

# IDENTITY DOCUMENTS & TRANSGENDER & NONBINARY COMMUNITIES

Identity documents (IDs) are vital keys necessary to open the doors to so many parts of everyday life. However, there are key system-level failures that create significant obstacles to IDs for many people, causing severe, yet avoidable harm. This infographic highlights some of the unique impacts on transgender and nonbinary people. See MAP's [new report](#) to learn more about obstacles to ID, the harms caused from a lack of ID, and recommendations for improving ID access for everyone.

## SYSTEM FAILURES CREATE OBSTACLES TO ID



Transgender and nonbinary people must navigate a **complicated patchwork of state policies**, as the requirements and processes to get a legal name change or update a gender marker vary from state to state and even from one form of ID to another. In many states, the policies are outright **discriminatory** in that they explicitly refuse to allow transgender people to update their gender marker or create significant obstacles to doing so. Transgender and nonbinary people may also experience discrimination when they try to update their IDs: in a survey from the Center for American Progress, 66% of transgender people said discrimination had an impact on their ability to update their documents in the past year alone.



The patchwork of policies is further complicated by **burdensome and often circular documentation requirements**. The fact that a person often needs one form of accurate ID (such as a birth certificate) to get another ID (such as a driver's license) means that updating any document is particularly challenging for transgender and nonbinary people. For example, a transgender person who is not able or not allowed to update their birth certificate will then be unable to update their driver's license, depending on the laws of the state where they were born and/or currently live.



Getting or updating an ID is **needlessly expensive**, especially when needing to update multiple forms of IDs as transgender people often do to reflect their name or gender identity. This is a significant obstacle, as roughly 30% of transgender people live in poverty—nearly two times the poverty rate of non-transgender people. In a national survey, 35% of transgender and nonbinary people who had not changed their legal name, as well as 32% of those who had not updated the gender marker on their IDs, said that cost was the main barrier to doing so.

## LACK OF ID CAUSES CONCRETE, YET AVOIDABLE HARM



Overall, **68%** of transgender and nonbinary adults lack any government-issued ID that matches their name and gender identity. By contrast, roughly 12% of all adults lack a valid driver's license. Transgender people without accurate ID **report higher rates of harassment, discrimination, and even violence.**



A lack of ID **blocks access to basic needs**, such as housing, health care, or employment. People whose IDs do not match their name or gender identity may also face obstacles accessing health care or getting insurance to cover needed medical care typically associated with a particular gender. In the U.S. Transgender Survey, people who had accurate IDs were less likely to have housing-related issues and were treated better when accessing health care.



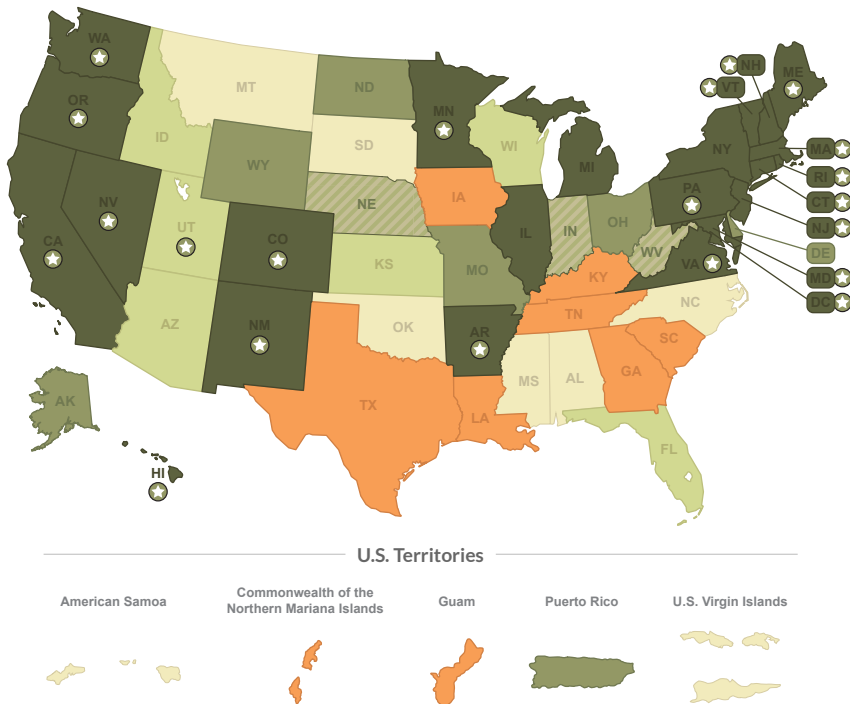
A lack of ID **limits access to everyday life**, such as going to restaurants, movie theaters, and other places of public accommodations. In a nationwide 2015 survey, 32% of transgender people who showed an ID that did not match their gender were verbally harassed, denied services or asked to leave the establishment, or even assaulted or attacked.



A lack of ID **restricts participation in civic life**, and especially the ability to vote. As states pass increasingly strict laws that require specific forms of ID to cast a ballot, transgender people who live in states that have burdensome requirements or outright bans on updating IDs may not be able to vote. In 2022, the Williams Institute estimated that strict voter ID laws may create obstacles for nearly 204,000 transgender people who are eligible to vote across the country.

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**MORE THAN HALF OF STATES STILL HAVE OUTDATED, BURDENSOME, OR INVASIVE REQUIREMENTS FOR TRANSGENDER AND NONBINARY PEOPLE TO UPDATE THEIR DRIVER'S LICENSE**



Source: Movement Advancement Project. As of Nov 2022.

## PROOF OF SURGERY TO GET A DRIVER'S LICENSE

As noted above, more than half of states still have outdated, burdensome, or invasive requirements to update the gender marker on a driver's license. These requirements can include detailed medical records or proof of surgical procedures, "provider certification" (i.e., a doctor's note) giving permission to get an updated license, or an updated birth certificate—which can be even more difficult to change, if state policy allows such changes at all.

Until a recent court ruling, the state of Alabama required invasive proof of surgery before it would consider updating the gender marker on a transgender person's driver's license. In 2021, a federal judge ruled that this requirement was unconstitutional, discriminatory, and subjected transgender people to harassment and risk of violence. Since then, Alabama has permitted license updates without this requirement, but state officials have appealed the ruling to the 11th Circuit Court of Appeals. State officials have further stated that if they win their appeal, they will *rescind any licenses that were updated with accurate gender markers*. The case is still pending.

Darcy Corbitt, a transgender woman living in Alabama and named in the 2021 case, explained the impact of being denied an accurate ID: "After my out-of-state license [which accurately identified her as female] expired, I had to rely on friends and family to help me pick up groceries, get to church and get to my job. I missed a family member's funeral because I just had no way to get there," Corbitt said in a statement. "But I was not willing to lie about who I am just to get an Alabama license that endangered and humiliated me every time I used it."

Adapted from: John Riley. March 23, 2022. "Federal Appeals Court to Decide Transgender IDs Case." *MetroWeekly*.

Learn more about identity documents in MAP's new report:

**THE ID DIVIDE: HOW BARRIERS TO ID IMPACT DIFFERENT COMMUNITIES AND AFFECT US ALL**

<http://www.mapresearch.org/id-documents-report>

