

## Introduction

Traveling in the U.S. can be a stressful process for anyone—even more so if you're undocumented! But it doesn't have to be complicated. If you're thinking of traveling as an undocumented person (with or without DACA) and are curious about how to travel safely, read on. Safe travels, undocu-travelers!

**Note:** This document is not intended to serve as legal advice and is not a substitute for obtaining legal advice from a qualified attorney.

## Domestic Flights

All travelers flying on a domestic flight must present a valid (unexpired) photo ID issued by the state or federal government. Undocumented individuals may use the following forms of ID accepted by TSA:

- State photo identity card
- State driver's license
- Military ID
- Foreign passport (must be unexpired<sup>1</sup>)
- U.S. Citizenship and Immigration Service Employment Authorization Card
- Trusted traveler cards such as the NEXUS, SENTRI and FAST cards issued by the Department of Homeland Security ("DHS")
- Border-crossing cards
- Native American tribal ID cards
- Airline or airport photo ID cards issued in compliance with TSA regulations and transportation worker ID credential

For a full list of TSA-acceptable forms of ID [click here](#).

## FAQ Regarding Domestic Flights

### 1. What is considered a "domestic flight" in the U.S.?

In the U.S., a domestic flight is a flight made within the country's boundaries. In other words, a domestic flight is within the U.S. without any layover or destination in another country. For example, a flight departing from Miami, Florida and arriving in Seattle, Washington is considered a domestic flight.

### 2. Can I fly to Hawaii or Alaska as an undocumented traveler?

Traveling to Hawaii or Alaska is considered a domestic flight. Both Hawaii and Alaska are states of the U.S. Therefore, flying to either destination follows the same

## Preparing for Your Domestic Flight

### 1. Have identification ready.

Make sure that when you book your flight, the name on your ticket is an exact match with the ID you will be using.

### 2. Secure your devices.

The government is allowed to ask you for your phone, but you do not have to provide your password. Keep your information secure; protect your devices with a number or word security password (as opposed to a pattern or a fingerprint).

### 3. Develop a safety plan.

In case you get stopped, designate at least 2 people to have access to your important documents, and contact info for your attorney/community organizations and family/friends. Share your flight info with them before traveling and discuss what to do in case anything goes wrong.

[TSA guidelines](#) as traveling to any other state in the country. **IMPORTANT:** When traveling, ensure that you do not have a layover in another country.

### 3. Do I need to have a REAL ID License to board?

No. If you plan to use a state license to board an airplane, a REAL ID compliant license will not be required until May 3, 2023. Please note that even if you do not have a REAL ID, you can use another form of identification, such as a valid (unexpired) foreign passport<sup>1</sup>. See Page 1 for a list of alternative identifications that can be used.

**Note:** For individuals in California, those who only qualify for the AB 60 driver's license are ineligible to receive a REAL ID driver's license.

### 4. Do I have to respond to the TSA/ICE/CBP agent's questions?

No, you have the right to remain silent under the Fifth Amendment. However, the refusal to answer questions may lead to prolonged questioning/detainment. When in doubt, do not answer questions about your citizenship or immigration status or sign any paperwork without the advice of a lawyer.

### 5. Can a TSA agent search my luggage and personal items?

TSA is only permitted to do "administrative searches" of passengers and their belongings, looking for prohibited items to ensure passengers' safety. "Criminal searches"

may be carried out only by law enforcement personnel, such as the FBI and state/local law enforcement officers, which may be called in by TSA at their discretion. For example, if TSA finds a prohibited item on a passenger's possession during screening, law enforcement officers may be called in.

### 6. Can a pilot order me off the plane?

Yes. The pilot of an airplane has the right to refuse to fly a passenger if he or she believes the passenger is a threat to the safety of the flight. However, the pilot's decision must be reasonable and based on observations of your actions, not stereotypes. If you are unfairly ordered off a plane, you can file a complaint with the airline or contact community organizations for support (e.g. ACLU).

### 7. (CA ONLY) Can I fly with an AB 60 License?

It is not recommended for an individual to fly with an AB 60 license (a driver's license available for undocumented individuals in California). TSA has been inconsistent regarding the acceptance of AB 60 licenses. TSA could use the license as a basis to stop someone, question them, and ultimately refer them to ICE for possible deportation/ removal hearings or immigration detention. Referral to ICE by TSA can happen even if the passenger is not traveling internationally.

### 8. Can I fly with a foreign passport or Employment Authorization Document Card?

Yes, as noted above, the list of approved identification to fly domestically includes foreign government-issued passports (must be valid) and/or a U.S. Citizenship and Immigration Services Employment Authorization Card (I-766). There have been reports of individuals who were not able to fly with these documents due to erroneous TSA agent denials. In such instances, inform the TSA agent that according to posted Transportation Security Administration guidelines, these are acceptable documents. Here is the link: [tsa.gov/travel/security-screening/identification](https://tsa.gov/travel/security-screening/identification)

We recommend that you review TSA's most up-to-date guidelines before your domestic flight.

## Ground Transportation: Public Buses & Trains

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There have been reports, especially during the Trump Administration, of Border Patrol agents conducting immigration checks without warrants on buses and trains, such as Greyhound and Amtrak. Although Customs Border Patrol (CBP) has publicly said that its agents are prohibited from boarding buses/trains and questioning passengers without warrants or a company's consent, it's a good idea for any passenger to be aware of the following rights:

- You have the **right to remain silent**.
- When in doubt, **do not answer questions** about your citizenship or immigration status or sign any paperwork without the advice of a lawyer. Do not lie - silence is often better.
- If you have valid immigration papers, you can provide them. **Never provide false documents**.
- You can **refuse a search** of your belongings by saying "I do not consent to a search."
- You have the **right to record** video of immigration agents.
- If you are stopped or searched, you have the right to ask for the officer's name / ID number.

## FAQ Regarding Ground Transportation

### 1. Can I travel without a photo identification when using the local subway?

Photo identification isn't required when using the local subway systems within a metropolitan area. To travel beyond city limits (e.g. riding Amtrak) you need a valid photo identification.

### 2. Can I travel without a photo identification when using a bus?

To travel on a bus within a metropolitan area, all you need is a schedule and fare. To ride to locations that are further, (e.g. riding with Greyhound) you need a valid photo identification.

## Ground Transportation: Driving

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Like citizens, certain non-citizens may be eligible to drive legally. In some states, certain non-citizens are eligible to apply for a driver's license. Check your state's Department of Motor Vehicles (DMV) to determine if you are eligible to apply for a driver's license regardless of your immigration status. If you are stopped by either law enforcement or immigration enforcement while in your car, consider the following recommendations:

1. Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light, open the window part way, and place your hands on the wheel.
2. Upon request, show the police your driver's license, registration, and proof of insurance.
3. If an officer or immigration agent asks to search your car, you can refuse. However, if the police believe your car contains evidence of a crime, they can search it without your consent.
4. Both drivers and passengers have the right to remain silent. If you're a passenger, you can also ask if you're free to leave. If yes, silently leave.

## FAQ Regarding Driving

### 1. Can the police ask me about my immigration status?

Yes. However, under the Fifth Amendment, you have the right to remain silent and do not have to answer questions about where you were born, whether you're a U.S. citizen, or how you entered the country. **Note:** separate rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists and business travelers. If you're not a U.S. citizen and have valid immigration papers, show them if an immigration agent requests it. Do not lie about your citizenship status or provide fake documents.

### 2. What is a Border Patrol checkpoint?

The United States Border Patrol operates traffic checkpoints, including 33 permanent traffic checkpoints near the Mexico-United States border. Border Patrol can conduct checkpoints within 100 miles of the border. DHS sometimes enters buses or trains and asks for passengers' documents. Along these checkpoints, Border Patrol agents may stop a vehicle for brief questioning of its occupants even if there is no reason to believe that the particular vehicle contains undocumented individuals. Furthermore, Border Patrol agents have wide discretion to refer motorists selectively to a secondary inspection area for additional brief questioning.

### 3. (CA ONLY) Where are some checkpoints in California?

Below are some noted checkpoints within California. Be prepared. Plan your route of travel and check before traveling.

- **San Clemente:** located 7 miles south of San Clemente on Interstate 5.
- **Temecula:** located 24 miles north of Escondido on Interstate 15.
- **Highway 79:** located 1 mile west of Sunshine Summit.
- **I-8 West:** located 3 miles east of Pine Valley on Interstate 8.
- **Highway 94:** located 24 miles east of San Diego on California State Route 94.
- **Highway 78/86:** located just south of the intersection of California State Routes 78 and 86, just west of the Salton Sea, controlling northbound traffic only.
- **Highway 111:** located between Niland and Bombay Beach.
- **Highway S2:** located 7 miles north of Ocotillo and I-8

in eastern San Diego County on S2 (Imperial Hwy/ Sweeney Pass Road) between I-8 and State Route 78.

## Traveling to U.S. Territories

Undocumented individuals who hold a temporary protection (e.g. TPS/DACA-recipients) may travel to the U.S. Territories without Advance Parole. However, it's important to know where and how to safely travel overseas to the U.S. Territories.

**IMPORTANT:** Travelling to the U.S Territories without DACA, even though a person has never technically left the U.S., could result in a referral to ICE for removal.

### Preparing for Your Travel to U.S. Territories

#### 1. Make sure your DACA is valid during your ENTIRE time abroad.

Do NOT allow your DACA to expire during any of the time you are contemplating being outside the U.S. mainland, even if you have a renewal pending. Plan to be in the U.S. mainland before it expires with no chance of any gap.

#### 2. Bring your USCIS documents showing your granted deferred status in order to facilitate your return.

Depending on where you travel, you may be subject to certain processes, including customs inspections. Having proof of your granted deferred status can help make this process go smoother.

#### 3. Make sure there are NO layovers outside the U.S. states and territories.

It is critical to ensure that there will not be a planned or emergency landing in a foreign country. For example, if you are traveling to the U.S. Virgin Islands, make sure you do not enter the Dominican Republic, due to bad weather, natural disasters, etc. Similarly, while overseas, be aware of any boat trip that might accidentally result in you being outside of U.S. waters, which can jeopardize your return to the U.S. (An inspection doesn't always happen when someone exits the U.S. A savvy traveler will know their route and any possibility of diversion before they travel.)

You may also find the following information on the [U.S. Customs and Border Protection \(USCBP\) website](#) helpful.

<sup>1</sup> If you're traveling with an expired license or passport you may still be able to fly. Acceptable forms of ID cannot be more than 12 months past the identified expiration date. [See here](#) for more information.