

Global Immigration alert

July 2026

United States

New proposed Texas driver's license requirements may impact nonimmigrants with expired visas

Executive summary

The state of Texas has proposed a change to the list of documents nonimmigrants in the United States may use to establish identity when applying for a Texas driver's license or state ID. As a result, certain nonimmigrants who are lawfully in the United States may encounter additional questions or challenges obtaining or renewing their state driver's license or ID in Texas after their visa stamp expires, even when they continue to maintain their nonimmigrant status.

Background and analysis

The Texas Department of Public Safety (DPS) recently adopted the position that a foreign passport must contain a valid (unexpired) US visa to be used as a primary identity document for REAL ID-compliant driver's license and state ID applications. Previously, nonimmigrant applicants could rely on a foreign passport containing a US visa stamp even if it had expired.

Consequently, in June 2026, Texas proposed amendments to its regulations that would formally remove references to expired visas. According to DPS, the proposed changes are intended to align Texas identity document requirements with federal REAL ID standards.

This change is most likely to impact individuals who have extended and/or changed their nonimmigrant status within the United States because they are not required to maintain a valid visa. While the proposed regulatory amendment remains open for public comment through 26 July 2026, there have been some reports that nonimmigrants in Texas

with expired visas have been unable to renew their driver's licenses.

What this means

As a practical matter, this can create challenges for nonimmigrants applying for or seeking to renew a Texas driver's license or state ID. An applicant may have a valid passport, Form I-94, nonimmigrant approval notice, proof of Texas residence, and/or a valid driver's license from another state, but still may not have the specific combination of identity documents required under the proposed changes in Texas.

Employers with nonimmigrant employees may wish to prepare for the following:

- Questions from employees regarding Texas driver's license applications, REAL ID requirements, and the effect of visa expiration
- Potential challenges for employees who have extended or changed status within the United States and therefore maintain valid status without a current visa stamp
- Additional support requests from employees relocating to Texas who may be unable to satisfy the state's identity-document requirements despite maintaining lawful immigration status
- The need for proactive communications to affected foreign national populations regarding driver's license and state ID considerations before visa expiration

Employers and mobility teams may wish to remind potentially impacted employees to assess their driver's

license or state ID needs proactively and, where appropriate, obtain a Texas credential before their visa stamp expires.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

EY | Building a better working world

EY is building a better working world by creating new value for clients, people, society and the planet, while building trust in capital markets.

Enabled by data, AI and advanced technology, EY teams help clients shape the future with confidence and develop answers for the most pressing issues of today and tomorrow.

EY teams work across a full spectrum of services in assurance, consulting, tax, strategy and transactions. Fueled by sector insights, a globally connected, multi-disciplinary network and diverse ecosystem partners, EY teams can provide services in more than 150 countries and territories.

All in to shape the future with confidence.

Follow us on X @EYCanada

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via ey.com/privacy. EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit ey.com.

About EY Law LLP

EY Law LLP is a Canadian law firm, affiliated with Ernst & Young LLP in Canada. Both EY Law LLP and Ernst & Young LLP are Ontario limited liability partnerships. EY Law LLP has no association or relationship with Ernst & Young LLP in the US, or any of its members. EY member firms do not practice law where not permitted by local law or regulation. Ernst & Young LLP (US) does not practice law or offer legal advice. For more information, please visit EYLaw.ca.

About Mehlman Jacobs LLP

Mehlman Jacobs LLP specializes in immigration law and provides legal and strategic advice to employers and their employees on all stages in the immigration process. Providing boutique, customized experience, the firm aims to provide transparency to an often complex and uncertain environment. Mehlman Jacobs, a California Limited Liability Partnership, limited to the practice of immigration law, is a member of Ernst & Young Global Limited and is independently owned and operated by US licensed lawyers.

© 2026 Ernst & Young LLP.

All Rights Reserved.

A member firm of Ernst & Young Global Limited.

EYG no. 113144-26-GBL

This publication contains information in summary form, current as of the date of publication, and is intended for general guidance only. It should not be regarded as comprehensive or a substitute for professional advice. Before taking any particular course of action, contact us or another professional advisor to discuss these matters in the context of your particular circumstances. We accept no responsibility for any loss or damage occasioned by your reliance on

EY Law LLP

Batia Stein, Partner
+1 416 943 3593
batia.j.stein@ca.ey.com

Marwah Serag, Partner
+1 416 943 2944
marwah.serag@ca.ey.com

Melanie Bradshaw, Partner
+1 416 943 5411
melanie.bradshaw@ca.ey.com

Mehlman Jacobs LLP
Sharon Mehlman, Partner
+1 858 404 9350
sharon.mehlman@mehlmanjacobs.com

Dilnaz A. Saleem, Partner
+1 713 750 1068
dilnaz.saleem@mehlmanjacobs.com

Author: David Dorsey, Associate, Manager
+1 604 648 3663
david.dorsey1@ca.ey.com

Roxanne Israel, Partner
+1 403 206 5086
roxanne.n.israel@ca.ey.com

Sheila Snyder, Partner
+1 604 899 3515
sheila.snyder@ca.ey.com

Stephanie Lipstein, Partner
+1 514 879 2725
stephanie.lipstein@ca.ey.com