



PROFESSIONAL AND OCCUPATIONAL LICENSES FOR IMMIGRANTS

A professional or occupational license authorizes practitioners of certain professions or trade, such as, medicine, teaching, plumbing, electrician, and cosmetology to work in a given industry. Although state governments regulate professional licenses through state licensing boards, under federal law, professional licenses cannot be extended to undocumented immigrants unless states affirmatively opt out of such federal restrictions by enacting legislation to provide for eligibility.¹

Requirements for a professional license vary between industries and states, and can consist of a combination of written examinations, higher education and demonstrated work experience. This backgrounder provides an overview of state licensing laws and highlights the need for state officials to eliminate barriers that prevent immigrants from practicing a profession.

Which states extend professional licenses to immigrants?

Arkansas: [HB 1552 \(2019\)](#) allows DACA recipients who have completed requirements to practice nursing in the state to apply for licenses.

California: [SB 1159 \(2014\)](#) offers professional licenses to anyone who completes the necessary training and other state licensing requirements, regardless of immigration status. Applicants without a Social Security Number can provide an Individual Tax Identification Number (ITIN) when seeking license.

Florida: [HB 775 \(2014\)](#) extends law licenses to immigrants so long as they meet certain conditions, including the applicant was brought to the U.S. as a minor; has been issued a Social Security Number; has been present in the United States for more than 10 years; and has received work authorization.

Illinois: [SB0023 \(2015\)](#) allows DACA recipients to apply for a law license. [SB 3109 \(2018\)](#) prohibits state officials from denying a professional license to anyone solely based on their immigration or citizenship status. Applicants may provide their ITIN number in place of a Social Security Number to apply for a license.

Mississippi: [HB 708 \(2018\)](#) provides that people with work authorization may apply to become Licensed Professional Counselors, if they meet other requirements for licensure in the state.



Nebraska: [LB 947 \(2016\)](#) also allows people with work authorization to apply for professional licenses in the state. The bill became law over objections from the governor.

New York: In May 2016, the New York Board of Regents permanently adopted regulations to allow DACA recipients to apply for teaching certifications and licenses in 50 professions.² Previously in 2015, the Supreme Court of the State of New York ruled in *Matter of Vargas*³ that a DACA recipient may be admitted to the state bar to practice law.

Nevada: [AB 275 \(2019\)](#) amended the state law by removing references to citizenship requirements for professional licenses. Officials are prohibited from denying a license based on immigration or citizenship status, and applicants may provide an ITIN number in place of a Social Security Number when applying for a license.

South Dakota: [SB 1045 \(2015\)](#) provides that any person, foreign-trained or a graduate of a non-accredited dental program may apply for a license to practice dentistry in the state. The State Board of Dentistry shall establish requirements to ensure that the applicant's training and education are sufficient for licensure.

Utah: [SB 131 \(2015\)](#) offers an occupational therapist license to an applicant who passes the state licensing

exam, and was licensed in a foreign country where the education, experience or exam requirements are not substantially equal to Utah's requirements.

What are the benefits to granting professional licenses to immigrants?

Boost the state's economy

Granting professional licenses to immigrants would boost state economy. A 2018 Pew Research Center report revealed that the estimated 44 million immigrants in the U.S. are better educated than ever.⁴ More than 30 percent of immigrants 25 years old and older have a bachelor's degree or higher.⁵ The increase in wages that would result from fully employing trained immigrant professionals could add millions of dollars in tax revenues.

Allows immigrants to fill job demands

According to the U.S. Department of Labor, there were 7.3 million unfilled jobs in May 2019 with only 5.7 million new hires to fill those jobs.⁶ Many of the areas where professional licenses are required include high-paying and high-demand jobs. Granting professional licenses to immigrants would allow employers to fill jobs and enable immigrants to contribute their skills to the state's workforce.

Allows states to benefit from educational investment

According to the National Center for Education Statistics, it cost an estimated \$13,847 to educate a public school student in 2017-2018.⁷ Granting professional licenses to immigrants who have benefited from public education in the U.S. allows them to join the workforce and contribute to the state's economy, thus allowing the state to get a return on its investment.

Promotes economic self-sufficiency within immigrant communities

In 2017, immigrants had an estimated \$1.5 trillion in total spending power and paid \$405 billion in taxes, according to a New Economy report.⁸ Granting professional licenses to immigrants would enable them to become self-sufficient and participate in the economic development of their communities.

How can states eliminate barriers to professional licenses for Immigrants?

Align foreign training with state licensing requirements

Nearly 2 million skilled immigrants and refugees in the U.S. are significantly underemployed or unemployed, according to [Upwardly Global](#),⁹ a nonprofit organization that assists skilled immigrants with integrating into the professional workforce. Due to employers and state licensing boards' unfamiliarity with foreign training standards, they often do not recognize candidates' foreign credentials, thus forcing them to accept any employment opportunity in order to provide for themselves. State authorities should make licensing procedures flexible by allowing officials to license a candidate whose foreign training is substantially comparable for a profession and passes the state licensing exam.

Eliminate citizenship and immigration status requirements for licensure

Several states require U.S. citizenship or lawful permanent resident status in order to qualify for a professional license. By taking away citizenship and residency requirements, states would reach untapped talents and expertise within the immigrant community. This would also increase the state's advantage in attracting qualified professionals, thus enhancing the state's competitiveness for new talent.

Expand access to apprenticeship programs

Many people have limited access to higher education or vocational skills programs for various reasons, including insufficient funds to pay for training required to obtain a license. Becoming an apprentice may be an affordable option. In addition, some people who have significant experience or a license in a foreign country may only require short-term training through apprenticeship to obtain specific skills necessary for integrating into the U.S. workforce. Therefore, officials should invest funding into apprenticeship programs in a wide variety of occupations to make them more accessible.

Prioritize protecting the dignity of work

Pope Francis teaches there is human dignity in a person's ability to provide for themselves, and that without work, we lose that dignity. Hence, society must defend the dignity that work gives us.¹⁰ States should adopt policies that not only expand access to skilled employment opportunities, but also ensure equal legal protections for non-citizen workers.

Endnotes

¹ 8 U.S.C. § 1621

² Press Release: “Board of Regents Permanently Adopts Regulations to Allow DACA Recipients to Apply for Teacher Certification and Professional Licenses,” New York State Education Department, May 17, 2016, retrieved from <http://www.nysed.gov/news/2016/board-regents-permanently-adopts-regulations-allow-daca-recipients-apply-teacher>

³ *Matter of Vargas*, 131 AD3d 4 (2nd Dept. 2015).

⁴ “Education levels of U.S. immigrants are on the rise,” Pew Research Center, September 14, 2018 <https://www.pewresearch.org/fact-tank/2018/09/14/education-levels-of-u-s-immigrants-are-on-the-rise/>

⁵ *Id.*

⁶ Bureau of Labor Statistics, US Department of Labor, Economic News Release, released July 9, 2019, <https://www.bls.gov/news.release/jolts.nr0.htm>

⁷ U.S. Department of Education, National Center for Education Statistics (2018), retrieved from: <https://nces.ed.gov/fastfacts/display.asp?id=66>

⁸ “U.S. immigrants pay billions of dollars in taxes each year,” Quartz, April 14, 2019, <https://qz.com/1595339/immigrants-pay-billions-in-taxes-each-year/>

⁹ <https://www.upwardlyglobal.org/our-impact/impact-statistics/>

¹⁰ Pope Francis, Mass during a pastoral visit to the Italian region of Molise, July 5, 2014. For more on the Church’s teachings on work, visit <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/the-dignity-of-work-and-the-rights-of-workers.cfm>.