

Basic Facts About REAL ID

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- Section 202(d)(11) of the [REAL ID Act](#) specifically allows states to issue licenses that won't be acceptable for certain official federal purposes.
- The U.S. Department of Homeland Security (DHS) has certified as REAL ID–compliant [states](#) that issue both a REAL ID–compliant license that is acceptable for certain federal official purposes and a license that is not. One such state is Maryland.
- Under REAL ID, states have great latitude in deciding who can obtain a license that is not acceptable for official federal purposes. They can offer the same noncompliant license to U.S. citizens and lawfully present immigrants as they offer to people who cannot prove that they are lawfully present in the U.S. One state that does this is Vermont. As [DHS](#) has made clear:

DHS cautions against assuming that possession of a noncompliant card indicates the holder is an undocumented individual, given that several states issue noncompliant licenses for reasons unrelated to lawful presence.
- An [earlier FAQ](#) issued by DHS explained:

A “Not for Federal Identification” or a similar mark means that the issuing state offers its residents the option to obtain a driver’s license or identity card which is not compliant with REAL ID and that the license holder has chosen to exercise that option. A variety of reasons may underlie that choice, including personal preference, religious conviction, or the inability or decision not to provide original documents needed to verify identity, citizenship, or lawful status in the United States.
- DHS has certified as REAL ID–compliant states that describe their driver’s licenses that are not acceptable for official federal purposes as driver’s licenses. (They do not need to give these licenses different names.) One such state is Colorado.
- REAL ID only limits the acceptance of noncompliant licenses for official federal purposes. States can continue to recognize their driver’s licenses as identification for every other purpose, even if they won’t be accepted as identification for official federal purposes.
- REAL ID does not apply to all federal purposes. As [DHS](#) has made clear:

Access for activities directly relating to safety and health or life preserving services, to law enforcement, and to constitutionally protected activities, including legal and investigative proceedings will not be affected.
- Driver’s licenses and passports are not the only documents that federal agencies can accept as identification. [DHS](#) advises that “[w]hen planning a visit to a Federal facility or military base, visitors should contact the facility to determine what identification will be accepted.” An [earlier FAQ](#) issued by DHS explained that “[e]ach agency determines whether identification documents are needed for the purpose it oversees and, if applicable, which documents are acceptable. REAL ID only applies if a person is presenting a driver’s license or state-issued identification card for official purposes.” Even in these cases, individuals with noncompliant licenses may be able to use other forms of identification.
- According to DHS’s most recent [schedule](#), drivers from states that have been declared *noncompliant* with REAL ID will not be able to use their licenses to board airplanes starting Jan. 22, 2018. For states that have been declared compliant or that have been granted a compliance extension, that enforcement date is Oct. 1, 2020.
- Even if you don’t have proper ID, [Transportation Security Administration](#) rules clarify that you may be allowed to fly, although you may need to complete a form with your name and current address or may be asked additional questions to confirm your identity. TSA can also confirm your identity through means such as [publicly available databases](#).

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