

REAL ID and Deferred Action for Childhood Arrivals (DACA)

MAY 2020

This fact sheet 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) announced that, effective *October 1, 2021*, the Transportation Security Administration (TSA) will no longer accept driver's licenses that do not comply with the requirements of the REAL ID Act (see below) as proof of identification to board commercial aircraft. The October 2020 deadline was extended due to circumstances resulting from the COVID-19 pandemic and the national emergency declaration. This extension was codified in the [Coronavirus Aid, Relief, and Economic Security Act](#),¹ enacted on March 27, 2020.

To travel by commercial aircraft, people will be required to present either (1) a REAL ID-compliant license or state identification document or (2) some other acceptable alternative, such as a U.S. passport or an employment authorization document issued by U.S. Citizenship and Immigration Services.

What is REAL ID?

The [REAL ID Act](#) establishes federal minimum security standards that state-issued driver's licenses and identification cards must meet in order to be accepted as identification for certain official federal purposes.² To be eligible for REAL ID-compliant 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 October 2021, driver's licenses and state ID cards that are not REAL ID-compliant 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.³ (For more information about the REAL ID Act, see the [REAL ID section of NILC's "Access to Driver's Licenses Toolkit."](#)⁴)

¹ <https://www.politico.com/f/?id=00000171-1429-d270-a773-777f92a00000>.

² The REAL ID Act: <https://www.dhs.gov/xlibrary/assets/real-id-act-text.pdf>.

³ Michigan, Minnesota, New York, Vermont, and Washington are the only states that currently issue EDLs. For more information on EDLs, please visit <https://www.dhs.gov/enhanced-drivers-licenses-what-are-they>.

⁴ <https://www.nilc.org/issues/drivers-licenses/dlaccess toolkit3b/#realid>.

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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. Many, but not all, states allow DACA recipients to get a REAL ID–compliant 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, 47 of the 50 states have been certified as REAL ID–compliant, and all 50 states are on track to issue REAL ID licenses in coming months.⁵

States that issue REAL ID licenses may continue to issue non–REAL ID (or “standard”) licenses and IDs to their residents as well. Individuals with standard licenses and IDs may be able to use them for any purpose except the specific “official federal purposes,” such as traveling by commercial aircraft or entering a nuclear facility.

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 of one of the following markings in the upper part of the card:



If your license or ID does not have any of these markings, 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. And remember, some states, such as Oregon, had not begun to issue REAL ID cards as of May 2020.

⁵ As of February 2020, Oklahoma and Oregon had been granted an extension for when they are required to begin issuing REAL ID cards, and three states or territories’ REAL ID plans are under review: New Jersey, American Samoa, and the Northern Mariana Islands. <https://www.dhs.gov/news/2020/02/19/dhs-announces-streamlining-measures-help-states-issuing-real-ids>.

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 October 1, 2021, 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?

Presenting a REAL ID driver's license or ID card is the easiest way to avoid drawing attention to yourself at TSA checkpoints. However, 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 valid I-766 employment authorization document (EAD), a passport, or an alternative document. Your EAD is the work permit card that was issued to you when you received DACA.

Understandably, these recent changes can cause confusion. You may wish to print the TSA website's [list of acceptable identification documents](#) to take to the airport with you when you travel.⁶ 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 age 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 March 2020) 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

⁶ <https://www.tsa.gov/travel/security-screening/identification>.

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 pat-down and screening of carry-on property.⁷

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 October 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 fact sheet, please send them to us at reply@nilc.org.

⁷ <https://www.tsa.gov/travel/security-screening/identification>.