

[Share / Email](#)

REAL ID Frequently Asked Questions for State Implementation

Frequently asked questions and answers for States implementing the REAL ID Act. The REAL ID Act, passed by Congress in 2005, enacted the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification, such as driver's licenses." The Act established minimum security standards for license issuance and production and prohibits Federal agencies from accepting for certain purposes driver's licenses and identification cards from states not meeting the Act's minimum standards.

[Expand All Sections \(#\)](#)

Q: At what point in the application process should states capture the applicant's image? (#)

A: States should capture the applicant's image at the beginning of the licensing process when the applicant submits a completed application to a Department of Motor Vehicles (DMV) representative for processing. If at any time during the application process fraud is suspected, the DMV should make

every attempt to capture the applicant's image whether or not a completed application is submitted for processing.

Q: Does the REAL ID Act require an applicant who wears a head covering for religious reasons to alter or remove the head covering so that the driver's license or identification card photograph shows their hair or ears? (#)

A: No. The REAL ID regulatory standards for the digital photograph recognize that some individuals may wear head coverings for religious or other reasons. However, such coverings should not obscure an applicant's facial features or generate a shadow. For purposes of the photograph, the face should be visible from the hairline to the chin and forward of the ears, and be free of shadows. The REAL ID regulation does not require the exposure of the hair line or the ears.

Q: Does an applicant have to provide documentation of all previous names if the name on the identity source documents – e.g., birth

certificate – is different from the current legal name that will be displayed on the new license or identification card to be issued? (#)

A: The applicant should demonstrate name traceability, i.e., a connection between the name presented on the source document and the name requested to be on the issued document. States may choose the kinds of documentation individuals should present as evidence of this traceability. Individuals do not have to document a complete listing of all the names that may have been previously used.

Q: What classifications of aliens are eligible for full-term compliant driver's licenses? (#)

A: Aliens lawfully admitted for permanent or temporary residence, aliens with conditional permanent resident status, aliens with an approved application for asylum, and aliens who have entered the United States as refugees are eligible for a full-term REAL ID license or identification card.

Q: Occasionally an alien may present a document that on its face has an expiration date that has already passed,

yet the document has been extended by DHS and should be regarded as unexpired.

Can a state accept a document under these circumstances? (#)

A: To date this situation is limited to individuals who have applied for and/or been granted Temporary Protected Status (TPS), whose Form I-766 Employment Authorization Documents (EADs) are subject to an "automatic extension" by DHS. DHS grants "automatic extensions" – typically six months – in this situation through a Federal Register notice. The Federal Register notice includes information on how to identify EADs subject to the extension and provides the new expiration date for these EADs. For more information on TPS, visit U.S. Citizenship and Immigration Services' [TPS webpage \(http://www.uscis.gov/tps\)](http://www.uscis.gov/tps).

Q: Can a "Temporary" or "Limited Term" license be renewed remotely? (#)

A: No. Temporary or limited-term licenses and identification cards need to be renewed in person and upon presentation and verification of valid documentary evidence that the temporary lawful status is still in effect or that the individual has lawful status in the United States.

Q: How should a "Temporary" or "Limited

Term" license be marked? (#)

A: Temporary and limited term cards need to clearly indicate both on its face and in the machine readable zone that they are temporary and include the expiration date.

Q: What is the purpose of an exceptions process? (#)

A: DHS recognizes that each jurisdiction is unique and needs flexibility to tailor an exceptions process to meet its individual needs and circumstances. An exceptions process helps states address unique situations where individuals, for reasons beyond their control, are unable to present one or more of the identity documents listed in the regulations. For example, following a natural disaster, for reasons beyond a person's control, documents necessary to establish identity and lawful status may no longer be readily available or obtainable. In such cases, states may need to rely on alternate documents to establish their identity or U.S. citizenship.

Q: Should states inform DHS when they change their exception process? (#)

A: DHS understands that circumstances may require the development or modifications to a state's exceptions process following certification. In such cases, a state only needs to report to DHS its new or modified process as part of its compliance recertification process.

Q: Should states have an independent laboratory assess the physical security features of their driver's licenses or identification cards? (#)

A: No. States should employ multiple levels of security features for the detection of false cards, and submit a report to DHS that indicates the ability of the card design to resist compromise and document fraud. However, there is no need for a state to hire an independent laboratory to assess the documents or prepare a report.

Q: How should states mark compliant and non-compliant licenses so that screeners can easily distinguish between acceptable and unacceptable state-issued driver's licenses or identification cards? (#)

A: While DHS recommends that states adopt the general design marking (aka "gold star"), per the REAL ID Security Plan Guidance Handbook, states may submit for DHS review and approval alternative methods of marking documents to clearly differentiate a compliant card from a non-compliant card. Those

methods could include differentiations in color, lettering, and/or format.

Q: Upon renewal do applicants need to re-submit any documents that were required at the time of the initial application? (#)

A: Except for holders of temporary or limited term licenses or identification cards, applicants renewing their licenses or identification cards do not need to re-submit identity source documents unless there has been a material change in any personally identifiable information (PII) since prior issuance.

Q: What would be considered a material change in Personally Identifiable Information (PII)? (#)

A: Material change includes any change to an individual's PII, which is defined in the regulations to include information to demonstrate identity, date of birth, or social security number, as well as information that appears in databases or in the machine readable technology of the license or identification card. Notwithstanding the definition of PII, material change does not include a change of address of principal residence.

Q: May states issue a duplicate REAL ID remotely?

(#)

Q: If a state has already copied an individual's identity source documents, social security information, and proof of address prior to full compliance, does the individual need to re-submit those same documents when applying for a compliant license for the first time? (#)

A: DHS understands that some states may currently require presentation, verification, and retention of identity source documents, social security information, and proof of address in a manner that meets the minimum regulatory standards. This also includes meeting the minimum standards for employee background checks, fraudulent document recognition training, and information security and storage requirements. States already meeting these standards do not need to have applicants resubmit identity source documents upon initial application for a compliant document.

Q: New York, Vermont, Michigan, Minnesota and Washington currently issue

"enhanced driver's licenses" (EDLs) that are designated by the Secretary of Homeland Security as acceptable to enter the United States at land and sea ports of entry in accordance with the Western Hemisphere Travel Initiative (WHTI). Are EDLs acceptable for official federal purposes such as boarding a commercial aircraft? (#)

A: Yes. State EDLs designated as acceptable border-crossing documents by DHS under WHTI are acceptable for official federal purposes such as boarding a commercial aircraft or entering a federal facility.

Last Published Date: October 14, 2016

Was this page helpful?

☐ Yes ☐ No