



BESTT Coalition

Business for Economic Security, Trade & Tourism

Myths and Realities on Integrating Real ID and WHTI

MYTH #1. Congress would have to amend the Immigration and Naturalization Act to grant states the ability to adjudicate citizenship. The 9/11 Commission does not recommend this action.

REALITY: It is not necessary to grant adjudication directly to states. Instead, you can propose an alternative arrangement that would give the federal government final say on citizenship. The law creating WHTI does not say citizenship must be adjudicated, only *denoted*, which could be done voluntarily on a driver's license.

Sec. 7209: The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation.

MYTH #2. Congress would have to amend REAL ID to include a biometric identifier at a cost of around \$1.1 billion borne by the states. This would mean more expensive driver's licenses on top of the \$5-10 additional cost of REAL ID.

REALITY: The REAL-ID Act already requires a photo biometric as does the passport alternative called the PASS Card, proposed by the Departments of Homeland Security and State.

REAL ID Law says that REAL-ID Drivers license must:

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

Minimum Document Requirements- To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

- (1) *The person's full legal name.*
- (2) *The person's date of birth.*
- (3) *The person's gender.*
- (4) *The person's driver's license or identification card number.*
- (5) *A digital photograph of the person.*
- (6) *The person's address of principle residence.*
- (7) *The person's signature.*
- (8) *Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.*
- (9) *A common machine-readable technology, with defined minimum data elements.*

These are all requirements that can be incorporated into WHTI legislation or/and a PASS card. If states, under REAL ID, have a “*mandatory facial image capture*” then why not add a security measure to the facial image and make the card acceptable for WHTI purposes as well?

MYTH #3: Due to the cost of the biometric feature and the potential need to hire more state employees etc., many states will not want to link REAL ID/WHTI. Maybe some northern border states will not balk, but what about southern/midwestern states?

REALITY: First, consider that implementing REAL-ID just in Michigan and New York takes care of 70% of border crossings, and adding Washington state would boost the figure to 90%.

Second, if funded, the REAL-ID Act bill allows the federal government to help pay for some of the new requirements. If the federal government is required to pay for WHTI, putting the money towards one program that incorporates both initiatives should be considered.

REAL-ID ACT SEC. 205. GRANTS TO STATES.

(a) In General- The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

(b) Authorization of Appropriations- There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

MYTH #4. What are people with a driver’s license that doesn’t expire for several years required to do once REAL ID is implemented? Do they have to buy a document to cross or get a new REAL ID driver’s license?

REALITY: One solution would be to affix the new border crossing-related information to an existing driver's license (e.g., an electronic tag). Another would be to allow drivers to renew early and get a replacement REAL ID. Either way individuals will have to get a new document, whether a drivers license, passport or PASS card. Why make people obtain, pay for and carry both? Why have the state government and federal government run such similar, duplicative programs at an extra expense to taxpayers?

MYTH #5. There are 11 categories of individuals that can get REAL ID -- not all are citizens. This is a security concern.

REALITY: First, REAL-ID requires collection of citizenship information.

Second, an indicator of citizenship could be coded at an individual's consent onto the card (coding could protect privacy) or there could be an indicator that the card is simply PASS card acceptable. Non-citizens would not receive this designation.

EVIDENCE OF LAWFUL STATUS- A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person--

- (i) is a citizen of the United States;*
- (ii) is an alien lawfully admitted for permanent or temporary residence in the United States;*
- (iii) has conditional permanent resident status in the United States;*
- (iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;*
- (v) has a valid, unexpired non-immigrant visa or non-immigrant visa status for entry into the United States;*
- (vi) has a pending application for asylum in the United States;*
- (vii) has a pending or approved application for temporary protected status in the United States;*
- (viii) has approved deferred action status; or*
- (ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.*