



Gay & Lesbian Advocates & Defenders
30 Winter Street, Suite 800
Boston, MA 02108
Phone: 617.426.1350
Fax: 617.426.3594
Website: www.glad.org

HOW TO CHANGE THE LAST NAME ON YOUR PASSPORT USING YOUR MARRIAGE OR CIVIL UNION CERTIFICATE

(Updated: December 23, 2011)

Prior to May 27, 2009, the Passport Agency, citing the federal 1996 Defense of Marriage Act, refused to honor the marriage certificate of a same-sex couple as a name change document and required couples to go through Probate Court to have their names changed or to wait 5 years before it would issue a passport that reflected their married name. GLAD's lawsuit, *Gill et al v. OPM et al*, originally included this as one of the harms caused by Section 3 of DOMA. For more information about the lawsuit see www.glad.org/doma.

The U.S. Department of State has now changed its policy and will permit a marriage or civil union certificate to be used as proof of a surname change, *provided the marriage or civil union certificate creates a way to legally change one's surname by operation of state law.* GLAD only serves the six New England states, and within that region there are four states where same-sex couples can legally marry—Massachusetts, Connecticut, Vermont and New Hampshire. Residents of these states who are married are able to use their marriage certificate to change the last name on their social security card and state driver's license. The same is true in Rhode Island for civil union couples.

The Passport Agency will request proof that you are using your married name and were able to successfully change it on a state identification document (e.g. drivers license), and so GLAD suggests you submit a photocopy of your driver's license or other state identification that shows your changed name. The policy can be found at http://www.glad.org/uploads/docs/publications/passport_manual.pdf, and it may be advisable to mail a copy of this policy with your application or bring a copy of it with you if you apply in person. If you encounter any problems, please contact GLAD's Legal InfoLine at 800-455-GLAD (4523).