U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009

U.S. Citizenship and Immigration Services

April 2, 2025 PA-2025-04

Policy Alert

SUBJECT: Recognizing Male and Female Sexes in USCIS Benefit Requests Review and Document Issuance

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the USCIS Policy Manual to clarify that USCIS recognizes the two biological sexes, male or female, for purposes of reviewing benefit requests and USCIS-issued documents.

Background

Historically, USCIS has required benefit requestors to choose between two sexes, "male (M)" or "female (F)," for purposes of its forms and associated secure documents. Section 338 of the Immigration and Nationality Act (INA) requires that the sex, not gender, appear on the Certificate of Naturalization. Further, INA 203(a) relies on two sexes when it uses the term "sons or daughters" to allocate immigrant visas. An applicant's sex, like their date of birth, is part of their identity and USCIS uses identity to create secure documents, as well as for screening and vetting. USCIS also shares identity-based data with other agencies of the U.S. government, and data fields such as sex must follow standards for such data sharing to function properly.

In April 2024, USCIS added another option, a gender identity marker of "X."[1] Consistent with the Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government Executive Order issued on January 20, 2025, USCIS is revoking the policy issued in April of 2024 and now returning to its historical policy of recognizing two sexes to ensure that the information USCIS collects in this category provides a meaningful and useful basis for identification.

This guidance, contained in Volumes 1, 11, and 12 of the Policy Manual, is effective immediately and applies to benefit requests pending or filed on or after the publication date.[2] The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

Policy Highlights

- Provides that USCIS recognizes that there are two biological sexes, male and female, for purposes of adjudicating benefit requests and issuing documents.

[1] See Availability of Additional Gender Options for Certain Benefit Requests, PA-2024-08, issued April 1, 2024.
[2] USCIS is also pursuing revisions of numerous USCIS forms consistent with this change.

- Provides that USCIS considers a person's sex to be that which is generally evidenced on the birth certificate issued at the time of birth or issued near the time of birth. Where the birth certificate that was issued at or near the time of birth is missing or indicates a sex other than male or female, USCIS will base the determination of sex on secondary evidence.[3]

- Provides that USCIS-issued documents reflect a person's sex consistent with the person's birth certificate issued at the time of birth or issued near the time of birth, except when relying on secondary evidence may be more appropriate. USCIS does not issue documents with a blank sex field.

- Provides that, where there is a conflict between what the benefit requestor indicates as his or her sex on the benefit request and the birth certificate issued at or near the time of birth, USCIS considers the birth certificate to be controlling, except when relying on secondary evidence may be more appropriate.

- Explains that USCIS may provide notice to benefit requestors if USCIS issues a document reflecting a sex different than that indicated by the benefit requestor on the request.

- Provides that USCIS will not deny benefits solely based on a failure to select male or female or a failure to indicate a sex consistent with the birth certificate, or secondary evidence where appropriate.

- Replaces the term "gender" with "sex," and removes other related terms, throughout the Policy Manual; also removes the appendix containing standard language for medical professionals to certify gender identity.

Summary of Changes

Volume 1 > Part E > Chapter 5, Verification of Identifying Information

- Removes the Appendix: Sample Language for Healthcare Certification.

- Retitles Subsection 2 (Gender) to (Sex) in Section B (Personal Information) and revises subsection in its entirety.

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

- In Subsection 2 (Full Legal Name), revises content in paragraph under the italicized subheading "Name Changes."

- Retitles Subsection 4 (Gender) to (Sex) and revises subsection in its entirety.

[3] See Volume 1, General Policies and Procedures, Part E, Adjudications, Chapter 6, Evidence, Section B, Primary and Secondary Evidence [1 USCIS-PM E.6(B)].

Volume 12 > Part G > Chapter 2 > Section A, Validity of Marriage

- Removes the italicized subheading "Validity of Marriage in Cases Involving Transgender Persons" and its associated paragraph from Subsection 1 (Validity of Marriages in the United States or Abroad).

Volume 12 > Part H > Chapter 2 > Section A, Definition of Child

- Removes first footnote in third bullet under the italicized subheading "Definition of Child of a U.S. Citizen Mother."

- Removes first footnote in third to last paragraph under the italicized subheading "Definition of Child of a U.S. Citizen Father."

Volume 12 > Part K > Chapter 2 > Section B, Contents of Certificate of Citizenship

- Revises footnote in last bullet point in Subsection 1 (Information about the Applicant).

Volume 12 > Part K > Chapter 3 > Section B, Contents of Certificate of Naturalization

- Revises footnote in last bullet point in Subsection 1 (Information about the Applicant).

Volume 12 > Part K > Chapter 4, Application for Replacement of Naturalization/Citizenship Document

- Removes the last column from the table (Basis for Application for Replacement Naturalization/Citizenship Document (Form N-565)).

- Adds new footnote in first bullet point of the second paragraph in Subsection A (General Provisions).

- Removes Subsection D (Request to Change Gender Marker) in its entirety.

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 G, Spouses of U.S. Citizens, Chapter 2, Marriage and Marital Union for Naturalization [12 USCIS-PM G.2]; Part H, Children of U.S. Citizens,

Chapter 2, Definition of Child and Residence for Citizenship and Naturalization [12 USCIS-PM H.2]; 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], Chapter 4, Application for Replacement of Naturalization/Citizenship Document [12 USCIS-PM K.4].