

# Photo ID, Passports, REAL ID: What You Need To Know

by Dave Marx, PassPorter Guidebooks Author

"Will we need passports to fly to Walt Disney World?" Recent news stories, blogs, and message board postings have raised this surprising possibility. We've sifted through mounds of information so we can clarify the current state of travel ID for both domestic U.S. travel and international travel to and from the U.S.

The short answer is "No, you won't need a passport to go to Walt Disney World." The long answer is ... complicated. Read on.

## Domestic Air Travel

The **REAL ID Act** is a 2005 Federal law intended to enhance the security of photo ID used at Federal facilities. Since "Federal facilities" includes aircraft regulated by the FAA, this law affects all domestic air travel. By **May 11, 2008** state-issued photo ID is required to comply with the REAL ID Act or it will not be accepted for air travel, access to Federal buildings, etc. **Don't panic!** "In compliance" for now only means the state has asked for and received an extension of time to meet those requirements. As of April 2, 2008, every state and U.S. jurisdiction has applied for and received extensions. So this means that state-issued photo ID will be accepted for domestic air travel at least until December 31, 2009, when those extensions expire (additional extensions may be granted, although some states probably won't need them).

**Federally-issued ID already complies with the law, so U.S. Passport Books and Passport Cards can also be used for domestic air travel.**

(The U.S. Department of State, which issues U.S. passports, now calls traditional passports "Passport Books" to distinguish them from the new "Passport Card.")

## International Travel

The Western Hemisphere Travel Initiative (WHTI) is a federal law that ultimately will require a valid passport to enter the U.S. by air, land, or sea. The law's requirements have been modified several times over the past few years, but final rules were issued on March 28, 2008, so further changes are unlikely for now:

**Air Travel:** Since January 23, 2007, a valid passport has been required

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for all air travel to the U.S. (A Passport Card cannot be used; U.S. citizens need a Passport Book.)

**Land & Sea Travel:** Since January 31, 2008, U.S. citizens have needed to present either: 1. a passport (Passport Book or Passport Card)

-or-

2. a government-issued photo ID (such as a driver's license) plus proof of citizenship (such as a birth certificate) for land and **sea entry** to the U.S. from the Caribbean, Bermuda, Canada, and Mexico. (Passports already were required for re-entry from the rest of the world.) Oral declarations of citizenship are no longer accepted.

June 30, 2009: A valid passport or equivalent (Passport Book, Passport Card, Enhanced Driver's License, NEXUS, SENTRI, or FAST) will be required for all land and most sea entry into the U.S. from Canada, Mexico, the Caribbean, and Bermuda (a passport is already required for sea entry from other parts of the world).

A special exception has been granted to cruise ships on round-trip itineraries departing and returning to the same U.S. port. Adult U.S. and Canadian citizens will be able to continue using a government-issued photo ID plus birth certificate for the foreseeable future. Children will only need to present a birth certificate.

### **PassPorter's Recommendations:**

Our first concern is that travelers be prepared for whatever comes their way. We recommend you get a full U.S. passport (Passport Book) as soon as you can, as that is the most universally-acceptable form of travel ID.

U.S. Passport Book -- As far as we're concerned, this is the one ID to have. It's the most universally accepted ID for international and domestic travel. Anything less is a false economy. Get it done, and be prepared for any last-minute travel opportunities that may come your way. April in Paris, or a ski weekend in Whistler, anyone?

Passport Card -- Yes, it's less than half the cost of a regular passport, but it's less than half as useful, too. For example, if you're on a Caribbean cruise and must fly back to the U.S. in an emergency, the Passport Card will not be valid ID (although Customs and Border Protection agents can still grant waivers).

Passport Card as spare ID -- Since the Passport Card is credit

card-sized, it can be a useful extra ID to carry at all times (why carry that bulky Passport Book on domestic flights or a visit to the Canadian side of Niagara Falls?). Current U.S. Passport Book holders can get a Passport Card for \$20 (apply by mail using form DS-82), and you can also get a Passport Card at the same time you apply for a new or renewed Passport Book for just \$20 more.

Enhanced Driver's License -- U.S. state and Canadian provincial governments can issue an Enhanced Driver's License (EDL) that has the same international travel privileges as a Passport Card. It also has the same limitations.

Information on U.S. passport applications is available at <http://travel.state.gov/passport>

Department of Homeland Security REAL ID site: [http://www.dhs.gov/xprevprot/programs/gc\\_1200062053842.shtm](http://www.dhs.gov/xprevprot/programs/gc_1200062053842.shtm)

An analysis of the REAL ID Act is available at the National Conference of State Legislatures: <http://www.ncsl.org/standcomm/sctran/realidsummary05.htm>

## Now, the Details

### Do I have to worry about REAL ID?

All states and U.S. jurisdictions have now requested and received extensions to comply with the REAL ID Act until December 31, 2009. For now, then, you have no worries. Eventually, all drivers in states that comply will have to prove their identity and legal status to motor vehicle agency officials, and that will probably be a chore. This is still some years down the road, though.

**When will this really start to kick in?** States now have until December 31, 2009 to come into compliance. A second extension can be obtained that will be good until May 10, 2011. However, not everyone will need to have a REAL ID by those deadlines. States will have until December 1, 2014 to issue REAL ID to all those born on or after December 1, 1964, and until December 1, 2017 to issue REAL ID to all those born before December 1, 1964. Expect that all brand-new licenses should be REAL ID-compliant by May 10, 2009/2011, and then renewal licenses will phase-in gradually through 2017. Sometime between now and then, your state should notify you of its requirements, which will include presenting the necessary proofs of identity.

**What will I need to obtain a REAL ID-compliant photo ID?** REAL ID

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can only be issued to U.S. citizens, or non-citizens who are legally in the U.S. States have not announced their individual requirements, but at a minimum, all applicants will need to supply proof of their Social Security Number (presumably an actual Social Security card), proof of current address, and proof of citizenship (such as passport or birth certificate), or proof of their status as a legal alien. REAL ID must include a digital photo.

**What are the costs of REAL ID?** The Department of Homeland Security (DHS) estimates it will cost states \$4 billion to comply with REAL ID. This estimate assumes that states were already planning to make some of these changes, so those costs weren't counted. DHS originally estimated a cost of \$14 billion. The true cost may fall somewhere in between, or be even higher. With 200 million licensed drivers in the U.S., that works out to \$20-\$70 per license. We can expect to see some sort of temporary or permanent increase in our license fees.

**What is the burden on the states?** The REAL ID program requires states to confirm the identity and legal status of all license applicants, and states are required to cross-check with all other states to ensure that the person does not have more than one active driver's license.

REAL ID cannot be issued to people in the US illegally, or to people whose religious beliefs do not allow them to be photographed. States that choose to grant licenses to people who do not comply with REAL ID have to color-code and otherwise identify those licenses as non-REAL ID.

States are required to recertify driver identities during the renewal process -- they'll spread this process over several years, so your renewals may be business-as-usual for a while yet. Whether new or renewal, if you live in a REAL ID-compliant state you'll need to present the following at some point:

A photo identity document or non-photo document with your full legal name and date of birth (no mention of whether an existing driver's license would qualify).

Documentation showing your date of birth (birth certificate, perhaps passport)

Proof of your social security account number (presumably, a Social Security card), or proof that you're not eligible for a Social Security number.

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Documentation with your name and address of principal residence.

No foreign documents can be accepted, except for an official passport.

Proof of U.S. citizenship or status as an alien lawfully in the U.S.

Each state must take (and save) a digital photo of each applicant, even if the application is rejected.

At the least, it looks like you'll need three documents, since passports/birth certificates don't show current address or social security number, and state photo ID doesn't include social security number or proof of citizenship.

Not only must the state inspect this documentation, but it must confirm the validity of that documentation with the issuing agency. States will probably interconnect their motor vehicle computer systems, and U.S. passports will probably have their bar codes scanned and checked with Federal computers. Further, the state must "resolve discrepancies" when a search shows a person with the same Social Security number holds a license or ID in another state (in other words, the states have to actively cooperate to make sure that only one REAL ID exists per person). Expect to surrender your old driver's license when you apply in a new state.

It's expected that states will have major costs expanding and providing the necessary training and security clearances for its driver's licensing staffs, and face major computing system upgrades.

**Enhanced Driver's Licenses (EDL)** To add additional complication to the issue, U.S. states and Canadian provinces can offer an optional Enhanced Driver's License. This EDL, designed in cooperation with U.S. Customs and Border Protection, is the equivalent of a Passport Card -- usable for land and sea re-entry into the US from Canada, Mexico, Bermuda, and the Caribbean, and recognized as proof of citizenship by other governments in the region. EDLs are also fully compliant with the REAL ID Act. As of April 3, 2008, the state of Washington is the only state or province issuing EDLs.

**Important Differences Between Passport Books and Passport Cards:** The U.S. Passport Book is the traditional proof-of-citizenship document for U.S. citizens traveling between the U.S. and other countries. It is accepted by all countries that permit visits by U.S. citizens, and can be used to re-enter the U.S. by air, sea, or land, no matter where you've been. A new U.S. adult passport costs \$100, and is valid for 10 years.

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The **Passport Card** is a new Federally-issued identity document that can be used to reenter the U.S. by land or sea from Canada, Mexico, Bermuda, and the Caribbean. An adult Passport Card costs \$45 and is valid for 10 years. The Passport Card is only recognized by a limited number of other countries, and cannot be used to re-enter the U.S. by air. State-issued Enhanced Driver's Licenses (EDLs) have the same privileges and limitations as a Passport Card.

**Civil Liberties Concerns** Some Americans are concerned that these enhanced identity requirements violate traditional liberties, including the freedom to travel freely within the borders of the U.S., and the protection of private information. Some state governments have voiced these concerns as well, even though they are currently cooperating with the act. It is possible that court challenges to some provisions of the REAL ID Act may affect implementation of the act.

**RFID Chips** All passports issued today (including Passport Cards and Enhanced Driver's Licenses) include an "RFID chip" -- a device that allows Customs and Border Protection agents to "scan" an identity document without touching it. (This is supposed to speed border crossings and accurately identify travelers). According to Federal authorities, the RFID chip carries only a number that is used to call-up the person's passport information from a secure Federal database. It does not carry any kind of personal information that can be "scanned" by unauthorized individuals (they would need access to the government's computers to obtain information about that person). While there appears to be a variety of potential privacy risks to the widespread use of RFID, a discussion of those issues is not possible in this article. International treaties require the adoption of the RFID chip by all participating nations, so for now, international travelers cannot avoid this technology.

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