



**The Council
of State
Governments**

Licensing Policy For Immigrants and Refugees

State and Local Actions



Background

Professionals immigrating to the United States often have difficulty obtaining recognition for foreign education or credentials, frequently requiring them to obtain an occupational license in the state in which they live and wish to work. This can leave immigrant professionals underemployed or unemployed. The federal government sets the conditions for immigrants to live and work in the U.S. and issues visas for both permanent and temporary employment, but state governments retain the power to establish regulations for the practice of a profession or occupation, which can include a process for licensing.

Barriers that immigrant and refugee professionals face in the U.S. have a serious impact on the workforce and specific sectors with worker shortages. State governments have made strides to lower these barriers. This report will identify where the challenges are most strongly felt and what progress has been made to welcome immigrants into the workforce.

Health Care

With significant workforce shortages throughout the country there has been an increased focus on ways to bring new individuals into professions experiencing shortages, such as the health care industry. The pandemic and America's rapidly aging population have created a significant need for health care workers in nearly every state. Immigrant health care professionals make up a large portion of that workforce. For example, nearly 16% of all registered nurses are immigrants, according to the [Migration Policy Institute](#). While there are a variety of factors which contribute to mass workforce shortages in health care and other sectors, stricter federal immigration laws in the last decade had a significant impact on the supply of workers.

State Actions

In 1996, the federal government enacted [Public Law 104-193](#) - the Personal Responsibility and Work Opportunity Reconciliation Act. This legislation limits the ability of immigrants to earn professional licenses. In some cases, states have passed legislation to offset those limits for certain immigrant populations or for certain occupations. This includes efforts focused on individuals affected by Deferred Action on Childhood Arrivals (DACA). Arkansas ([House Bill 1552](#), 2019), Illinois ([Senate Bill 23](#), 2015) and New York have legislation in place that names DACA recipients as eligible for certain occupational licenses. However, the legal status of [DACA has become uncertain](#). In July 2021, a Texas federal court found the DACA program is unlawful. The federal government has appealed and oral argument is scheduled for July 2022. The result of this appeal could have a domino effect on state laws that name DACA recipients specifically.

While states have been hesitant to allow undocumented immigrants to obtain a license in all professions, some states have made it easier for this population in particular instances. For example, in 2018 Illinois enacted [Senate Bill 3109](#) which allows applicants for a pharmaceutical license to use a tax identification number instead of their Social Security.

One way that states can make gains in integrating immigrant labor into the workforce is by developing a task force. The Maryland Department of Labor, along with the state's Department



of Health and Human Services, co-lead the [Maryland Skilled Immigrant Task Force](#). Skilled immigrant labor consists of workers who have some education or experience which qualifies them for specific professions. This task force brings together numerous stakeholders throughout the state, including community colleges, job centers and refugee settlement organizations. These groups work in coordination to identify best practices in integrating skilled immigrant labor into the workforce. The task force also create resources which assist skilled immigrants.

In some cases, a task force is associated with a profession that may offer guidance to immigrants in that field. For example, Colorado's Nurse-Physician Advisory Task Force for Colorado Healthcare (NPATCH) was created in 2009 to promote safety in health care and facilitate best practices. In August 2021 NPATCH released policy recommendations regarding international medical graduates. These recommendations led to [House Bill 22-1050](#), which was signed into law on June 7, 2022. This bill identifies the shortage of health care workers in the state and the presence of internationally trained medical professionals who could fill existing workforce gaps. The bill also establishes an assistance program and clinical readiness program. These programs provide direct services and support to immigrants as they build skills for residency programs in Colorado.

Southern States

Legislative progress in removing barriers to professional licensure for immigrants often applies to specific occupations.

- Florida [House Bill 775](#) (2014) extends law licenses to immigrants who meet certain conditions.
- Mississippi [House Bill 708](#) (2018) allows people with work authorization to apply for professional counseling licenses.
- Tennessee enacted [House Bill 2309](#) (2022) to clarify that in order to obtain a professional license, an applicant must provide proof of being a U.S. citizen or eligibility as a qualified alien through the federal [Electronic Immigration Status Verification](#) program. The SAVE program is an online verification service that allows federal, state and local agencies to verify an applicant's immigration status.
- Virginia [House Bill 1121](#) (2020) allows individuals who completed their education program in another country to apply for a state license.

Kentucky

Kentucky has yet to explicitly allow DACA recipients to obtain occupational licensure. Currently, individuals must prove citizenship when applying for licensure and those that do not can be disqualified from obtaining a professional license. The state could change this for all professions or work with individual licensing boards. However, if DACA were to be discontinued, these reforms may become obsolete.

Kentucky does not have a task force in place to study the challenges in this area of licensure and offer solutions. Task forces are often the beginning stage for meaningful legislation or collaboration among stakeholders.

For a more detailed look at recent actions on this issue at the state level, view Appendix 1.



Local Actions

In the absence of inclusive federal and state policies, in many cases it has fallen to local governments to support immigrants seeking professional work. Through partnerships with nonprofit and advocacy organizations, localities have conducted research and provided support to immigrant populations. For example, [New American Economy](#) (NAE) is a bipartisan research and advocacy organization championing immigration policies that help grow federal, state and local economies and create jobs. In 2020 NAE announced research support to 11 local communities (Brownsville, Texas; Denver, Colorado; Detroit, Michigan; Indianapolis, Indiana; Jersey City, New Jersey; Louisville, Kentucky; Minneapolis, Minnesota; Portland Oregon, Saint Paul, Minnesota; San Jose, California; and Tulsa, Oklahoma) and one nonprofit organization to explore include immigrant workers in responses to emergency situations, such as COVID-19.

Each of these communities received a customized research report that highlights the demographic details about the area's immigrant population. Louisville's report showed that the foreign-born community makes up 7.2% of the total population. This population is highly educated, with 40% holding a college or graduate degree. Louisville has an [Office for Globalization](#) whose mission is to assist new Americans achieve self-sufficiency and success, enhance multi-culturalism and engage in economic development.

The Office for Globalization leads the [Global Louisville Action Plan](#) in collaboration with the mayor's office, regional chamber of commerce (Greater Louisville, Inc.) and hundreds of community members. The action plan seeks to integrate foreign-born Louisvillians into the economy by helping skilled workers attain credential verification. Services offered through the action plan include:

- Connecting arriving foreign-born residents with key resources and networks through community on-boarding programs.
- Increasing job-centered English language programs for foreign-born workforce.
- Helping skilled foreign-born workers attain credential verification, job retraining or skill realignment to fill workforce needs in high-skilled jobs.
- Building stronger connections, on-ramps, "next opportunity" jobs, professional training and progressive career paths for skilled foreign-born workers.

According to the research by NAE, immigrants in Detroit make up more than 11.7% of health care workers and 16.9% of pharmacy workers. The outcomes of this research led to the initiation of [Global Detroit](#) in 2010. Global Detroit includes five main support areas: Talent, Entrepreneurship, Opportunity Neighborhoods, Inclusive Institutions and Research. An early partner of Global Detroit was the Michigan Office of New Americans, now [Office of Global Michigan](#). Global Michigan makes policy recommendations to the governor on state and federal policies that would minimize or remove barriers to accessing services in the state. This office is responsible for the [Michigan International Talent Solutions](#) program. This program supports highly educated immigrants and refugees in Michigan in their return to their professional field.

The government sites for Detroit and Louisville direct immigrants to [Upwardly Global](#), a national organization that assists professionals in restarting their careers in the U.S. Upwardly Global partners with organizations and governments to invest in workforce development. It offers a career skills program for qualifying immigrants who live in California, Connecticut, Georgia, Illinois, Indiana, Massachusetts, Maryland, Minnesota, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Virginia, Washington, Wisconsin or Washington D.C.



Conclusion

While there has been little action at the federal level on immigrant licensing, this population continues to fill key positions in the workforce, especially in health care. Several states have made progress toward opening this process to foreign-trained workers and there is much that other states can learn. Local governments have also developed programs and resources for refugees in their areas.

For more resources on licensing policy from the Council of State Governments, visit licensing.csq.org.

Appendix

State	Year	Title	Description
Minnesota	2014	Senate Bill 1340	Authorizes Foreign-Trained Physician Task Force to develop strategies to integrate immigrant physicians to address barriers and alleviate shortages
Florida	2014	House Bill 775	Extends law licenses to immigrants as long as they meet certain conditions, including having been brought to the U.S. as a minor; issued a Social Security Number; present in the U.S. for more than 10 years; and granted work authorization.
California	2014	Senate Bill 1159	Offers professional licenses to anyone who completes necessary training and other state licensing requirements, regardless of immigration status; applicants without a Social Security Number can provide an Individual Tax Identification Number
Illinois	2015	Senate Bill 23	Allows DACA recipients to apply for a law license
South Dakota	2015	Senate Bill 1045	Provides that any person - foreign-trained or a graduate of a nonaccredited dental program - may apply for a license to practice dentistry; the State Board of Dentistry shall establish requirements to ensure the applicant's training and education are sufficient
Utah	2015	Senate Bill 131	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
New York	2016	N/A	New York Board of Regents permanently adopted regulations to allow DACA recipients to apply for teaching certifications and licenses in 50 professions; in 2015, the New York Supreme Court ruled that a DACA recipient may be admitted to the state bar to practice law
Nebraska	2016	Legislative Bill 947	Allows people with work authorization to apply for professional licenses in the state



Illinois	2018	Senate Bill 3109	Prohibits state officials from denying a professional license to anyone solely based on immigration/citizenship status; may provide Individual Tax Identification Number in place of Social Security number
Mississippi	2018	House Bill 708	Provides that people with work authorization may apply to become Licensed Professional Counselors, if they meet other requirements for licensure in the state
Illinois	2019	Senate Bill 1166	Allows a person lawfully admitted for permanent residence to qualify for licensure under various state acts
Arkansas	2019	House Bill 1552	Allows DACA recipients who have completed nursing requirements to apply for nursing licenses
Nevada	2019	Assembly Bill 275	Amends 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 Individual Tax Identification Number in place of a Social Security Number
New Jersey	2020	Senate Bill 2455	Prohibits lawful presence in U.S. as a qualification for obtaining professional or occupational license
Virginia	2020	House Bill 1121	Provides that an applicant who completed a massage therapy educational program in a foreign country may apply for licensure
California	2021	Assembly Bill 628	Implements initiative intended to focus on innovative approaches to, and proven practices for, addressing racial, ethnic and socioeconomic disparities in the labor market.
Nevada	2021	Assembly Bill 376	Enacts the Keep Nevada Working Act and makes various other changes relating to immigration
Colorado	2021	Senate Bill 21-077	Eliminates requirement that the Department of Education and each division, board or agency of the Department of Regulatory Agencies verify the lawful presence of each applicant before issuing or renewing a license
New Mexico	2021	Senate Bill 219	Prohibits lawful presence in U.S. as qualification for obtaining professional or occupational license
Tennessee	2022	House Bill 2309	Allows certain immigrants to obtain licensure in specialty or trade
Washington	2022	Senate Bill 5693	Appropriates \$2,366,000 in fiscal years 2022 and 2023 for employment services for refugees and immigrants, of which \$1,774,000 is provided for statewide refugee and immigrant assistance organizations for limited English proficiency pathway services



Washington	2022	<u>House Bill 2019</u>	Supports career and technical training for careers in retail
Colorado	2022	<u>House Bill 1050</u>	Establishes an International Medical Graduate assistance program as well as a clinical readiness program to build skills for residency programs in Colorado
Colorado	2022	<u>Senate Bill 22-140</u>	Requires Office of New Americans to convene an 18-month global talent task force to study the process for certain in-demand occupational licenses, look at international credentials and take advantage of the global pool of skilled workers; and provide tools for new Americans and English language learners to enter into work-based learning programs and to improve language and skills development for specific occupations and careers
