

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

FACT SHEET: REAL ID ACT & REGULATIONS

What is the Real ID Act?

The REAL ID Act is a federal law that bars federal agencies from accepting a non-REAL ID compliant driver's license or identification card for an "official purpose," which includes accessing a Federal facility or boarding an airplane. Therefore, individuals must obtain a driver's license or identification card that complies with the Act's requirements and the regulations from DHS to engage in any of these activities.

How can a REAL ID compliant ID be obtained?

The REAL ID Act requires States to collect and verify additional identity documentation before issuing a driver's license or identification card to an individual. This additional documentation includes proof of identity, date of birth, Social Security number, proof of address of principal residence, and evidence of lawful status in the United States.

When do the REAL ID regulations take effect?

Although the Act became law in 2005, DHS did not release final regulations to implement the Act until January 11, 2008. These regulations establish two different sets of deadlines: one for States and another for individuals.

- States must certify their compliance with the Act by May 11, 2008. A State may request an initial extension by March 31, 2008, which, if granted, would expire on December 31, 2009. States may request an additional extension until May 10, 2011 by submitting a Material Compliance Checklist indicating their level of compliance with the Real ID Act by October 11, 2009. Further State extensions may only be granted at the discretion of the DHS Secretary.
- For individuals, the regulations take effect in two phases. The implementation date is December 1, 2014 for those born after December 1, 1964 and December 1, 2017 for individuals born before December 1, 1964. After these dates, non-REAL ID compliant State driver's licenses and identification cards will not be accepted for an "official purpose," including entering a Federal building or boarding an aircraft.

Are there exceptions to the REAL ID requirements?

The REAL ID regulations permit States to establish a written exceptions process for individuals who are unable to present the necessary documentation requirements for proof of identity, date of birth, and lawful status (for U.S. citizens only). States also have great flexibility in the documents that they may accept as proof of principal residence. For example, homeless individuals may use a letter from a shelter provider for proof of residence.

The regulations do not expressly allow for States to establish an exceptions process for Social Security documentation. However, due to internal inconsistencies in the REAL ID regulations relating to an exceptions process for Social Security documentation, it remains unclear how DHS may respond to a State if it allowed for such an exceptions process.

How will the REAL ID Act affect homeless or vulnerable populations?

The REAL ID Act regulations could seriously impair the ability of homeless persons to obtain REAL ID compliant driver's licenses and identification cards, and thereby limit their access to Federal buildings. While the State exceptions process may alleviate some of these concerns, the scope of this process is ambiguous.

The immediate impact of the regulations will depend upon the actions of the States, as they individually choose whether to comply with DHS' minimum documentation requirements. For States that choose to comply with the May 11, 2008 deadline, an extended implementation period applies, which will benefit poor and homeless persons in those States in the near-term. For States that resist the Act's requirements, implementation will begin on May 11, 2008. Poor and homeless individuals in such States will therefore feel the effect of the REAL ID Act in the very near future.

OUTLINE OF DOCUMENTATION REQUIREMENTS

#	Data Element	Documents Accepted Under REAL ID Regulations	Suggested Alternative Documents That States Could Include in Exceptions Process
1.	Identity	<ul style="list-style-type: none"> • Valid, unexpired U.S. passport • Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth • Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS- 1350 or FS-545 • Valid, unexpired Permanent Resident Card (Form I-551) issued by DHS or INS • Unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B • Unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States • Certificate of Naturalization issued by DHS, Form N-550 or Form N-570 • Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS • REAL ID driver's license or identification card 	<ul style="list-style-type: none"> • Non-REAL ID driver's license or identification card • Non-certified copy of birth certificate • Expired versions of the listed documents
2.	Birth Date	See Identity documents above	See Identity documents above
3.	Social Security Number	<ul style="list-style-type: none"> • Social Security Administration account card • W-2 form bearing the applicant's SSN • SSA-1099 form bearing the applicant's SSN • Non-SSA-1099 form bearing the applicant's SSN • Pay stub bearing the applicant's name and SSN 	<ul style="list-style-type: none"> • N/A
4.	Address of Principal Residence	REAL ID regulations permit the State to accept any documents that bear the individual's name and principal residence, which could include: <ul style="list-style-type: none"> • Lease or mortgage document • Utility or other regular bill • Letter from homeless shelter (on letterhead) • Phone book entry 	
5.	Lawful Status	<ul style="list-style-type: none"> • Valid, unexpired U.S. passport • Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth • Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS- 1350 or FS-545 • Valid, unexpired Permanent Resident Card (Form I-551) issued by DHS or INS • Certificate of Naturalization issued by DHS, Form N-550 or Form N-570 • Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS • Documents issued by DHS or other Federal agencies demonstrating lawful status that are verifiable through the Systematic Alien Verification for Entitlements ("SAVE") system 	Only documents that demonstrate U.S. citizenship (as opposed to legal immigration status), which could include: <ul style="list-style-type: none"> • Non-certified copy of birth certificate • Signed affidavit from a family member, childhood friend, or long-time healthcare provider

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