



Photo by [Suhyeon Choi](#) on [Unsplash](#)

REAL ID and Deferred Action for Childhood Arrivals (DACA)

This factsheet provides information specifically for *DACA recipients* who have a *currently valid work permit* and are planning to *travel within the United States by airplane*. We advise undocumented individuals, including those whose DACA has expired, to seek advice from a qualified immigration attorney before traveling by air.

What is changing?

The U.S. Department of Homeland Security (DHS) has announced that, effective **May 3, 2023**, the Transportation Security Administration (TSA) will no longer accept driver's licenses that are not compliant with the REAL ID Act (see below) as proof of identification to board commercial aircraft.¹ DHS explained that a postponement of the October 1, 2021, compliance date set in 2020 was needed because of disruptions in license applicants' daily lives and department of motor vehicle (DMV) operations caused by the COVID-19 pandemic. DHS also said that the extension of time would allow states to deal with changes authorized by the REAL ID Modernization Act,² and for DHS to issue, and states to implement, regulations regarding the issuance of mobile driver's licenses.³

To travel by commercial aircraft on or after May 3, 2023, people will be required to present either (1) a REAL ID-compliant license or state identification document or (2) some other acceptable alternative document from the TSA list of acceptable documents, described more fully below.⁴

What is REAL ID?

The [REAL ID Act](#) establishes federal minimum security standards that state-issued driver's licenses and identification cards (hereafter referred to as "REAL ID driver's licenses or identification cards") must meet in order to be accepted as identification for certain official federal purposes.⁵ To be eligible for REAL ID licenses or ID cards, applicants must, at a minimum, present documents showing (1) full legal name, (2) date of birth, (3) Social Security number, (4) two proofs of address of principal residence, and (5) lawful immigration status.

As of May 3, 2023, non-REAL ID (or “standard”) driver’s licenses and state ID cards will no longer be accepted by TSA for boarding federally regulated commercial aircraft. State enhanced driver’s licenses (EDLs) designated as acceptable border-crossing documents by DHS will continue to be accepted.⁶ (For more information about the REAL ID Act, see the [REAL ID section of NILC’s “Access to Driver’s Licenses Toolkit.”](#)⁷)

Can DACA recipients get a REAL ID-compliant license or state photo ID card?

Eligibility for a driver’s license and the types of driver’s licenses available to various immigrants depends on the state. Most, but not all, states allow DACA recipients to get a REAL ID license. But states may not issue a REAL ID license to people whose DACA has expired, unless they have another lawful immigration status.

States also determine which documents they require driver’s license applicants to present in order to get a license. DHS reviews states’ procedures to certify that they comply with the REAL ID Act. Although states are not required to issue REAL ID licenses, all 50 states plus the District of Columbia and four out of five territories are now compliant with REAL ID requirements and are issuing REAL ID licenses.⁸

States that issue REAL ID licenses may continue to issue non-REAL ID (“standard”) licenses and IDs to their residents as well. After May 3, 2023, individuals with these licenses and IDs may be able to use them for any purpose except the specific “official federal purposes”; examples of the latter are traveling by commercial aircraft or entering a nuclear facility. But DHS warns, “Although a REAL ID card may not be necessary for other purposes such as driving, voting, banking, or applying for benefits or employment, we recommend checking with the relevant state, local, or commercial entities regarding their specific identification requirements.”⁹

Having a non-REAL ID (standard) license or state ID does not reveal anything about the cardholder’s immigration status. Many states allow U.S. citizens and lawfully residing immigrants to choose to get either a standard or a REAL ID license or ID. Some U.S. citizens may opt to get a standard license or ID card because they don’t have the documents required to obtain a REAL ID card, they can’t afford the fee for a REAL ID document, or they have concerns about privacy.

Is my license REAL ID-compliant?

To comply with the REAL ID Act’s requirements, a state’s REAL ID license and ID cards must look different, in some way, from its non-REAL ID cards. A REAL ID card *may* have one of the following markings in the upper part of the card, all of which markings include a star:¹⁰



If your license or ID does not have a star marking, you may want to do an Internet search for information about your state’s REAL ID license and ID cards. For example, your state’s department of motor vehicles website may have information about REAL ID, including a description of how the state’s REAL ID cards will be marked to distinguish them from non-REAL ID cards.

How should DACA recipients prepare for the implementation of REAL ID?

If you are a DACA recipient and are wondering how REAL ID's implementation will affect you beginning on May 3, 2023, we recommend that you check your state's requirements for getting a REAL ID license or ID card by visiting your state's department of motor vehicles website. Do you have the documentation required? If so, you may wish to consider getting a REAL ID license or ID card sooner rather than later, if you plan to travel within the U.S. by commercial airplane.

Can DACA recipients fly without REAL ID licenses or ID cards?

Yes. At present, non-REAL ID licenses and cards are still acceptable, as are employment authorization documents (EADs) and other items on TSA's list of acceptable identification documents. But for those who have one, presenting a REAL ID driver's license or ID card may be the easiest way to avoid drawing attention to yourself at TSA checkpoints.

People who do not have a REAL ID license may wish to print the TSA website's [list of acceptable identification documents](#) to take to the airport when traveling.¹¹ If necessary — for example, if a TSA agent refuses to accept your EAD as valid ID — you can show the list to the agent. Passengers ages 18 and over must show valid identification at the airport checkpoint in order to board a commercial aircraft. Below is the list of documents that DHS and TSA currently accept (as of August 2021) from people seeking to pass through airport checkpoints:

- ▶ Driver's licenses or other state photo identity cards issued by a state department of motor vehicles (or equivalent)
- ▶ U.S. passport
- ▶ U.S. passport card
- ▶ DHS trusted traveler cards (Global Entry, NEXUS, SENTRI, FAST)
- ▶ U.S. Department of Defense ID, including IDs issued to dependents
- ▶ Permanent resident card
- ▶ Border crossing card
- ▶ State-issued enhanced driver's license
- ▶ Federally recognized, tribal-issued photo ID
- ▶ HSPD-12 PIV card
- ▶ Foreign government-issued passport
- ▶ Canadian provincial driver's license or Indian and Northern Affairs Canada card
- ▶ Transportation worker identification credential
- ▶ U.S. Citizenship and Immigration Services employment authorization card (I-766)
- ▶ U.S. Merchant Mariner Credential
- ▶ Veteran Health Identification Card (VHIC)

After May 3, 2023, if you are unable to get a REAL ID driver's license or ID in your state, you may still be able to board a plane if you present a document from TSA's list, as it exists at that time.

What if I don't have any of these documents when I arrive at the airport?

According to TSA:

In the event you arrive at the airport without valid identification because it is lost or at home, you may still be allowed to fly. The TSA officer may ask you to complete an identity verification process which includes collecting information such as your name, current address, and other personal information to confirm your identity. If your identity is confirmed, you will be allowed to enter the screening checkpoint. You will be subject to additional screening, to include a patdown and screening of carry-on property.¹²

Plan ahead and act soon! If you're planning to apply for a REAL ID license or photo ID in a state that issues them to residents with DACA, do not wait until the last weeks before the May 2023 deadline — it may take some time to book an appointment to apply for a REAL ID license at your local department of motor vehicles.

If you have questions about or feedback on the information in this factsheet, please send them to us at reply@nilc.org.

NOTES

¹ Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes, 86 Fed. Reg. 23237 (May 3, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-05-03/pdf/2021-09219.pdf> (hereinafter "Extension Notice"); "DHS Announces Extension of REAL ID Full Enforcement Deadline" (U.S. Dept. of Homeland Security press release, Apr. 27, 2021), <https://www.dhs.gov/real-id/news/2021/04/27/dhs-announces-extension-real-id-full-enforcement-deadline>. See also "REAL ID: Flying with a REAL ID" (Transportation Security Administration webpage), <https://www.tsa.gov/real-id>; and Extension Notice at 23239.

² The REAL ID Modernization Act, Title X, Div. U of the Consolidated Appropriations Act, 2021, Public Law 116-260 (Dec. 27, 2020), <https://www.congress.gov/bill/116th-congress/house-bill/133/text>. It redefines driver's licenses and identification cards to include those "stored or accessed via electronic means, such as mobile or digital driver's licenses [or identification cards], which have been issued in accordance with regulations prescribed by the Secretary." The act also authorizes acceptance of application information through electronic transmission methods.

³ Extension Notice, *supra* note 1, at 23239.

⁴ "Identification" (TSA webpage), <https://www.tsa.gov/travel/security-screening/identification>.

⁵ The REAL ID Act, <https://www.dhs.gov/xlibrary/assets/real-id-act-text.pdf>.

⁶ Michigan, Minnesota, New York, Vermont, and Washington are the only states that currently issue EDLs. For more information on EDLs, visit <https://www.dhs.gov/enhanced-drivers-licenses-what-are-they>.

⁷ <https://www.nilc.org/issues/drivers-licenses/dlaccessstoolkit3b/#realid>.

⁸ Extension Notice, *supra* note 1.

⁹ "REAL ID Frequently Asked Questions" (U.S. Dept. of Homeland Security webpage), <https://www.dhs.gov/real-id/real-id-faqs>.

¹⁰ According to the TSA, REAL ID cards have a star at the top of the card. See "Identification" (TSA webpage), <https://www.tsa.gov/travel/security-screening/identification>.

¹¹ *Id.*

¹² *Id.*