USCIS Response to Coronavirus (COVID-19)

U.S. Citizenship and Immigration Services

Chapter 5 - Verification of Identifying Information

Guidance

Resources (8)

Appendices (1)

Updates (3)

As part of the adjudication of immigration benefits requests, USCIS reviews evidence and biometrics submitted by the benefit requestor, as well as USCIS systems, to verify identifying information.

A. Full Legal Name

In general, the requestor's full legal name is comprised of his or her:

- Given name (first name);
- Middle name(s) (if any); and
- Family name (last name).

The legal name is one of the following:

- The requestor's name at birth as it appears on the birth certificate (or other qualifying identity documentation when a birth certificate is unavailable);[1] or
- The requestor's name following a legal name change.

For purposes of requesting immigration benefits, a married person may use a legal married name (spouse's surname), a legal pre-marriage name, or any form of either (for example, hyphenated name, pre-married name or spouse's surname). Requestors must submit legal documentation, such as that listed below, to show that the name used is the requestor's legal name:[2]

- Civil marriage certificate;
- Divorce decree;
- Family registry;

- Country identity document;
- Foreign birth certificate;
- Certificate of naming; or
- Court order.

Construction of Foreign Names

Construction of foreign names varies from culture to culture. For example, certain countries' birth certificates display names in this order: family name, middle name, given name. This is in contrast to most birth certificates issued in the United States, which display names in this order: given name, middle name, family name.[3]

B. Personal Information

1. Date of Birth [Reserved]

2. Gender

Where a person claims to have legally changed his or her gender, USCIS may recognize that claim based upon the following documentation:

- 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 person's gender identity.[4] Generally, a licensed health care professional includes licensed counselors, nurse practitioners, physicians (Doctors of Medicine or Doctors of Osteopathy), physician assistants, psychologists, social workers, and therapists.

If submitting a health care certification letter, [5] the 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 person in relation to the person's gender identity; and
- The health care professional's assessment of the person's gender identity.

USCIS may request additional evidence of the person's gender identity, as necessary to verify the requested change in gender designation.

Footnotes

[^ 1] There may be instances in which a birth certificate is unobtainable because of country conditions or personal circumstances. In these instances, a requestor may submit secondary evidence or affidavits to establish his or her identity. Any affidavit should explain the reasons primary evidence is unavailable. For more information, see the Department of State (DOS) Reciprocity Tables for identity documents that cannot be obtained in particular countries and during specific time periods. Asylum applicants may be able to establish their identity, including their full legal name, with testimony alone.

[^ 2] See 8 CFR 204.2. See 8 CFR 320.3. See 8 CFR 322.3.

[^ 3] For more information, see 8 Foreign Affairs Manual (FAM) 403.1, Name Usage and Name Change.

[^ 4] Proof of sex reassignment surgery or any other specific medical treatment is not required to show changed gender; a licensed health care professional's certification is sufficient.

[^ 5] See Appendix: Sample Language for Healthcare Certification.

Current as of April 27, 2021