

## **REAL ID Implementation Can Affect Domestic Air Travel as Early as January 22, 2018**

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The REAL ID Act, which was passed by Congress in 2005, set minimum-security standards for how states issue identification and how that identification would be used. Previously, people could travel within the US and its territories with only a driver's license or state-issued identification card. However, the new rule requires travelers to have an ID that meets REAL ID standards. The Act requires that all states and US territories issue enhanced driver's licenses (EDL), which typically means that the state has reviewed and stored proof of your identity and lawful status in the US. Each of these EDLs will have a radio frequency identification chip (RFID) that will signal a secure system to pull up your biographic and biometric data and a machine readable zone (MRZ) or barcode that can read electronically if RFID is not available. The REAL ID Act allows compliant states to issue driver's licenses and identification cards where the identity and lawful presence in the US is determined. In addition, states may issue temporary (or limited-term), REAL ID-compliant driver's licenses and ID cards to applicants who provide valid, documentary evidence of their temporary status in the US. Compliant states may also continue to issue noncompliant licenses and IDs to individuals with or without lawful status, including deferred action, as defined under the REAL ID Act.

The initial phases of the Real ID Act, which consisted of compliant identification to access secured federal facilities and military bases, has already gone into effect. The final phase of this initiative, phase 4, is underway now. That means a driver's license or identification card from a non-compliant state may only be used in conjunction with a second alternative form of ID for boarding federally regulated commercial aircraft. To date, 27 states are compliant under the Act and 24 states (including Massachusetts and New York), plus Guam, Puerto Rico and the Virgin Islands, are currently under an extension period that ends October 10, 2018. If you live in Massachusetts, you will be able to apply for and obtain a REAL ID driver's license starting March 26, 2018. For more details, see <https://www.mass.gov/guides/real-id>. For a complete list of compliant/non-compliant states, click [here](#).

Starting January 22, 2018, air travelers who reside in states that are not compliant with the REAL ID Act or have not been granted an extension for implementation, will need an alternative identification other than a driver's license to pass through Transportation Security Administration ("TSA") security check points at the airport. Here is a list of alternative identification documents that the TSA will accept. At this point, the majority of states have driver's licenses that are compliant or have received extensions from the federal government. If your driver's license or state identification card has been issued by a state that is compliant with REAL ID or a state that has been granted an extension, you will be able to use that driver's licenses or state identification card for all domestic flights.

By October 1, 2020, all air travelers will be required to have a Real ID compliant driver's license or credential or an alternate identification to fly domestically. DHS has designed other acceptable IDs including, US passport, border ID card, a trusted traveler card such as Global Entry, permanent resident card, and others. For a full list see [here](#).

### **What does this mean for you?**

We recommend that air travelers check the DHS REAL ID Act for information before January 22, 2018, to determine if you need to use other accepted IDs for air travel domestically.

### **Note that REAL ID does not apply to the following:**

- Entering Federal facilities that do not require a person to present identification
- Voting or registering to vote

- Applying for or receiving Federal benefits
- Accessing Health or life preserving services (including hospitals and health clinics), law enforcement, or constitutionally protected activities (including a defendant's access to court proceedings)
- Participating in law enforcement proceedings or investigations

If you require further information, please contact a member of our Immigration Team.

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