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# Federal Judge Orders Temporary Relief to Six Plaintiffs in Challenge to Trump Administration Policy Barring Updates to Sex Designation on US Passports

**Case:** [Orr v. Trump](#)

**Affiliate:** [ACLU of Massachusetts](#)

April 18, 2025 7:00 pm

## ACLU Affiliate

[ACLU of Massachusetts](#)

## Media Contact

[media@aclu.org](mailto:media@aclu.org)  
(212) 549-2666

125 Broad Street  
18th Floor  
New York, NY  
10004

United States

**BOSTON** – A federal judge issued a preliminary injunction today after finding that an executive order by President Trump and a State Department policy prohibiting updates to sex designations on passports is likely unconstitutional and in violation of the law. The preliminary injunction requires the State Department to allow six transgender and nonbinary people to obtain passports with sex designations consistent with their gender identity while the lawsuit proceeds. Though today’s court order applies only to six of the plaintiffs in the case, the plaintiffs plan to quickly file a motion asking the court to certify a class of people affected by the State Department policy and to extend the preliminary injunction to that entire class.

“This decision is a critical victory against discrimination and for equal justice under the law,” said **Li Nowlin-Sohl, Senior Staff Attorney for the ACLU’s LGBTQ & HIV Project**. “But it’s also a historic win in the fight against this administration’s efforts to drive transgender people out of public life. The State Department’s policy is a baseless barrier for transgender and intersex Americans and denies them the dignity we all deserve. We will do everything we can to ensure this order is extended to everyone affected by the administration’s misguided and unconstitutional policy so that we all have the freedom to be ourselves.”

“This ruling affirms the inherent dignity of our clients, acknowledging the immediate and profound negative impact that the Trump administration's passport policy would have on their ability to travel for work, school, and family,” said **Jessie Rossman, Legal Director at ACLU of Massachusetts**. “By forcing people to carry documents that

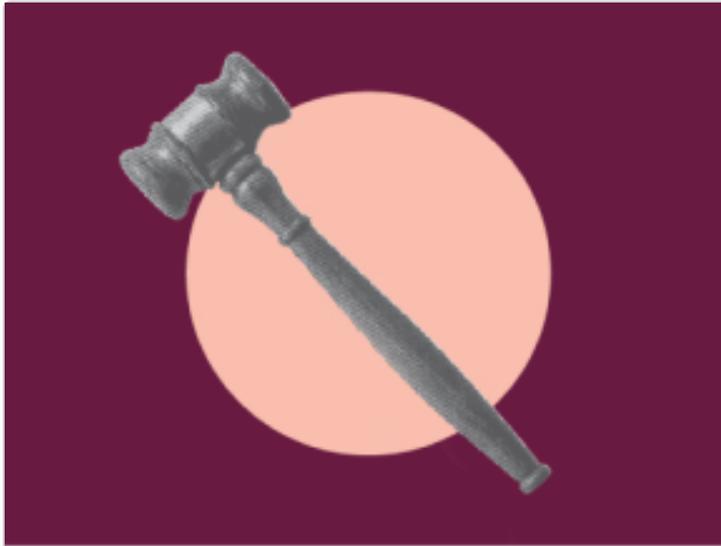
directly contradict their identities, the Trump administration is attacking the very foundations of our right to privacy and the freedom to be ourselves. We will continue to fight to rescind this unlawful policy for everyone so that no one is placed in this untenable and unsafe position.”

On his first day in office in January 2025, Trump signed an executive order attempting to mandate discrimination against transgender people across the federal government and government programs. This included a directive to the Departments of State and Homeland Security “to require that government-issued identification documents, including passports, visas, and Global Entry cards” reflect their sex “at conception.”

Under the ensuing Passport Policy, within 48 hours the State Department began holding some passports and other documents (such as birth certificates and court orders) submitted by transgender, intersex, and nonbinary people who had applied to update the sex designation on their U.S. passports and returning others with their applications rejected and their newly-issued passport marked with their sex assigned at birth. Over 214,000 public comments in opposition to the State Department’s new policy were collected by the ACLU and Advocates for Transgender Equality.

In February 2025, *Orr v. Trump* was filed by the American Civil Liberties Union, the ACLU of Massachusetts, and Covington and Burling LLP, on behalf of seven people who have not been able to obtain passports that match who they are because of the State Department’s new Passport Policy or are likely to be impacted by the new policy upon their next

renewal. The complaint was filed in the federal District Court for the District of Massachusetts.



Court  
Case Apr 2025

### **LGBTQ Rights**

## **Orr v. Trump**

On his first day back in office in January 2025, President Donald Trump issued an executive order that led the State Department to suspend its policy allowing transgender, intersex, and nonbinary people to update the sex designations on their passports, leading some with pending applications to have their passports withheld from them and others to receive a new passport with the wrong sex

designation listed. Soon after, the ACLU sued on behalf of seven transgender and nonbinary people on the grounds the policy violates their constitutional rights and the Administrative Procedure Act.

**Status:** Ongoing

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**LGBTQ Rights**

## Orr v. Trump

On his first day back in office in January 2025, President Donald Trump issued an executive order that led the State Department to suspend its policy allowing transgender, intersex, and nonbinary people to update the sex designations on their passports, leading some with pending applications to have their passports withheld from them and others to receive a new passport with the wrong sex designation listed. Soon after, the ACLU sued on behalf of seven transgender and nonbinary people on the grounds the policy violates their constitutional rights and the Administrative Procedure Act.

**Status:** Ongoing

**Previous press release about this case**

## **Federal Court to Consider Preliminary Injunction Against Trump's Discriminatory Passport Policy**

March 24, 2025 9:31 am

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**Next press release about this case**

## **Federal Judge Partially Blocks Trump Administration Policy Barring Updates to Sex Designation on US Passports**

April 18, 2025 7:00 pm

## **Learn More About the Issues in This Press Release**

## LGBTQ Rights

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**Free Speech** **LGBTQ Rights**

## E.K. v. Department of Defense Education Activity

Whether the Department of Defense Education Activity can remove educational material related to race and gender from its libraries and classrooms in K-12 schools.

**Status:** Ongoing

Press Release

Apr 2025



Free Speech LGBTQ Rights

## Students Sue Department of Defense Schools Over Curriculum Changes, Book Bans

QUANTICO, Va. – Students in Department of Defense Education Activity (DoDEA) schools on military bases sued today, arguing that DoDEA’s book removals and curricular changes following several executive orders from President Donald Trump violate their First Amendment rights. DoDEA operates 161 schools across 11 countries, seven states, Guam, and Puerto Rico. The suit was filed on behalf of 12 students from six families, ranging in age from pre-K to 11th grade, that attend DoDEA schools as children of active duty servicemembers stationed in Virginia, Kentucky, Italy, and Japan. Since January, their schools have systemically removed books, altered curricula, and canceled events that the government has accused of promoting “gender ideology” or “divisive equity ideology.” This has included materials about slavery, Native American history, LGBTQ identities and history, and preventing sexual harassment and abuse, as well as portions of the Advanced Placement (AP) Psychology curriculum. “Learning is a sacred and foundational right that is now being limited for students in DoDEA schools,” said Natalie Tolley, a plaintiff on behalf of her three children in DoDEA schools. “The implementation of these EOs, without any due process or parental or professional

input, is a violation of our children's right to access information that prevents them from learning about their own histories, bodies, and identities. I have three daughters, and they, like all children, deserve access to books that both mirror their own life experiences and that act as windows that expose them to greater diversity. The administration has now made that verboten in DoDEA schools.” In January 2025, President Donald Trump signed three executive orders which led to these removals: Executive Order (EO) 14168 titled “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”; EO 14185 titled “Restoring America’s Fighting Force”; and EO 14190 titled “Ending Radical Indoctrination in K-12 Schooling.” The suit names Secretary of Defense Pete Hegseth and administrators of the DoDEA system, arguing that by revoking students’ access to books and curricula about race and gender, defendants are harming students’ First Amendment right to receive information. “Students in DoDEA schools, though they are members of military families, have the same First Amendment rights as all students,” said Emerson Sykes, senior staff attorney with the ACLU’s Speech, Privacy, and Technology Project. “Like everyone else, they deserve classrooms where they are free to read, speak, and learn about themselves, their neighbors, and the world around them. These schools are some of the most diverse and high achieving in the nation, making it particularly insulting to strip their shelves of diverse books and erase women, LGBTQ people, and people of color from the curriculum to serve a political goal. Our clients deserve better, and the First Amendment demands it.” The Department of Defense has also prohibited cultural awareness months, including Black History Month, Pride Month, Women’s History Month, and National Hispanic Heritage Month. Schools have also released guidance for yearbooks to prohibit students from using them to promote “gender ideology” or “social transition.” Books banned within some DoDEA schools have reportedly included “The Kite Runner” by Khaled Hosseini; “Freckleface Strawberry” by Julianne Moore; “Hillbilly Elegy” by Vice President JD Vance; “The Antiracist Kid” by Tiffany Jewell; and a preparation guide for the AP Psychology exam. “By quarantining library books and whitewashing curricula in its civilian schools, the Department of Defense Education Activity is violating students’ First Amendment rights,” said Matt Callahan, senior supervising attorney at the ACLU of Virginia. “The government can’t scrub references to race and gender from public school libraries and classrooms just because the Trump administration doesn’t like certain viewpoints on those topics.” “Our clients have a right to receive an education that includes an open and

honest dialogue about America’s history,” said Corey Shapiro, legal director for the ACLU of Kentucky. “Censoring books and canceling assignments about the contributions of Black Americans is not only wrong, but antithetical to our First Amendment rights.” The suit was filed in the U.S. District Court for the Eastern District of Virginia by the American Civil Liberties Union, the ACLU of Virginia, and the ACLU of Kentucky. The complaint can be viewed here: [https://www.aclu-ky.org/sites/default/files/field\\_documents/ek\\_v\\_dodea\\_-\\_2025.04.15\\_ecf\\_001\\_-\\_complaint.pdf](https://www.aclu-ky.org/sites/default/files/field_documents/ek_v_dodea_-_2025.04.15_ecf_001_-_complaint.pdf)

**Affiliates:** Virginia, Kentucky

South Carolina

Apr 2025



**LGBTQ Rights**

## **O.R. v. Greenville County, South Carolina**

Local library patrons, with help from the American Civil Liberties Union and ACLU of South Carolina, are suing officials in South Carolina’s most populous county for systematically purging literature by and about lesbian, gay, bisexual, transgender, and queer (LGBTQ) people from its public library collection.

**Status:** Ongoing



Free Speech LGBTQ Rights

## Court Denies Preliminary Relief to Arts Organizations

PROVIDENCE, R.I. — The U.S. District Court in Rhode Island today denied a motion for preliminary injunctive relief by arts organizations applying for National Endowment for the Arts (NEA) funding. The court held that the NEA’s decision on Feb. 6 to make any project that “promotes” what the government deems to be “gender ideology” ineligible for funds likely violated the First Amendment and exceeded its statutory authority. It nevertheless concluded that, because the NEA is currently in the process of determining whether to reimpose that ban, the court could not get in the way of the agency’s decisionmaking process. “We shouldn’t need to negotiate for the right to support and uplift all artists — including transgender and nonbinary artists,” said Marta V. Martinez, executive director of Rhode Island Latino Arts. “This order fails to bring us the clarity we need to apply for funds for projects that allow Latinx artists, especially those who are queer, trans, or nonbinary, to show up as their whole selves without fear of erasure of censorship. Artistic freedom and equal dignity are fundamental to a just and vibrant society and despite today’s ruling, we will continue to create space for artists to tell their truths, challenge norms, and build bridges through their work.” The

court reminded applicants that they “now ... have this Court’s preliminary review of the merits,” and that review suggests any reimposition of the eligibility bar would be unlawful. The NEA will announce how they are planning to implement the executive order on April 30, but applications for funding are due on April 7 and may be subject to as-yet-undecided rules, including the funding bar. “This opinion makes clear that the NEA cannot lawfully reimpose its viewpoint-based eligibility bar,” said Vera Eidelman, senior staff attorney at the ACLU. “Though it falls short of the relief we were seeking, we are hopeful that artists of all views and backgrounds will remain eligible for the support and recognition they deserve in this funding cycle and beyond.” Steven Brown, executive director of the ACLU of Rhode Island, added: “The court’s decision will leave our clients in a state of censorial limbo. We are committed to continuing this case, defending the arts, and resisting attempts to stifle speech simply because the current administration does not like or agree with it.” The ACLU had asked for a preliminary injunction ahead of the grant application deadline. The NEA initially imposed a certification requirement and funding prohibition in response to President Trump’s order prohibiting federal funding of anything that “promotes gender ideology.” While the NEA temporarily rescinded the attestation requirement and funding prohibition after the lawsuit was filed, the agency advised the judge that the NEA was again in the process of evaluating how the executive order would be implemented, and that the evaluation would not be completed until April 30. At that time, the NEA may retroactively apply the funding restriction to projects that have already been submitted. “This is not the result we hoped for, but we remain hopeful that the NEA will be unable to reimpose their restrictions,” said Rose Oser, producing director of National Queer Theater. “This is just one of the administration’s many attempts to silence trans voices, but we will keep creating work that aligns with our values, and we will keep fighting on every front to defend trans rights and artistic freedom.” “We remain steadfast in our commitment to the artists and theatres at the heart of this fight,” said Emilyya Cachapero, Co-Executive Director of National and Global Programming at TCG. “This moment is about more than a single grant cycle—it’s about the future of artistic freedom in this country. We are disappointed in this decision but will continue to advocate for a theatre ecology where all voices—especially trans and nonbinary voices—are welcomed and celebrated.” “This is just one of many steps to greater relief and there is liberation in clarity,” said Giselle Byrd, executive director of The Theater Offensive. “Time is our greatest ally, and I await the result from the NEA’s decisionmaking process. We

must remain vigilant, and if this executive order is reimposed, we will be back in court and fighting against the unlawful attack on the First Amendment. We do not walk away silently against injustice and silence will not protect us.” The suit argues that the certification requirement and funding prohibition violate the Administrative Procedure Act, the First Amendment, and the Fifth Amendment. The American Civil Liberties Union, the ACLU of Rhode Island, David Cole, and Lynette Labinger, cooperating counsel for the ACLU-RI, filed the suit in the U.S. District Court for the District of Rhode Island on behalf of Rhode Island Latino Arts; National Queer Theater; The Theater Offensive; and the Theater Communications Group. More information about the case can be found here: <https://www.aclu.org/cases/rhode-island-latino-arts-v-national-endowment-for-the-arts>

**Court Case:** Rhode Island Latino Arts v. National Endowment for the Arts

**Affiliate:** Rhode Island