

Exhibit H

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ZANDER SCHLACTER, *et al.*,

Plaintiffs,

v.

U.S. DEPT. OF STATE, *et al.*,

Defendants.

Case No. 1:25-CV-01344-GLR

**DECLARATION OF KRIS KOE IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

I, Kris Koe, being of legal age and sound mind, do hereby declare and state as follows:

1. I am a Plaintiff in the above-captioned case. I have actual knowledge of the matters stated in this declaration and would testify competently to these facts if called to do so.

2. I am 23 years old. I am a United States citizen and currently live in Connecticut.

3. I am a full-time student at a university in my state where I am studying mathematics.

4. I also work part time as a tutor, a babysitter for my sister’s daughter, and as a clerk at a grocery co-op.

5. I am nonbinary and do not identify my gender within a female/male binary. I use the pronouns “they” and “them.”

6. A photograph of me is attached to this declaration as Exhibit A.

7. I have known for more than eight years that my gender does not lie within a

male/female binary category and that I do not identify with my birth assigned sex. I came out to my friends and family as nonbinary in 2022.

8. Since then, I have taken steps to affirm my identity in various parts of my life including legally, socially, and medically.

9. For example, in the summer of 2022, I updated my Connecticut state driver's license with an "X" for my sex designation. Earlier this year I updated my Connecticut birth certificate to reflect an "X" sex designation as well.

10. I am open about being nonbinary, about the pronouns I use, and how to respect nonbinary people with those I come across in my day-to-day life.

11. But there are lots of other parts of my life that are also important to me, including my studies. I have enjoyed being a student and in particular studying mathematics and have decided that once I graduate in May this year, I will be pursuing admission to a university in Germany to pursue a graduate degree in mathematics. I will have to secure a student visa and will be required to provide, at a minimum, my birth certificate and my U.S. passport.

12. My most recent passport, issued in 2018, reflected my birth assigned sex designation. I have been watching the political landscape closely since Donald Trump's election in November 2024 and became concerned that the State Department might make changes to the ways that sex designations were being provided on U.S. passports.

13. On January 10, 2025, I sent in a renewal form, DS-84, requesting a sex designation of "X" on my passport. I hoped that because no official policy change had been announced that my application would be processed according to the previous policy which permitted X sex designations.

14. A few weeks later, I received a passport back with an incorrect sex designation of "F" or "female," which now expires in 2035. I also received a letter from the State Department

notifying that “the date of birth, place of birth, name, or sex was corrected on your passport application,” with “sex” circled in red. The stated reason was “to match our records.”

15. This new inaccurate passport creates a significant obstacle, if not completely prevents me from applying for admission to graduate school abroad and securing an accurate student visa, as most student visa applications require both a copy of a birth certificate and a national passport. My birth certificate and U.S. passport now say conflicting things about my sex designation, and I don’t know how I will be treated by foreign officials processing student visa applications.

16. This incorrect passport will also affect travel outside of the U.S. where I am required to show officials my passport so they can confirm my identity. I have already had my identity questioned by a border official when I had to present a passport with an incorrect sex designation on it. While returning from a trip to Canada by car in 2024, a U.S. border official took my then passport, which had an “F” designation on it, and reviewed it repeatedly before asking me for another form of identification. Fortunately, I was able to provide my updated Connecticut driver’s license with an X sex designation and the official accepted that as valid to confirm my identity. This experience underscores what will now be the norm for me at any time that I have to cross an international border, and I worry that in their confusion, border officials will subject me to additional scrutiny, surveillance and possible detainment so they can ask invasive questions about the sex designation on my passport.

17. People in my day-to-day life have expressed “confusion” over their inability to understand or perceive my sex within the female/male binary. While this is harassment that I don’t believe should happen, usually those people do not have control over my life in any meaningful way. However, when it is the government of the United States, or another nation, expressing confusion over my identity, they do have power over my life in serious ways that can and do cause

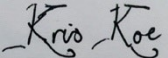
me harm. This is why being denied a passport with an X gender marker is currently causing me incredible distress about my future.

18. Finally, being forced to carry a passport that shares private information about my sex assigned at birth, rather than an accurate sex designation of X, as determined by my nonbinary gender identity, is also psychologically and emotionally harmful to me. My passport is a persistent reminder that the government does not respect me for who I am, and I remain in fear of what may happen the next time I have to show my passport to a stranger.

* * *

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 5, 2025

_____  _____

Kris Koe

Exhibit A

PHOTOGRAPH FILED UNDER SEAL