expects a surge in state anti-trans bills introduced in West Virginia’s next legislative session. After receiving death threats and recently being attacked inside a men’s bathroom, he doesn’t leave the house without his spouse.

“I can’t stay in the state. And it’s heartbreaking, because I love it here. I love the people, but it is truly, at this point in time, it’s either I leave or I die,” they said.



## ORION RUMMLER, THE 19TH

Orion Rummler is the LGBTQ+ reporter for The 19th based in Washington, D.C. His reporting ranges from health policy explainers and court deep

dives to statehouse breaking news and features on LGBTQ+ daily life. Rummler's reporting has won an Excellence in Journalism Award from the Association of LGBTQ+ Journalists and has been twice nominated for GLAAD's Outstanding Online Journalism Award.

## MORE FROM AUTHOR

---

### MORE FROM OUR NEWSROOM



#### Federal judge denies request to ax Michigan's ban on conversion therapy

BY ANNA LIZ NICHOLS

February 3, 2025



#### Trans Unity rally brings hundreds to Michigan Capitol

BY JON KING

January 30, 2025

## STORIES THAT MOVE YOU

### DEMOCRACY TOOLKIT



Corporate media aren't cutting it. The Michigan Advance is a nonprofit outlet featuring hard-hitting reporting on politics and policy and the best progressive commentary in the state.

We're part of [States Newsroom](#), the nation's largest state-focused nonprofit news organization.

[DEIJ Policy](#) | [Ethics Policy](#) | [Privacy Policy](#)

---

Our stories may be republished online or in print under [Creative Commons license](#) CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our website. (See full [republishing guidelines](#).)



## STATES NEWSROOM

---

**FAIR. FEARLESS. FREE.**