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Within You Without You: Undocumented Lawyers, DACA, and Occupational Licensing

Michael A. Olivas
University of Houston

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JUSTICE ROBERT D. RUCKER LECTURE

WITHIN YOU WITHOUT YOU:†
UNDOCUMENTED LAWYERS, DACA, AND OCCUPATIONAL LICENSING

Michael A. Olivas*

This essay is an early reflection upon several intersecting narratives, ones that exist in several dimensions, rather like the iconic Star Trek chess game that added depth and competing chess boards layered on top of each other.1 Or, in a more earthly sense, I situate several legal narrative flows that exist in a tectonic fashion, cruising by each other to contain the Earth’s magma core, but occasionally and spectacularly colliding and bumping up against each other, leaving fresh landscapes and jagged oceanic scars. How else can observers understand and reconcile the different stories of complex immigration categories, the architecture of occupational licensing, and the intersecting state and federal dimensions that form this Joycean novel? Who would have ever thought that an undocumented immigrant, without legal status in the U.S., could be practicing law with the support and accommodation by the California state bar licensing authority, the California Legislature, the State’s Governor, and the

† “We were talking about the space between us all/and the people who hide themselves behind a wall of illusion” George Harrison, “Within You Without You,” (Produced by George Martin) from The Beatles, Sgt. Pepper’s Lonely Hearts Club Band (Capitol Records, 1967, 4CL-2653). The data in this article were collected through Summer, 2017. A number of the working assumptions about DACA shifted when President Trump and Attorney General Sessions announced the end of the program, contingent upon Congress acting to enact a form of relief for the DACA recipients. See, e.g., Jeremy W. Peters, On the Right, Anger and Bewilderment, N. Y. TIMES, September 15, 2017, at A1. As of this printing, SCOTUS had scheduled arguments on the complex travel ban, for October 2017, but withdrew the grant of certiorari. Daniel M. Kowalski, Travel Ban 3.0—Presidential Proclamation (Sept. 24, 2017)—UPDATED, LexisNexis Legal Newsroom Immigration Law, https://shar.es/1VClRQ.

* Michael A. Olivas is William B. Bates Distinguished Chair in Law and Director of the Institute for Higher Education Law & Governance at the University of Houston Law Center. He thanks Professor Janet Calvo (CUNY) for her deep participation in this project and fellow laborers Professor Alina Das (NYU) and Jose Perez of Latino Justice/PRLDEF. He also acknowledges the assistance of Deborah Y. Jones and the research skills of UHLC research assistants Eglantine Pauvarel Moss, Angeline Gallivan, Nancy M. Molina, and Rocío Rodríguez Ruiz. And I could never complete a major project without the assistance of Katy Stein Badeaux and Augustina H. Reyes.

California Supreme Court? Or that President Barack Obama’s Department of Justice would argue against the move? And who could have predicted the fertile Obama use in 2012 of Deferred Action for Childhood Arrivals (DACA), broadening the traditional narrow scope of discretionary administrative enforcement authority, with the effect of transforming over three quarters of a million undocumented youth into DACAmented youth—after many years of record immigration enforcement, deportations, and removals of unauthorized adults and children?

I write to frame a multi-year research project that I have fit into a full scholarly agenda, working with legions of law and graduate students to gather for the first time, basic immigration eligibility information that serves as statutory, administrative, common law, and local prerequisites for entering licensed professions, high and low. The framework sets out national data across all United States jurisdictions, with the admissions standards and citizenship/immigration status required for entry into medicine, nursing, attorney, and K-12 teaching professions, and drills down on several large state jurisdictions in detailed case studies across dozens of licensed occupations in California, Texas, Illinois, and New York. My research has not revealed any national studies—and I have looked everywhere and shagged any number of false leads—and the sheer size of such an enterprise has likely precluded others from this snipe hunt.

But once the data are assembled and reviewed, fascinating trends emerged. As befits a multi-jurisdictional dataset, there are major

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6 See infra Appendix I (providing a state-by-state breakdown of Professional License Eligibility Requirements for physicians, nurses, attorneys, and educators).
inconsistencies, gaps, and mistakes in regards to state occupational licensing laws, and virtually every state has multiple examples.7 While no one could have anticipated the explosive growth occasioned by DACA and its unique vectors implicating occupational licensing, it is growing clear that most licensure or certification authorities have not thought through immigration and citizenship requirements for their professions in any systematic fashion.8 Virtually all have some form of formal or informal citizenship admissions criteria, but as DACA and case law have revealed, this tectonic plate is shifting and disturbing other plates.9 In geology, the earth’s lithosphere—sub-layers of the crust—moves in regular and punctuated fashion, creating continental drift, faults, and trenches across the globe.10 Its counterpart in immigration and licensing law is the changing and moving universe of immigration law and the growing state regulation of labor and employment, necessitating special tools of legal analysis.11 In this vein, I offer preliminary thoughts about the various immigration classifications implicated by business and occupational licensing.12 Then, I set out to briefly describe the overall architectural features of licensing in U.S. society, revealing multidimensional forces at play, both at the state and federal levels.13 Finally, I will situate the data, pointing out both intuitive issues and a number of counter-intuitive considerations that make a unified occupational licensing field-theory virtually impossible.14 As a result, many jurisdictions will continue to muddle along, deciding challenges and mounting reforms on a case-by-case basis. Each of these areas has its own narrative flow, and the overall effect is confusing and ineffective.

7 See infra Appendix II (detailing the differences between state occupational licensing laws that require varying statuses of citizenship).
8 See infra Appendix II (noting the substantial differences entangled between state occupational licensing laws and citizenship status).
9 See infra Appendix II (reporting differences between state occupational licensing and citizenship requirements for funeral directors, massage therapists, temporary agency workers, occupational therapists, optometrists, pharmacists, physical therapists, private investigators, and real estate agents and brokers).
11 See infra Appendix II (noting the extravagant state statutory differences between certain occupational licensing requirements relevant to citizenship).
12 See infra Part I (discussing how occupational licensing requirements depend on contrasting immigration classifications that are far from uniform).
13 See infra Part I (homing in on differences in occupational licensing requirements and immigration classifications between state and federal jurisdictions). See also infra Part II–III (providing samples of specific state occupational licensing requirements).
14 See infra Appendix I–II (differentiating the varying state approaches for immigration citizenship requirements within specific occupations).
Even so, these data will assist all serious scholars, elected officials, and professional license authorities.

I. IMMIGRATION NARRATIVE FACILITATING LABOR AND EMPLOYMENT

Setting aside refugee and asylum matters recently in the news, United States immigration policies and procedures break the world down into two large admissibility categories: family-related relationships spanning all dimensions of this comprehensive subject, and employment-based regimes, which govern the importation of labor and work-eligibility. Although these are obviously intertwined in many respects, the family and employment bases are parallel universes, almost Manichean in their ways. Being a United States citizen, whether by birthright or by naturalization, entitles that person to work at any job that is offered to her and for which she is eligible. (And that relationship to employment is in turn regulated by a myriad of labor, civil rights, and employment features.) At the opposite end of the spectrum, a transient passing through the United States on a common carrier passenger laying over at the airport during a flight across the world would not earn employment authorization, any more than if booking passage on a train


17 See How The United States Immigration System Works, supra note 16 (detailing the family- and employment-based immigration regimes). See, e.g., 8 U.S.C. § 1151(a)(1)–(2) (2012) (allowing similar numbers of immigrant visas for “family-sponsored immigrants” as visas issued to “employment-based immigrants”). See also Manichean, VOCABULARY.COM, https://www.vocabulary.com/dictionary/Manichean [https://perma.cc/S8EH-3ASP] (last visited Sept. 13, 2017) (“If you believe in the Manichean idea of dualism, you tend to look at things as having two sides that are opposed. To Manicheans, life can be divided neatly between good or evil, light or dark, or love and hate. When you see Manichean, think ‘two.’”).

that on its course, traversed United States and Canadian or Mexican borders.

But it is the many places across this possible spectrum of employment authorization, manifested in an Employment Authorization Document (an EAD, in the immigration argot),¹⁹ that predominate in this narrative. Most naturalized citizens move from Legal Permanent Resident status (LPR) to citizenship, which can be derived from either a family-based or employment-based relationship, and LPRs are eligible for virtually all employment opportunities and licenses, save a few outdated anomalies, such as being an optometrist in Puerto Rico,²⁰ to possible security-related employment on classified job sites, where U.S. citizenship may be a prerequisite.²¹ In an increasingly complex and accommodating world,


many persons also can, depending upon their eligibility and resources, maintain multiple citizenships or nationalities, or can choose not to become Citizens, even if eligible to do so.\footnote{See, e.g., Nyquist v. Mauclet, 432 U.S. 1, 3–5, 11–12 (1977) (holding a New York statute unconstitutional for requiring state residents seeking financial aid benefits to be U.S. citizens or declare intent to become U.S. citizens because permanent non-citizen residents, \textit{inter alia}, pay taxes on benefits and should not be required to become citizens even if eligible to do so).} In \textit{Mauclet}, for example, the U.S. Supreme Court held that important college financial aid benefits could not be withheld from LPRs who had not chosen to invoke U.S. citizenship,\footnote{See \textit{id.} at 11–12 (finding a violation of constitutional rights of permanent New York residents denied financial aid for not declaring intent to become United States citizens by wishing to retain citizenship in foreign countries). The Department of Justice also polices inappropriate EAD practices, such as when employers require certain paperwork of LPRs, but not citizens, even though both are authorized for employment. \textit{See also} Press Release, Dep’t of Justice, Justice Department Settles Immigration-Related Discrimination Claims Against 121 Residency Programs and American Association of Colleges of Podiatric Medicine (June 20, 2016) https://www.justice.gov/opa/pr/justice-department-settles-immigration-related-discrimination-claims-against-121-residency [https://perma.cc/X55A-VXJZ] (explaining settlement over podiatric residency policies).} inasmuch as they are allowed to remain permanently in the country and participate in almost all civic activities, save voting in federal elections, holding certain office, and the like.\footnote{See \textit{Nyquist}, 432 U.S. at 12 (finding that a non-citizen may become a leader in the community without having any political involvement).}

In addition, anyone admitted to the United States as an immigrant earns LPR status, whether they are admitted by the employment or family-based routes.\footnote{See \textit{AMERICAN IMMIGRATION COUNCIL, HOW THE UNITED STATES IMMIGRATION SYSTEM WORKS} (Aug. 12, 2016), https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works [https://perma.cc/ZL4K-P3PF] (providing more information on numbers of recipients of LPR status, including family-based and employment-based statistics). \textit{See}, e.g., 8 U.S.C. § 1151(a)(1)–(2) (2012) (granting visas to immigrants or LPRs regardless of family or employment-based categories).} In turn, as LPRs, they are eligible for employment and most licensing.\footnote{See \textit{infra} Appendix II (listing state statutes that require varying levels of citizenship to obtain specific occupational licenses).} Notwithstanding this constitutional equivalence between eligibility for citizens and permanent residents, a large number of occupational licensing requirements cite U.S. citizenship as a prerequisite.\footnote{See \textit{Nyquist}, 432 U.S. at 12 (reporting that LPRs may apply for almost any job).}

States that appear to limit occupational licensing to U.S. citizens are ripe targets for an admissions challenge.
prerequisite.\textsuperscript{28} Yet the data I present in the body of this study are riddled with such occupational admissions criteria, waiting to be discovered by an otherwise-eligible non-citizen applicant who would bring a legal challenge. These occupational admissions criteria revealed the parallel issue that a number of states are inconsistent in their formal application of state law, either by requiring immigration information not necessitated by operating statutes, or by using inconsistent immigration categories across multiple licensing criteria.\textsuperscript{29}

The next category would be the millions of persons who enter the country annually as non-immigrants, temporarily admitted for temporary purposes, with alphabetical categories from A to V.\textsuperscript{30} These categories include a number of employment-related occupational authorizations, but many of the largest categories do not allow employment.\textsuperscript{31} Some small categories of non-immigrant visas allow no employment or U.S.-derived salary, save traditional benefits and small intermittent stipends, such as a European or Latin American academic on a tourist visa, who would give a series of lectures in United States colleges and lecture halls, occasioning travel support, honoraria, and meals.\textsuperscript{32} A number of entertainers are allowed to enter the U.S. for festivals or concerts where they are not paid, but only receive travel-related support, such as music groups attending the annual South by Southwest music festival in Austin, Texas.\textsuperscript{33} This

\textsuperscript{28} See infra Appendix II (noting at least fourteen state statutes that specifically require nothing short of U.S. citizenship for at least one occupation).

\textsuperscript{29} See, e.g., infra Appendix II (finding that Pennsylvania statutes require applicants wishing to become practical nurses to merely declare intent to become a U.S. citizen, whereas private detective applicants must be citizens of the United States).


\textsuperscript{32} See generally DAN H. BERGER & RITA SOSTRIN, IMMIGRATION OPTIONS FOR ACADEMICS AND RESEARCHERS (2d ed. 2011) (noting various retention options for university-affiliated immigrants). Notwithstanding the disruptions of student flows, the year 2017 reveals a very large number of international students enrolled in U.S. colleges, and a substantial percentage of them using the provisions to remain in the country to work after the completion of their degrees. See also Neil G. Ruiz, More Foreign Grads of U.S. Colleges Are Staying in the Country to Work, PEW RES. (May 18, 2017), http://pewrsr.ch/2qA0foh [https://perma.cc/9H2B-SZWK] (showing methods for foreign graduates to remain in the country and recent statistics).

arrangement was intersected by the 2017 Trump Administration’s travel ban, which disrupted the longstanding arrangements, and left the affected groups with last-minute cancellations, even though their time in the country was donated and not paid for by stipends or salaries; they were not only denied permission to perform, but even to enter the country on non-immigrant visas.\(^{34}\)

Given the many millions who enter the country each year on non-employment non-immigrant visas, most cannot work or be employed by U.S. employers while in the country, such as categories of tourists or certain family members, who are not extended employment authorization.\(^{35}\) In most instances, the Department of Homeland Security (DHS) is required to determine whether a non-immigrant admitted into the country may be employed, self-employed, or ineligible to work.\(^{36}\) Certain non-immigrants will have employment authorization in their DHS-assigned class of admission (such as performers, free in most instances to strike deals with entertainment venues), while other non-immigrants may have employment authorization but only with specific employers (such as religious organization workers), with no freelancing; if they were to lose their position, they would be removable.\(^{37}\) Although


\(^{35}\) See, e.g., U.S. CITIZENSHIP AND IMMIGRATION SERVICES, Q CULTURAL EXCHANGE (July 14, 2015), https://www.uscis.gov/working-united-states/temporary-workers/q-cultural-exchange [https://perma.cc/3DED-4J2P]. As an example, dependents of Q-1 visa holders (persons participating in an international cultural exchange program for the purpose of providing practical training, employment, and to share the history, culture, and traditions of the alien’s home country) are ineligible for derivative EAD. *Id.* The Immigration and Nationality Act (INA) does not provide any specific nonimmigrant classification for dependents of Q-1 nonimmigrants, but this does not preclude the spouse or child of a Q-1 from entering the U.S. in another nonimmigrant classification, based on their own unique and separate qualifications and eligibility. *Id.*

\(^{36}\) See U.S. CITIZENSHIP & IMMIGRATION SERVS., TEMPORARY (NONIMMIGRANT) WORKERS, *supra* note 30 (providing descriptions and classifications of employment eligibility for non-immigrant workers).

all are technically “temporary,” their eligibility to work can last for many years and decades, as long as the terms are properly maintained and the requirements are adhered to.\(^ {38}\) Almost all these employment relationships exist in a zone maintained and administered by the DHS and the Department of Labor (DOL).\(^ {39}\) As noted, some non-immigrants may not be employed and cannot apply for employment authorization while in the U.S., such as tourists or crew members.\(^ {40}\)

While there is much more to fill in about how this vast array operates, I am sketching these to show the overall mechanics and why occupational licensing matters.\(^ {41}\) There are additional categories that involve and can enable such non-citizen-status persons to hold employment.\(^ {42}\) A variety of loosely-connected status and inchoate categories could be set out as ones with PRUCOL (permanently residing under color of law) characteristics.\(^ {43}\) Although the formal category was abolished by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), it still remains in play through its functional equivalent of

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\(^ {38}\) See id. (stating that R-1 status can be granted initially for 30 months, but then extended to 60 months).


“qualified aliens,” such as those in the country as refugees before their LPR status is accorded, after the requisite waiting period, or as asylum-seekers, whose cases are being determined.44 These PRUCOL non-citizens are allowed to remain in the United States until their cases are resolved, usually with EAD during the pendency of the determination, and after resolution of the matter.45 Inherent in these determinations is that the person is “known to the government,” and some are otherwise eligible for public benefits, sometimes including “lawful presence,” an important category that suspends their deportation until after a formal process that can take many years and which, in effect, freezes their illegality and removability.46

It is exactly at this point that DACA figures into the picture, and “on the thirtieth anniversary of Plyler v. Doe—the 1982 case in which the U.S. Supreme Court ruled that states could not [charge tuition] for the education of schoolchildren of unauthorized immigrants—[President Obama in 2012] announced a halt to the deportation of some undocumented immigrants who came to the United States as children and had graduated from high school.”47 Unfortunately, it was not the stalled DREAM Act, which would have created a path to citizenship for some immigrants who came to the United States as children and have been admitted to college or registered under the Selective Service Act.48 The

44 See id. at SI 00501.420(B)(2)(j) (“Aliens admitted to the United States pursuant to section 203(a)(7) of the Immigration and Nationality Act (INA) are treated as if they are ‘conditional entrants,’” in a liminal status of permanently residing under color of law. In 1980, “Section 203(a) (7) of the INA was made obsolete by the Refugee Act of 1980 (Public Law (P.L.) 96-212) and replaced by section 207 of the INA, effective April 1, 1980”).

45 See id. at SI 00501.420(D)(2) (stating that under PRUCOL, non-citizens may temporarily remain and work in the United States).

46 See id. at SI 00501.420(A)(1). The Social Security Administration, for example, defines PRUCOL as those permanently residing under color of law. Id. PRUCOL is not an alien status; it is a term used to define the eligibility of certain aliens for certain Federal benefits (i.e., SSI, AFDC, Medicaid, unemployment insurance). Id. It includes any alien who is residing in the U.S. with the knowledge and permission of DHS, and whose departure from the U.S. DHS does not contemplate enforcing. Id.


President’s decision to fashion DACA, which used existing powers of prosecutorial discretion, reaching back to the earlier John Lennon case, was old wine in a new wineskin, one that became surprisingly resilient and transformative. The policy did not create a pathway to LPR or citizenship, as the DREAM Act would have done, but deferred deportation for renewable two-year periods, and more to the points under discussion, gave the recipients several important benefits: EAD, a Social Security Number (SSN), and “lawful presence,” such as had existed with a number of the PRUCOL non-citizens.

The FAQ section of DACA’s policies and procedures clearly states:

Although action on your case has been deferred and you do not accrue unlawful presence (for admissibility purposes) during the period of deferred action, deferred action does not confer any lawful status. The fact that you are not accruing unlawful presence does not change whether you are in lawful status while you remain in the United States. However, although deferred action does not confer a lawful immigration status, your period of stay is authorized by the Department of Homeland Security while your deferred action is in effect and, for admissibility purposes, you are

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50 See FAQ: U.S. CUSTOMS & IMMIGRATION SERVS., FREQUENTLY ASKED QUESTIONS (Apr. 25, 2017), https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions [https://perma.cc/NL7R-4WWZ] [hereinafter FAQ] (offering instructive guidance on DACA and answering various questions). USCIS maintained an excellent and helpful website, with program information, application protocols, and an informative and updated FAQ. Id. For the several years of DACA’s early existence, there was almost not a day when I did not either employ the FAQ and tabular data, or recommend that some colleague or DREAMer do so.

51 Id.

52 Id.
considered to be lawfully present in the United States during that time.\textsuperscript{53} Individuals granted deferred action are not precluded by federal law from establishing domicile in the U.S.\textsuperscript{54}

Apart from the immigration laws, “lawful presence,” “lawful status” and similar terms are used in various other federal and state laws.\textsuperscript{55}

Within the first week of the DACA program application, which began August 15, 2012, tens of thousands of these students surfaced, and by the end of the Obama Administration in 2017, more than three quarters of a million DACA recipients had been screened and admitted into being “DACAmented,” with virtually all renewing after the two-year period.\textsuperscript{56} A number of court challenges followed, beginning within six months, when disgruntled ICE employees filed suit in federal court, and lost.\textsuperscript{57} Also, in a complex series of cases concerning second-round extensions, there were no successful substantive challenges to DACA or the President’s discretionary immigration authority.\textsuperscript{58}

Undocumented immigrants eligible for DACA flocked to its programs, triggering a number of issues having to do with the EAD authority.\textsuperscript{59} These issues include challenges from immigrant rights groups, such as the Mexican American Legal Defense and Educational

\textsuperscript{53} Id.
\textsuperscript{54} Id. (emphasis added).
\textsuperscript{55} See, e.g., 8 U.S.C. § 1621(d) (“A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) of this section only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.”); TEX. DEPT OF PUBLIC SAFETY, U.S. CITIZENSHIP OR LAWFUL PRESENCE REQUIREMENT, (last visited May 19, 2017), https://www.dps.texas.gov/DriverLicense/LawfulStatusDLID.htm [https://perma.cc/JJ63-8YUV] (requiring “lawful presence” as a precondition for a Texas driver’s license).
\textsuperscript{57} See Crane v. Napolitano, 920 F. Supp. 2d 724, 736, 738, 742–43, 745–46 (N.D. Tex. 2013) (dismissing challenge to DACA under Civil Service Reform Act (CSRA)), aff’d, 783 F.3d 244, 247, 252–53, 255 (5th Cir. 2015) (affirming the district court’s dismissal of plaintiff’s challenge to DACA under CSRA).
\textsuperscript{58} See id. (referencing all DACA cases).
Fund (MALDEF) challenging Nationwide Insurance, a major national insurance services company, when it would not admit DACA recipients into its management program, even with EAD, on the grounds that such work authorization was of limited duration and contingent.\textsuperscript{60} In an important settlement, Nationwide agreed to admit otherwise-qualified DACA recipients to apply and be considered for the management trainee program.\textsuperscript{61} This signaled to other would-be or hesitant employers that they were not violating federal law by hiring such employees, but rather, they were violating law by NOT considering for employment fully qualified individuals with full permission to work in the United States.\textsuperscript{62}

Building upon the 2012 success, in November 2014, President Obama set out the Immigration Accountability Executive Action, which would have widened DACA and expanded the program from two years to three years, and also the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) initiative for the parents of U.S citizens and lawful permanent residents who met certain criteria.\textsuperscript{63} As unpopular as the successful DACA program had proven to opponents, it had been tested several times and had been found to be legal by almost every court that reviewed the issue, including collateral DACA-related benefits such
as resident college tuition and driver’s licenses to DACA recipients. But behind _Plyler_ and DACA was a narrative that innocent children should not be punished for actions undertaken by their parents, and, in such a narrative, parents morphed into lawbreakers and villains, resulting in an all-out war upon DAPA when attempting to give them any DACA-like relief.

Almost immediately, restrictionist Maricopa County, Arizona Sheriff Joe Arpaio sued in a Washington, D.C. federal court to enjoin the DACA extension and the DAPA program, and twenty-six state attorneys general filed a similar case in the Brownsville, Texas federal court. Sheriff Arpaio’s lawsuit was dismissed, and upon appeal, the dismissal was upheld by a three-judge panel of the D.C. Circuit Court of Appeals. SCOTUS denied certiorari on the Sheriff’s appeal, ending the matter.

However, the Texas federal court preliminarily enjoined both initiatives (not the original DACA, but its expansion and extension to three years upon renewal), as well as DAPA. The Department of Justice appealed, and the Fifth Circuit Court of Appeals panel upheld Judge Andrew Hanen’s ruling in a 2-1 decision.

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66 See Josh Blackman, _Gridlock_, 130 HARV. L. REV. 241, 278–304 (2016) (critiquing United States v. Texas, 136 S. Ct. 2277 (2016)). Although I disagree with virtually every point made by Professor Josh Blackman in his Gridlock article, it is a good specimen of principled objections to DAPA, and to a lesser extent, DACA and its extension.


70 See Texas, 86 F. Supp. 3d at 676 (issuing preliminary injunction).

71 See Texas v. United States, 787 F.3d 733, 743 (5th Cir. 2015) (denying stay of injunction); Texas v. United States, 809 F.3d 134, 188 (5th Cir. 2015) (affirming preliminary injunction).

72 See Texas, 787 F.3d at 743 (denying stay of injunction); Texas, 809 F.3d at 188 (affirming preliminary injunction). See generally Am. Immigration Council, _supra_ note 63 (finding that Texas has standing to bring lawsuit and would “likely prevail” on APA claim).
absent the recently-deceased Justice Antonin Scalia—tied 4-4, upholding the District Court’s original Temporary Restraining Order and returning the case to Brownsville. When the Trump Administration took office in January 2017, there was no actual ruling on the constitutionality of DACA, its extension to three years, or DAPA. The *status quo ante* set in, with no further formal action taken by the Trump Administration on DACA, despite confusing developments that led to the removal of one DACA recipient and the accusation that another was ineligible.

After a flurry of cases concerning DACA, the question became: how are the hundreds of thousands of DACAmented students to be treated, as their new benefits rendered them eligible to remain in college, and to move into licensed occupations and other employment? In addition, there were still many college students who were undocumented and ineligible for DACA due to a variety of reasons, such as age, inability to meet the criminal tests, or inability to be admitted into or afford college, 

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73 See United States v. Texas, 136 S. Ct. 2271, 2272 (2016) (affirming the temporary enjoinder). An equally divided (4-4) Court affirmed, by per curiam opinion, the judgment of the appeals court below. The Fifth Circuit had temporarily enjoined DAPA and the extension of DACA, resulting in the remand back to the federal district court to determine whether the discretionary actions should be permanently enjoined.


76 See Angela D. Adams, Deferred Action for ‘Dreamers’: Advising DACA Students About Affording College, NAT’L ASS’N OF STUDENT FIN. AID ADMINS. (Dec. 6, 2012), https://www.nasfaa.org/news-item/1899/Deferred_Action_for_Dreamers_Advising_DACA_Students_About_Affording_College [https://perma.cc/S82N-8NF5] (discussing considerations for students right after the DACA program was instituted).
the pathway to DACA. These undocumented students or undocumented persons were unable to navigate DACA, hence they were unauthorized to receive employment authorization, SSNs, or the other collateral benefits of DACA, such as “lawful presence.” They were, in effect, removable once they were known to the government or came into governmental sights. Of all the immigration categories, individuals with similar circumstances as these students might find work, but have no legal status, no lawful presence, and no prospects of ever being able to adjust their liminal illegality into a pathway to citizenship, or even to the safer confines of DACA.

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77 See id. (outlining the requirements for qualifying under DACA and the issues arising with DACA qualified students paying for school).
78 See FAQ, supra note 50 (discussing the benefits conferred by deferred action for DACA recipients).
79 See id. (explaining that if deferred status is not conferred under DACA, removal proceedings can be instituted).
Table One: DACA Data (through 2016)

<table>
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<th>Period</th>
<th>Requests by Intake, Biometrics and Case Status</th>
<th>Biometrics(^a)</th>
<th>Case Society(^b)</th>
<th>Requests Under Review(^c)</th>
<th>Approved(^d)</th>
<th>Denied(^e)</th>
<th>Pending(^f)</th>
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<td>Requests Rejected(^1)</td>
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<td>3,395</td>
<td>155,826</td>
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<td>134,035</td>
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<td>2013 Initial</td>
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<td>19,064</td>
<td>191,487</td>
<td>48</td>
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<td>3,765</td>
<td>120,242</td>
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<tr>
<td>2015 Renewal</td>
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<td>92,063</td>
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<tr>
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<td>28,014</td>
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<tr>
<td>2014 Renewal</td>
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<td>3,495</td>
<td>94,769</td>
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<td>N/A</td>
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<tr>
<td>2013 Initial</td>
<td>52,165</td>
<td>1,134</td>
<td>53,296</td>
<td>259</td>
<td>N/A</td>
<td>N/A</td>
<td>27,062</td>
</tr>
<tr>
<td>2014 Renewal</td>
<td>59,009</td>
<td>2,562</td>
<td>61,571</td>
<td>476</td>
<td>N/A</td>
<td>N/A</td>
<td>66,276</td>
</tr>
<tr>
<td>Total Cumulative</td>
<td>1,352,530</td>
<td>85,242</td>
<td>1,437,782</td>
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<td>1,371,850</td>
<td>57,161</td>
<td>1,395,494</td>
</tr>
<tr>
<td>Cumulative Initial</td>
<td>189,512</td>
<td>46,105</td>
<td>235,617</td>
<td>402</td>
<td>N/A</td>
<td>N/A</td>
<td>77,285</td>
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<tr>
<td>Total Cumulative Renewal</td>
<td>1,163,018</td>
<td>80,137</td>
<td>1,245,150</td>
<td>1,493</td>
<td>1,318,563</td>
<td>57,161</td>
<td>1,328,209</td>
</tr>
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</table>

\(^a\) Data withheld to protect requestors’ privacy.

\(^b\) Represents zero

\(^1\) Refers to a request for USCIS to consider deferred removal action for an individual based on guidelines described in the Secretary of Homeland Security’s memorandum issued June 15, 2012. Each request is considered on a case-by-case basis. See [http://www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals) [https://perma.cc/LU3F-D5JW].

\(^2\) The number of new requests accepted at a Lockbox during the reporting period.

\(^3\) The number of requests rejected at a Lockbox during the reporting period.

\(^4\) The number of requests that were received at a Lockbox during the reporting period.

\(^5\) The number of requests accepted per day at a Lockbox as of the end of the reporting period. Also note the average accepted per day for initial plus renewal will not equal the total average.
A. Federal and State Jurisdictions and Occupational Licensing Governance – California Lawyers as a Case Study

This brief review masks many important features that matter, but are required to situate the data at the heart of this project.81 The complex worlds of occupational licensing have many features in common, but each specific area has its own top-to-bottom features, grounded in state statutes, regulations, common law, and trade practices.82 For example, lawyer licensing is usually the domain of state statute, but in a number of states, the details are determined by a state bar, a separate licensing authority (such as a state board of law examiners or bar examiners), or the state’s supreme court, or an amalgam of the various decision makers.83 A longstanding tradition of self-governance within law licensure has given much discretion to the final arbiter in each state to determine who may join the profession and have permission to practice law in that jurisdiction.

81 See infra Part I.A (conceding that the brief review of the article masks important features of this project).
making it a very complicated pathway and journey, made all the more difficult by the reciprocal effect of bar admissions across state borders, where sophisticated legal practices often require multi-state licensing and federal and state eligibility to try complex cases or negotiate transactions.84 In addition, some fields of specialized law are predominantly federal, such as in the fields of immigration law and patent law, and therefore these federal practice areas will implicate certain federal bar admissions requirements.85

This is evident in the largest state, California, where there is a state statute that sets out provisions for the state bar, governed by a Board of Trustees.86 Its provisions include: Title 1. Global Provisions, Title 2. Rights and Responsibilities of Members, Title 3. Programs and Services, Title 4. Admissions and Educational Standards, Title 5. Discipline, Title 6. Governance, Title 7. Miscellaneous Provisions, and the California Rules of Professional Conduct.87 The State Bar Act is set out by the California Business & Professions Code Div. 3–Professions and Vocations Generally, Ch. 4–Attorneys, and codifies the practice of law in California.88 The state bar exam and admissions procedures are administered by its Committee of Bar Examiners.89 (I include this outline in some detail, so as to give a sense of how complex the overall licensure and maintenance of licenses can be. The actual topics run over a dozen pages, simply outlining the subject matter.)90

This is just one occupational licensing architecture, albeit a highly regulated arrangement and, in some respects, a protectionist scheme, designed to limit the important medallion to a limited number of

84 See Pamela A. McManus, Have Law License: Will Travel, 15 GEO. J. LEGAL ETHICS 527, 528–30 (2002) (explaining complex issues related to law licensure). In this article, McManus explores the history of the State’s power to regulate lawyers through licensure and advocates for the need of a multijurisdictional law practice (MJPOL) that would allow lawyers to service clients in a state other than where the lawyer has been licensed. Id. See also Trippe S. Fried, Licensing Lawyers in the Modern Economy, 31 CAMPBELL L. REV. 51, 52–53 (2008) (outlining the need for businesses to hire multijurisdictional lawyers to negotiate business transactions).
85 See generally Nicholas Matich, Patent Office Practice after the America Invents Act, 23 FED. CIR. B. J. 225, 244 (2013); Ken Port et al., Where Have All the Patent Lawyers Gone: Long Time Passing, 97 J. PAT. & TRADEMARK OFF. SOC’Y 193, 198 (2015).
86 See CAL. R. STATE BAR.
87 CAL. R. STATE BAR tit. 1 et seq.
88 CAL. BUS. & PROF. CODE § 6000 (West, Westlaw through Ch. 248 of 2017 Reg. Sess.) (stating that this is the chapter on attorney’s and “may be cited as the State Bar Act”). Chapter four of California’s Business and Professions Code comprises sixteen articles which govern attorneys in the state. Id.
89 See id. § 6046 (West, Westlaw through Ch. 179 of 2017 Sess.) (showing powers of California’s examining committee).
seekers.\textsuperscript{91} In this welter of complex governance in California law admissions, there had been no reference to or requirement of immigration status or citizenship until 2008, in effect, allowing undocumented students to take and pass the bar and truthfully answer all the questions posed for admission and membership.\textsuperscript{92} If and when they met all the eligibility criteria, they were admitted, in small numbers, and formed a Dream Bar Association.\textsuperscript{93} Discussions with California scholars and bar admissions personnel have estimated that between one and two dozen such undocumented lawyers had been licensed in the state, prior to the case of Sergio Garcia, who was born in 1977 in Mexico, of Mexican parents.\textsuperscript{94}

Garcia was residing in California without legal status, although he had lived in the United States almost all his life, and continuously since 1994.\textsuperscript{95} Due to the complexities of U.S. immigration law, his undocumented father had earned LPR status, and eventually became a U.S. Citizen, but due to long queues in lines for Mexican dependents, his son Sergio had been waiting for nearly twenty years for an adjustment of status.\textsuperscript{96} This PRUCOL-like limbo is indicative of the often-cruel and senseless nature of immigration, especially in its slow crawl for would-be beneficiaries from over-subscribed countries such as Mexico.\textsuperscript{97}

When DACA was enacted in 2012, Garcia was too old to apply, but he received his law degree from Cal Northern School of Law in May 2009, and took and passed the July 2009 California bar examination, a year after the Committee of Bar Examiners began asking for immigration information on its application. As the California Supreme Court summarized:

\begin{quote}
the Committee ‘has submitted the name of Sergio C. Garcia (hereafter Garcia or applicant) for admission to the
\end{quote}

\textsuperscript{91} See id. at 301 (“[L]icensing of lawyers … accomplishes little other than keeping the price of legal services and lawyers’ wages high by restricting entry into the profession.”).

\textsuperscript{92} See Jordan Fabian, \textit{Sergio Garcia: USA’s First Undocumented Lawyer}, ATLANTIC (Jan. 6, 2014), https://www.theatlantic.com/politics/archive/2014/01/sergio-garcia-usas-first-undocumented-lawyer/430509/ [https://perma.cc/N7MR-TSAF] (discussing the case of Sergio Garcia, a law school graduate who passed the bar exam but was denied admission to California’s bar).


\textsuperscript{94} See \textit{In re} Garcia, 315 P.3d 117, 121 (Cal. 2014) (highlighting the entrance of Sergio Garcia to the United States from Mexico).

\textsuperscript{95} See id. (describing Garcia’s residency history in the United States).

\textsuperscript{96} See id. at 121–22 (explaining the path to legal status for Sergio Garcia’s father as compared to Sergio’s long wait for status adjustment).

\textsuperscript{97} See id. at 121 (acknowledging the backlog of visas available for Mexican immigrants).
State Bar. In conjunction with its certification, the Committee has brought to the court’s attention the fact that Garcia’s current immigration status is that of an undocumented immigrant, and has noted that the question whether an undocumented immigrant may be admitted to the State Bar is an issue that has not previously been addressed or decided by this court. We issued an order to show cause in this matter to address the question.98

Our order to show cause requested briefing on a number of issues raised by the Committee’s motion to admit Garcia to the State Bar, including the proper interpretation of a federal statute — section 1621 of title 8 of the United States Code (hereafter section 1621) — that generally restricts an undocumented immigrant’s eligibility to obtain a professional license but that also contains a subsection expressly authorizing a state to render an undocumented immigrant eligible to obtain such a professional license through the enactment of a state law meeting specified requirements.99 Very shortly after we held oral argument in this matter, the California Legislature enacted a statute that was intended to satisfy this aspect of section 1621 and the Governor signed that legislation into law. (Bus. & Prof. Code, § 6064, subd. (b); Stats. 2013, ch. 573, § 1, enacting Assem. Bill No. 1024 (2013–2014 Reg. Sess.) as amended Sept. 6, 2013.) The new legislation became effective on January 1, 2014.100

In light of the recently enacted state legislation, we conclude that the Committee’s motion to admit Garcia to the State Bar should be granted.”101

The new statute provided in Section 6064:

(a) Upon certification by the examining committee that the applicant has fulfilled the requirements for admission to practice law, the Supreme Court may admit the applicant as an attorney at law in all the courts of this state and may direct an order to be

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98 Id. at 120–21.
99 In re Garcia, 315 P.3d at 121.
100 Id.
101 Id. (granting Sergio Garcia admittance to the State Bar of California).
entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.102

(b) Upon certification by the examining committee that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court. *(Amended by Stats. 2013, Ch. 573, Sec. 1. Effective January 1, 2014.)*103

It is a fascinating narrative, and makes California the first State to affirmatively grant authorization for an undocumented person (one “who is not lawfully present in the United States”) to be licensed to practice law.104 Florida has passed a similar law, but it is limited to applicants—like those with DACA—who are “lawfully present,”105 not

102 CAL. BUS. & PROF. CODE § 6064 (West, Westlaw through Ch. 179 of 2017 Reg. Sess.).
103 Id. § 6064 (West, Westlaw through Ch. 179 of 2017 Sess.); *In re Garcia*, 315 P.3d at 121 (discussing the legislative enactment of Section 6064).
105 Florida’s statute regarding requirements for bar admission states:

   Upon certification by the Florida Board of Bar Examiners that an applicant who is an unauthorized immigrant who was brought to the United States as a minor; has been present in the United States for more than 10 years; has received documented employment authorization from the United States Citizenship and Immigration Services (USCIS); has been issued a social security number; if a male, has registered with the Selective Service System if required to do so under the Military Selective Service Act, 50 U.S.C. App. 453; and has fulfilled all requirements for admission to practice law in this state, the Supreme Court of Florida may admit that applicant as an attorney at law authorized to practice in this state and may direct an order be entered upon the court’s records to that effect.

undocumented, and New York has had similar administrative law actions to allow DACA recipients to practice law in that State.\textsuperscript{106} And, as becomes evident in the study data, some states are like pre-2008 California and ask no immigration questions.\textsuperscript{107} Hence, there can be no immigration lies or equivocations. Given the rising costs of legal education and other forms of professional education, the uncertainties of DACA, the tantalizing reach of comprehensive immigration reform, and the continuing refinement of collateral legal issues, it is not clear how these issues will play out, but it is clear that some number of law students, medical students, and others with post-baccalaureate qualifications will come forth in jurisdictions that have immigration policies and practices that will have to be clarified or modified in the case of these nascent professionals.\textsuperscript{108}

of an undocumented individual and the hurdles he faced trying to obtain a license to practice law). It also has a comprehensive review of lawyer licensing in its Appendix, at 400–418. \textit{Id.}

\textsuperscript{106} Cesar Vargas entered the country from Mexico without authorization when he was five years old, and has resided continuously since then. He was sworn into the New York state bar in 2016 at the age of thirty-two. He graduated from law school and passed the New York State bar exam in 2011. He applied for admission to the bar in 2012, but was denied by the Committee on Character and Fitness because he lacked legal status. While he received DACA in 2013, his case was referred to the Appellate Division of State Supreme Court, which voted to admit him, pending resolution of an ill-advised 2015 arrest record for political protest. After six months of probation, he was able to expunge his record and his admission was granted. He was not the first lawyer in New York without legal status, but the bar had not inquired into immigration status before his case. See Kirk Semple, \textit{Bar Exam Passed, Immigrant Still Can’t Practice Law}, N.Y. TIMES (Dec. 3, 2013), http://www.nytimes.com/2013/12/04/nyregion/for-immigrant-passing-the-bar-exam-wasnt-enough.html [https://perma.cc/S6FD-V9HU] (examining the denial of Cesar Vargas to the New York bar); Liz Robbins, \textit{An Immigrant’s Four-Year Fight to Become a Lawyer Ends in Celebrations}, N.Y. TIMES (Feb. 3, 2016), https://www.nytimes.com/2016/02/04/nyregion/immigrants-4-year-legal-fight-to-become-a-lawyer-ends-in-celebration.html [https://perma.cc/U7UB-BC3M] (outlining Cesar Vargas’ recent win and admission to the New York Bar).

\textsuperscript{107} See Stephane Mahe, \textit{American Bar Association to Allow Illegal Immigrants to Become Lawyers}, RT NEWS (Aug. 15, 2017), https://www.rt.com/usa/399713-us-bar-opens-access-undocumented/ [https://perma.cc/WP4J-25LU] (revealing that prior to California allowing illegal immigrants to become lawyers, seven states were already allowing them to become lawyers). Inasmuch as the state provides resident tuition even for undocumented college students (without reference to undergraduate or graduate level), Texas is a ripe target for challenges both to its medical and law licensing practices, especially when the attorney requirements appear to envision DACAmented applicants. Rule II provides: “applicants must (5) qualify under one of the following categories: (D) be otherwise authorized to work lawfully in the United States, including in a period of Optional Practical Training.” TEX. B.
And it is not too early to anticipate some second-order issues that likely might arise, even once admissions may be granted. For example, the comity arrangement of reciprocity that has arisen for multi-state law practice will bog down if no other state accepts such members whose immigration status is not the same as the reciprocal state’s requirements—even with reciprocity language on the books. If they are undocumented attorneys, they will not have work authorization, and so being hired may place them and employers at risk, thus leaving them with a restricted number of employment opportunities outside the solo practice of law. There are sometimes additional filters required for a comprehensive practice, such as permission to practice before a federal tribunal or entity. In Garcia’s case, the Department of Justice entered into the amicus fray, and argued that he should not be admitted to the state


110 See U.S. LEGAL, RECIPROCITY, https://attorneys.uslegal.com/licensing-of-attorneys/reciprocity/ [https://perma.cc/WT64-USQS] (last visited Sept. 21, 2017) (containing a look at the reciprocity agreements for all the states). Reciprocity agreements are entered into, and the terms decided, independently by the individual states. States could therefore require immigration status concurrent with their laws as a condition to reciprocity. Id.

111 See, e.g., Medina, supra note 109 (outlining Sergio Garcia’s acceptance to the California State Bar, but stating that his employment opportunities are limited).


113 The DOJ brief argued that Sec. 1621 preempted the California Supreme Court from adjudicating the matter, and that anyone such as Garcia who was not authorized to work could not fully serve as a lawyer. See Brief for the United States, at 5–6 as Amicus Curiae Supporting Applicant, In re Garcia, 315 P.3d 117 (Cal. 2014) (No. S202512) (arguing that Section 1621 preempted California law and prohibited the admission of Sergio García to the California State Bar).
practice based upon their reading of Section 1621, on which the California Supreme Court ruled—notwithstanding the exceptions spelled out in some detail:

§ 1621. Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits
(a) In general
(b) Notwithstanding any other provision of law and except as provided in subsections (b) and (d) of this section, an alien who is not--
(1) a qualified alien (as defined in section 1641 of this title),
(2) a nonimmigrant under the Immigration and Nationality Act, or
(3) an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year, is not eligible for any State or local public benefit (as defined in subsection (c) of this section). . .
(c) “State or local public benefit” defined
(1) Except as provided in paragraphs (2) and (3), for purposes of this subchapter the term “State or local public benefit” means--
(A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; . . .
(d) State authority to provide for eligibility of illegal aliens for State and local public benefits
A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) of this section only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.114

Inasmuch as California did just this for lawyers, a “professional license . . . provided by an agency of a State or local government or by

appropriated funds of a State or local government” triggers the exception to the federal prohibition. And because DACA provides “lawful presence” to its recipients, this provision is not even applicable for the undocumented, the provision to allow licenses could be triggered by any state that enacts state law, whether by statute or other operation of law, for the undocumented (without lawful presence) or the DACAmented (with lawful presence). This reveals the extent to which federal and state law interact in licensing and immigration governance, and in very a complicated fashion regarding DACA.

II. SAMPLING OF OTHER STATES’ ATTORNEY LICENSING

Parsing these high-caste occupational law licensing immigration criteria would require book-length observations, but selecting several examples here from Appendix I will suffice to make the point that this is a rich diet, with many tasty morsels evident and larders full of ripe fruit. To continue the theme of attorney licensing, see the first four alphabetical states:

Alabama: “Only a person who is a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, may be licensed to practice law in this state.” This broad categorization could include many non-immigrants who were “legally present,” and DACA provides the requisite “lawful presence,” technically making it possible in theory for the DACAmented and others with a variety of immigration categorizations to become licensed.

116 This was essentially the position cited by DOJ in opposition to the Sergio Garcia bar admission matter. See Brief for the United States, supra note 113, at 5–6.
118 See infra Appendix I: Professional License Eligibility Requirements (Physicians, Nurses, Attorneys, Teachers/Educators) (illustrating that the high-caste occupational law licensing immigration criteria is unpredictable).
119 Ala. Code § 34-3-6(d) (2017).
Alaska: “The application shall be made under oath and contain such information relating to the applicant's age, residence, addresses, citizenship, occupations, general education, legal education, moral character and other matters as may be required by the Board”; however, the application must contain the applicant's social security number. This state is silent on required immigration status, provided the applicant has a SSN—available to DACA recipients; it is not clear if an Individual Taxpayer Identification Number (ITIN) could suffice.\textsuperscript{120}

Arizona: “If a US citizen, a copy [is required] of your birth certificate, passport information page, valid driver’s license, completed I-9, or certificate of naturalization (copies allowed). If not a citizen of the USA, copies of official documentation of immigration status.” This is a particularly inconsistent requirement in a state that has been an active litigant on both sides of benefits-eligibility in the immigration and especially the DACA context. But the technical eligibility language (“If not a citizen of the USA, copies of official documentation of immigration status”) covers a number of immigration categories, and is unclear on its reach. As just one pertinent example, any non-immigrant student or tourist could provide such documentation.\textsuperscript{121}

Arkansas: “Candidates may be a United States citizen, an alien lawfully admitted for permanent residence, or an alien otherwise authorized to work or study lawfully in the United States.” This requirement appears to cover the waterfront, but the last phrase (“or an alien otherwise authorized to work or study lawfully in the United States”) would appear to enable licensing for both DACA recipients, who are “authorized to work,” or some F-1 students. Even the seemingly-straightforward language of being “authorized to... study lawfully in the United States” is not definitive, as many categories of non-


immigrants may enroll to study, not only the two most common F-1 or M-1 visa categories.  

There are more landmines dotting this field, inasmuch as states deploy proxy measures as substitutes or elaborations for immigration status requirements, not always anticipating how the measures can change over time (such as DACA, or collateral legislation), or how imperfect or imprecise terminology are, such as “students,” “SSN holders,” or “lawful presence.” Again, DACA became the perfect vehicle for broad eligibility, as states likely had no intent or plans to admit DACA recipients, inasmuch as the program began in 2012, and no one could have predicted the growth or even understood that Sergio Garcia could arise and challenge the complex and intricate pathways, much less that the country’s largest state would act in private relief-fashion to accommodate his application through legislation in the midst of a state court trial on that very matter of eligibility. Given the large political divide over immigration-related employment, it is unlikely that Alabama intended for the DACAmented or even other non-citizens, save LPRs, to become licensed attorneys in the state. After all, Alabama was embroiled in substantial litigation about college tuition for undocumented residents, and the state’s ethos has unlikely changed since that litigation.


123 See infra Appendix II (revealing the lack of uniformity in occupational licensing laws which illustrates that there can be no prediction or anticipation of how these laws may change or will be applied).

124 Ironically, after the trial and Garcia’s bar admission drama were completed, his long time in the fourth preference queue as his U.S. Citizen father’s dependent was rewarded, enabling him to move from undocumented PRUCOL-ly status to an LPR. See Paul Elias, Chico Lawyer Undocumented No More: Sergio Garcia Gets his Green Card, CHICO ENTERPRISE-RECORD (June 4, 2015), http://www.chicoer.com/article/NA/20150604/NEWS/150609901#WPO9agdNNdW [https://perma.cc/D9X4-NFW5] (highlighting Sergio Garcia’s obtainment of a visa).

125 See ALA. CODE § 34-3-6(d) (2017) (recognizing that, in Alabama it is unlikely that those that who are covered under DACA will become licensed attorneys within their state).

126 See Elise Foley, Alabama Immigration Law Asks Doctors for Their Papers, HUFFINGTON POST (May 18, 2013, 2:01 AM), http://www.huffingtonpost.com/2013/05/18/alabama-immigration-law_n_3295255.html [https://perma.cc/HM57-ZNRJ]. Indeed, the state enacted a draconian measure that, in effect, required all licensed medical personnel to prove their citizenship status: Already-licensed physicians and physician assistants now have only two weeks to get their information to the Medical Licensure Commission. Those applying for a license for the first time will be required to either demonstrate they are in the country legally or sign a
In this vein, the Alaska requirement that would-be lawyers present SSNs pre-dated DACA and its provisions for SSNs, but a variety of tax and employment transactions require either a SSN or an Individual Taxpayer Identification Number (ITIN), which is a tax-processing number issued by the Internal Revenue Service (IRS). The IRS uses ITINs for persons who are required to have a U.S. taxpayer identification number but are ineligible to obtain an SSN. ITINs are issued to all non-LPR/US Citizen comers, no matter their immigration status, because even the undocumented or certain non-citizens have filing or reporting obligations under the Internal Revenue Code. Technically, they have a limited purpose of tax reporting and they do not provide EAD, Social Security or other benefits, or eligibility for Earned Income Tax Credits. At the same time, both are an unlikely and imprecise measure of immigration licensing eligibility.

III. OTHER STATES AND OTHER LICENSED OCCUPATIONS

Of course, the practice of law is not alone in its high status, detailed educational, and other licensing criteria. Becoming a licensed physician is, in many respects, even more fraught with immigration implications, due to the large number of foreign-trained physicians (both United States citizens, LPRs, and international scholars). Thus, there is a very exacting declaration of U.S. citizenship and give proof, according to the letter. If they don’t provide the information, they will not be able to receive or renew their licenses.

Id. See Internal Revenue Serv., supra note 120 (discussing the differences between Individual Taxpayer Identification Numbers and Social Security numbers).

128 See Internal Revenue Serv., supra note 120 (noting what ITINs are used for).


130 See Internal Revenue Serv., supra note 120 (articulating that ITINs do not authorize individuals to work in the United States, do not provide eligibility for Social Security, and do not qualify as a dependent for Earned Income Tax Credit Purposes).

131 See id. (illustrating the gap in ITINs for immigration licensing eligibility because holding an ITIN does not necessarily authorize the individual to work in the United States).

132 See, e.g., What Education or Type of Degree Is Needed to be a Lawyer, STUDY.COM (last viewed on Sept. 24, 2017), http://study.com/education_needed_to_be_a_lawyer [https://perma.cc/92AY-HSYR] (highlighting the educational and licensing requirements needed to become a lawyer).

133 See Morris M. Kleiner, Guild-Ridden Labor Markets: The Curious Case of Occupational Licensing, UPJOHN.ORG (2015), http://www.upjohn.org/sites/default/files/WEfocus/guild-ridden-labor-markets.pdf [https://perma.cc/V7MS-MCF7] (describing one of the more useful and detailed studies of labor markets and occupational licensing and
immigration-related series of federal licensing requirements built into the medical practice, but a review of the statutory M.D. eligibility and admissions criteria reveals similar confusion and imprecision, resulting in a comprehensive architecture that is both too-much and too-little with regard to citizenship criteria.

Here, I cite the last four jurisdictions in the alphabet, from Appendix I, and their immigration categorizations for admission into the medical field:

**West Virginia:** “In order to comply with federal law, the West Virginia Board of Medicine is obligated to inform each applicant or licensee from whom it requests a Social Security Number that disclosing such number is MANDATORY in order for this Board to comply with the requirements of the federal National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank. If this Board should be required to make a report about one of its applicants or licensees to either of these data banks, it must report that individual’s Social Security Number.”

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Wisconsin: There is no specific immigration status indicated, but a SSN or Employer Identification Number is required in the Application Form. If the SSN is not provided, form 1051, an Affidavit, is required to explain why the SSN was not provided on the application. Applicants must answer a question about immigration status in the application form: “CERTIFICATION OF LEGAL STATUS: I declare under penalty of law that I am (check one): A citizen or national of the United States, or, A qualified alien or nonimmigrant lawfully present in the United States who is eligible to receive this professional license or credential as defined in the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, as codified in 8 U.S.C. § 1601 et. Seq. (PRWORA) . . . Should my legal status change during the application process or after a credential is granted, I understand that I must report this change to the Wisconsin Department of Safety and Professional Services immediately.”

Wyoming: “Except as otherwise specifically provided by statute, a board or commission authorized to establish examination, permit or license application requirements for any profession or occupation regulated under this title shall require applicants for new licenses, certificates of registration or renewals of licenses or certificates to include the applicant’s social security number on the application form.”

Washington, D.C.: SSN is required on the application form, but the statute has no specific required immigration status.

As was evident in the lawyer-licensing world, similar nomenclature and proxy issues arise in the M.D. context. Wisconsin has unusually

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137 WYO. STAT. ANN. § 31-1-114 (West, Westlaw through the 2017 General Session of the Wyoming Legislature).

138 D.C. CODE. § 3-1205.05 (2009) (illustrating that there is no specific required immigration status in order to get your M.D. license in Washington, D.C.).

139 See infra Appendix I (illustrating the gaps and inconsistencies in the lawyering and M.D. licensing administering).
detailed immigration language, but its fulcrum is the SSN, and adds the Employer Identification Number (EIN), usually issued by the IRS for limited tax administration purposes associated with principal businesses in the United States.140 Because the EIN is available to a wide range of individuals with a variety of immigration categories,141 the State’s detailed immigration requirement is rendered less-restricted than it seems on its face.

To license an applicant to the practice of nursing, the neighboring states of Alabama, Mississippi, and Arkansas vary from high to low.142 Alabama has among the strictest immigration criteria: “An alien who is not lawfully present in the United States and who is not defined as an alien eligible for public benefits under 8 U.S.C. § 1621(a) or 8 U.S.C. § 1641 shall not receive any state or local public benefits.”143 Public Benefits is defined as including professional licenses . . . “An applicant for a license . . . a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.”144 DACA would meet this requirement, as would a number of other immigrant and non-immigrant classifications. Mississippi statutorily requires the applicant to have an SSN, while Arkansas has no immigration criteria.145 Nonetheless, the entrance to Arkansas’ nursing practice at the LPN and RN levels is administered by a uniform application bank process—a commercial service deceptively named “easyNCLEX.com”—that requires a “valid Social Security Number,” even if the Arkansas nursing eligibility statute

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140 See Lipman, The ‘Illegal’ Tax, supra note 129, at 108 (discussing ITINs and non-citizens filing or reporting obligations).
141 See id. (outlining ITINs and filing or reporting obligations for non-citizens).
142 See ALA. CODE § 31-13-7(b) (indicating that Alabama is among the strictest immigration criteria); See also Mississippi Nursing Act, 1991 Miss. Laws Ch. 465 (S.B. 2205), codified as amended at MISS. CODE ANN. § 73-15-19(10), http://www.msbn.ms.gov/Documents/NursingPracticeAct.pdf [https://perma.cc/F3J8-J8P7] (stating that Mississippi requires applicant to have a SSN); Arkansas State Board of Nursing Rules (2014), Chapter 2, Section 1, http://www.sos.arkansas.gov/rulesRegs/Arkansas%20Register/2001/oct_2001/067.00.01–001.pdf [https://perma.cc/G7AB-TDQE] (recognizing that Arkansas has no immigration criteria whatsoever).
143 ALA. CODE § 31-13-7(b) (West, Westlaw through the end of the 2017 Regular Session).
144 See id.; ALA. CODE § 34-21-21(a) (West, Westlaw through the end of the 2017 Regular Session).
specifies no such requirement.\textsuperscript{146} Again, these examples show the as-applied differences between the actual authorization language and the practical gatekeeping form passageways.\textsuperscript{147}

\section*{IV. Case Study: A New York State of Mind}

New York, like many other states, has a widespread and detailed administrative scheme for its many hundreds of occupational licenses, and an unusually decentralized form of governance, including several domains within the Current Licenses, available through the comprehensive NYS License Center Portal.\textsuperscript{148} This online portal aggregates many licenses in Agriculture, Forestry and Fisheries, Construction, Education, Finance and Insurance, Food Service and Processing, Health Care, Manufacturing, One-Time Permits, Real Estate, Recreation, Retail, Services, Transportation and Public Utilities, and Wholesale, as well as additional permits and licenses for over a hundred agencies, from Adirondack Park Agency to the Workman’s Compensation Board.\textsuperscript{149}

Furthermore, the New York Department of State governs another roster of occupations:

\textsuperscript{146} Compare Arkansas State Board of Nursing Rules (2014), Chapter 2, Section 1, \textit{supra} note 142 (articulating that the entrance to Arkansas nursing practice, at LPN and RN levels, does not require a valid SSN) \textit{with NCLEX Prep and Exam info, EASTYNCLEX.COM} (2017), \url{http://easynclex.com/} [\textperma{CCM2-9ZAK}] (explaining the Arkansas application process and requiring individuals applying to enter a valid SSN to continue with the uniform application process).

\textsuperscript{147} See \textit{supra} note 146 (exemplifying the significant differences between the licensing language and the application of the licensing language).


\textsuperscript{149} See New York Business Express, \textit{Profession Licenses}, \url{https://tinyurl.com/yar4vh82} [\textperma{G8VE-FSE4}] (last visited May 26, 2017) (outlining the aggregate variety of the different Professional Licenses that are available through New York’s online portal).
Table Two: NY Department of State Division of Licensing Services: Index of Licensees and Registrants

Searches are currently available for the following types of licenses/registrations:

- Alarm Installer
- Apartment Sharing Agent
- Armored Car Guard
- Bail Enforcement Agent
- Central Dispatch Facility
- Document Destruction Contractor Branch Office
- Hearing Aid Dispenser Business
- Notary Public
- Proprietary Employer Of Security Guards
- Security Guard
- Ticket Reseller
- Watch Guard And Patrol Agency
- Apartment Information Vendor
- Armored Car Carrier
- Athlete Agents
- Bedding
- Document Destruction Contractor
- Hearing Aid Dispenser
- Home Inspection
- Private Investigator
- Real Estate Appraiser
- Telemarketer Business
- Ticket Reseller Branch Office

In addition, the New York State Department of Education governs hundreds more permits, some of which are episodic or recreational (Seven-Day Fishing License or One-Day Fishing License, or Aircraft One Time), but which also include licenses by which residents can make their living, such as Lifetime Licenses for hunting & fishing, trapping, bow hunting, and even muzzle loading privileges. The issuing agencies involve the Departments of Agriculture and Markets, Department of Environmental Conservation, State of New York, Taxation and Finance, and Motor Vehicles, among others.

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Some of the sample occupational licenses include: Milk Dealer; Bulk and Package Hauler; Appearance Enhancement Natural Hair Stylist; Brewer Tasting; and Special Entertainer’s Permit (for Minors). In a 2015 study, Janet M. Calvo found almost thirty occupations governed by New York Education Law and the Department of Education that had no statutory immigration limitations among the many hundreds of such licensed occupations. As she noted:

Title VIII of the New York Education Law does not require citizenship or immigration category for twenty-nine professions. Therefore, New York State law does not require that an individual be in any particular immigration category to obtain a license for the following listed professions. Even with these omissions, she found widespread “as-applied” de facto requirements, either by the actual application forms that asked for immigration status or through the website portal’s stated citizenship restrictions: Yet, the application forms published on the New York State Department of Education’s website


restrict licensing applications to limited categories of non-citizens.\textsuperscript{155}

### Table Three:

**Immigration-related Issues NY State Education Department Licenses**

<table>
<thead>
<tr>
<th>NO STATUTORY LIMITATIONS BASED ON IMMIGRATION CATEGORY</th>
<th>SPECIFIC LANGUAGE THAT CITIZENSHIP IS NOT A REQUIREMENT AND NO IMMIGRATION RELATED CRITERIA</th>
<th>LIMITING LICENSES FOR PROFESSIONS DECLARED UNCONSTITUTIONAL</th>
</tr>
</thead>
</table>


https://scholar.valpo.edu/vulr/vol52/iss1/4
<table>
<thead>
<tr>
<th>Profession</th>
<th>N.Y. Educ. Law Section</th>
<th>Certification Links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified Public Accountant</td>
<td>§ 6554 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/med/cpa/cpa1.pdf">http://www.op.nysed.gov/prof/med/cpa/cpa1.pdf</a></td>
</tr>
<tr>
<td>Midwife</td>
<td>§ 6704, 6711 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/midwife/mid1.pdf">http://www.op.nysed.gov/prof/midwife/mid1.pdf</a></td>
</tr>
<tr>
<td>Specialist Assistant</td>
<td>§ 8403 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/med/sa1.pdf">http://www.op.nysed.gov/prof/med/sa1.pdf</a></td>
</tr>
<tr>
<td>Mental Health Practitioner</td>
<td>§ 8403 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/mhp/mhpt1.pdf">http://www.op.nysed.gov/prof/mhp/mhpt1.pdf</a></td>
</tr>
<tr>
<td>Family Therapist</td>
<td>§ 8404 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/mhp/mft1.pdf">http://www.op.nysed.gov/prof/mhp/mft1.pdf</a></td>
</tr>
<tr>
<td>Creative Arts Therapist</td>
<td>§ 8405 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/mhp/cat1.pdf">http://www.op.nysed.gov/prof/mhp/cat1.pdf</a></td>
</tr>
<tr>
<td>Psychoanalyst</td>
<td>§ 6905 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/mhp/psyanl1.pdf">http://www.op.nysed.gov/prof/mhp/psyanl1.pdf</a></td>
</tr>
<tr>
<td>Licensed Practical Nurse</td>
<td>§ 6910, 6911 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/nurse/nurse1.pdf">http://www.op.nysed.gov/prof/nurse/nurse1.pdf</a></td>
</tr>
<tr>
<td>Perfusionist permit</td>
<td>§ 6734 (McKinney)</td>
<td><a href="http://www.op.nysed.gov/prof/perfusion/perf5.pdf">http://www.op.nysed.gov/prof/perfusion/perf5.pdf</a></td>
</tr>
<tr>
<td>Physical Therapist Assistant</td>
<td>§ 8505 (McKinney)</td>
<td></td>
</tr>
</tbody>
</table>
Polysomnographic Technologist (authorization): N.Y. Educ. Law § 8504 (McKinney)

Respiratory Therapist: N.Y. Educ. Law § 8504 (McKinney)
http://www.op.nysed.gov/prof/rt/rt1.pdf

Respiratory Technician: N.Y. Educ. Law § 7704 (McKinney)
http://www.op.n.gov/prof/rt/rt1.pdf

Social Worker Master: N.Y. Educ. Law § 7704 (McKinney)

Clinical Social Worker: N.Y. Educ. Law § 8206 (McKinney)

Speech Pathologist/Audiologist: N.Y. Educ. Law § 8804 (2) (McKinney)

Licensed Behavior Analyst: N.Y. Educ. Law § 8804 (1) (McKinney)
http://www.op.nysed.gov/prof/aba/aba1.pdf

Certified Behavior Analyst Assistant: N.Y. Educ. Law § 8305 (McKinney)
http://www.op.nysed.gov/prof/aba/aba1.pdf

Her findings corroborated the data I examined above, and had she detailed all the State’s occupations and licenses, she would have elaborated upon more than the twenty-nine she listed from the single agency.156 While not every state or jurisdiction is as large and decentralized as New York’s statutory and administrative regimes, the outlines and patterns are evident at every layer, across all fields, high and low.157 Put starkly, the actual technical details of implementation do not

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156 See Calvo, Professional Licensing and Teacher Certification for Non-Citizens, supra note 155 (illustrating that Janet Calvo only analyzed twenty-nine occupational and licensing agencies).

157 See id. (stating that there have been evident administrative regimes instilled in New York and that New York has one of the largest immigration populations).
often track the legal underpinnings; indeed, there is a substantial slip between the authorizing cup and the as-applied lip.158

Over the years, New York has prompted several important immigration cases involving licensure and benefit eligibility, including the DACA bar admissions matter, allowing Cesar Vargas to obtain a license to practice law;159 Mauclet;160 and Dandamudi.161 Tracking these cases and their implementation, she also documented that Title VIII of the New York Education Law does not require any citizenship or immigration category for an additional nine professions.162 The statutes regarding the following professions specifically state that an individual does not require U.S. Citizenship and do not include an immigration category requirement.163 However, the application forms published on the New York State Department of Education’s website restrict licensing applications for these nine occupations from limited categories of non-citizens.164

Finally, her analysis of thirteen New York Education Law Title VIII occupations noted that licenses were restricted to citizens and legal permanent residents, even after the immigration requirements were struck down as unenforceable under the terms of the Dandamudi

158 See infra Appendix I (illustrating the lack of cohesiveness between the technical details of implementation and the legal underpinnings in the occupational licensing in New York).


160 See Nyquist v. Mauclet, 432 U.S. 1, 5 (1977) (striking down the New York statute that barred resident aliens from receiving state college financial assistance).

161 See Dandamudi v. Tisch, 686 F.3d 66, 69–70 (2d Cir. 2012) (striking down New York Education Law § 6805 (1), (6) requirement that only U.S. Citizens or Legal Permanent Residents are eligible to obtain a pharmacist’s license); Calvo, Professional Licensing and Teacher Certification for Non-Citizens, supra note 155 (emphasizing that the Second Circuit court held unconstitutional a New York Education law which required that an applicant to be a citizen or a legal permanent resident).

162 See Calvo, Professional Licensing and Teacher Certification for Non-Citizens, supra note 155 (stating that there are nine professions that do not require any citizenship or immigration criteria under the New York Education Law).

163 See Calvo, Professional Licensing and Teacher Certification for Non-Citizens, supra note 155 (stating that there are nine occupations under the New York Education Law that does not have any immigration category requirement).

164 See Office of the Professions, Education Law, NYSED.GOV (Oct. 3, 2017), http://www.op.nysed.gov/prof/med/article131.htm [https://perma.cc/ZS38-MX5N] (outlining the New York online licensing application website to require some form of citizenship criteria, even though the New York Education law has nine occupations with no such requirement).
Even though there are no enforceable immigration-based legislative restrictions on these professions, “the application forms published on the New York State Department of Education’s website restrict licensing applications to limited categories of non-citizens.”

Having immersed myself in these data and these literatures, I moved from a sense of satisfaction in gathering the information to a sense of growing dread, as I began to delve into the various inconsistencies, mistakes, gaps, and confusion—both in the actual governance language and the as-applied administration of immigration eligibility across occupational licensing in many fields, elite or accessible.

V. PRELIMINARY THOUGHTS AND EARLY CONCLUSIONS

The dread enveloped me as I began to recognize how difficult it would be to theorize on these admissions requirements and how complex a project this will be. Of course, I knew it would not be easy, but I assumed that more thoughtful attention and precision in eligibility requirements would have developed over time, in part because of my own deep dives into legal education and eligibility for my own profession of law. I have been involved in law school accreditation, law licensure, and assessments of moral character and fitness for bar eligibility, and in some detail as New York, California, and Florida, dealt with undocumented and DACAmented applicants. Even so, I was

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165 See Calvo, Professional Licensing and Teacher Certification for Non-Citizens, supra note 155 (analyzing that for thirteen professional licenses there is a legal permanent residence requirement, even though the court in the Second Circuit held that it was unconstitutional to require a licensing applicant to be a citizen or a legal permanent resident).
167 See infra Appendix I (illustrating the gaps and inconsistencies related to immigration eligibility across occupational licensing in many different fields). See also supra Part II (sampling four states, Alabama, Alaska, Arizona, and Arkansas, licensing requirement for attorneys); supra Part III (illustrating other state-specific occupational licensing requirements).
168 See, e.g., Heidi Jauregui & Ann Morse, Professional and Occupational Licenses for Immigrants, NAT'L CONF. OF ST. LEGISLATURES, http://www.ncsl.org/research/immigration/professional-and-occupational-licenses-for-immigrants.aspx [https://perma.cc/8CDL-W3WN] (recognizing the different admissions requirements for California, Florida, Illinois, Minnesota, Nebraska, Nevada, South Dakota, Utah, West Virginia, and Wyoming, which illustrates the difficulty in theorizing about these requirements because of the stark differences between those different states’ requirements).
169 See id. (discussing the various requirements to be eligible for the profession of law).
unprepared for the actual requirements I unearthed, and so have my students and various educator's and licensing professionals with whom I have discussed these matters on my way to gathering the data. There are almost as many needed footnotes as there are categories. I have been shocked at the unanticipated absence of immigration criteria in a substantial number of professions, and in a number of jurisdictions, as well as the multiple ways in which the formal requirements do not mesh with the actual implementation. It will require more detailed, almost anthropological case studies in hundreds of data cells to reconcile the formal criteria with the data routinely required. What passes for quotidian applications forms, such as immigration status questions or SSNs, can pose formidable barriers to non-citizens.

The uncertainty over immigration reform and fate of DREAMers, as well as the tightened immigration scrutiny practiced since January 2017, have made the entire process more complex and uncertain, more than the usual presidential transitions. With regard to immigration, there is more instability in the system, more litigation in the courts, and more polarization in the polity, further contributing to the confusion and apprehension. I suspect that additional attention will be paid to these crucial intersections, and that changes will occur both at the state and federal level, to the higher- and lower-caste professions. By the time the dust settles, there will be over three quarters of a million DACA recipients making their intrepid way through the occupational pathways available

171 See infra Appendix I (outlining national examples of occupational licensing laws across dozens of fields and states, which illustrates that the formal requirements do not match up with the actual implementation of the laws).

172 See Navigating Liminal Legalities, supra note 80, at 32-34 (exploring the personal and legal barriers of gaining legal status in the United States).


174 See, e.g., Appendix I (illustrating the differences and instabilities between state professional license eligibility requirements for physicians, nurses, attorneys, and teachers); Appendix II (revealing the differences and instabilities between the examples of different state occupational licensing laws requiring certain immigration status).

175 See supra Part III (demonstrating crucial intersections between West Virginia, Wisconsin, Wyoming, and Washington D.C.'s immigration categorizations for admissions in to the medical field).
to them, and their progress will be punctuated and uncertain. As has been shown with the examples of bar membership in three of the largest states, the progress could be a regression to the mean of restrictionism, but could as easily turn towards accommodation and incorporation, recouping the investment occasioned by Plyler’s promise.

Appendix II reveals national examples of occupational licensing laws across dozens of fields and states, nearly all of which appear to require U.S. citizenship, notwithstanding federal and state litigation that has struck down such a high entry bar. In other words, there has been a widespread failure to enact statutes or practices that conform to the broader eligibility requirements at play in the employment field. At the least, various accreditation and licensing authorities or legislatures have not done the necessary work to smooth out the inconsistencies or to regularize the various anomalies.

Observers are left with the clear impression of the need for recodification or restatements, profession by profession, especially as employment and immigration law continue to slide along tectonic plates, causing gaps and ridges. One of the glories of the U.S. immigration

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178 See infra Appendix I (outlining the national examples of occupational licensing laws across several different states and fields).

179 See id. (presenting different occupational licensing laws across all different states and occupational fields).

180 See, e.g., infra Appendix I (providing a state-by-state breakdown of Professional License Eligibility Requirements for physicians, nurses, attorneys, and educators, which illustrates the discrepancies between the different professional license immigration requirements and the fact that these professions have not smoothed out these discrepancies).

181 See infra Appendix II (detailing the differences between state occupational licensing laws that require varying statuses of citizenship and illustrating the gaps and ridges in employment and immigration law).
Within You Without You: Undocumented Lawyers, DACA, and Occupation

system is not that it breaks down or is unfair—both of which are demonstrably accurate—but that it works well most of the time. Given the early returns on occupational licensing and its intersection with immigration, there is reason to hope.182 There surely is reason to improve.183

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182 See infra Appendix I (illustrating that the earlier occupational licensing requirements relating to immigration is at a forefront of many statutes thereby making it hopeful that the gaps and ridges in these requirements will continue to be addressed).


Notwithstanding these hopeful stories, DACA itself is in peril, buoyed by federal judges in several states that have extended its life for those already enrolled. See, e.g., Mike DeBonis & Josh Dawsey, Trump is Open to Short-term DACA Deal, White House Tells GOP Leaders, WASH. POST (Mar. 14, 2018), http://wapo.st/2qLP2z?tid=ss_mail&utm_term=.1b8414d9a442 [https://perma.cc/R2JV-7MYC]. As of March, 2018, the DACA case is wending its way through Circuit courts, and the U.S. Supreme Court denied certiorari for an expedited hearing.
## APPENDIX I: PROFESSIONAL LICENSE ELIGIBILITY REQUIREMENTS
(PHYSICIANS, NURSES, ATTORNEYS, TEACHERS/EDUCATORS)

Professional License Eligibility Requirements

### Medical:

<table>
<thead>
<tr>
<th>State</th>
<th>Medical License</th>
<th>Statute</th>
<th>Source</th>
<th>Application Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>“Each applicant for a certificate of qualification shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.”</td>
<td>Ala. Code § 31-13-7 (New: AL Code § 34-24-70(g) (2014))</td>
<td><a href="http://alisondb.legislature.state.al.us/alison/co/deofala/ma/1975/coatsoc.htm">http://alisondb.legislature.state.al.us/alison/co/deofala/ma/1975/coatsoc.htm</a></td>
<td><a href="http://www.amlme.org/appsphys.html#Physician_initial_license">http://www.amlme.org/appsphys.html#Physician_initial_license</a></td>
</tr>
<tr>
<td>Alaska</td>
<td>SSN: “[A] license to engage in a profession may not be issued by the department to a natural person unless the social security number has been provided to the department.”</td>
<td>§ 08.01.060(b)</td>
<td><a href="http://touchngo.com/lglcntn/akstats/Statutes/Title08/Chapter01/Section060.htm">http://touchngo.com/lglcntn/akstats/Statutes/Title08/Chapter01/Section060.htm</a></td>
<td><a href="https://www.commerce.alaska.gov/web/cbl/Professionals/Licensing/StateMedicalBoard.aspx">https://www.commerce.alaska.gov/web/cbl/Professionals/Licensing/StateMedicalBoard.aspx</a></td>
</tr>
<tr>
<td>Arizona</td>
<td>Documentation “indicating that the individual’s presence in the United States is authorized under federal law” is required under 41-1080.</td>
<td>A.R.S. 41-1080 (August 21, 2013)</td>
<td><a href="http://www.azmd.gov/PhysicianCenter/MDLicenseApplication.aspx">http://www.azmd.gov/PhysicianCenter/MDLicenseApplication.aspx</a></td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td>Nothing in the Arkansas State Medical Board, Arkansas Medical Practices Acts and Regulations, “Sub-Chapter 4 -- Licensing” requires any proof of immigration status. But Application form requires submission of proof of citizenship, naturalization, visa or work permit. Also required are SSN and driver’s license.</td>
<td>Ark. State Medical Board, Ark. Medical Practices Acts and Regulations, Sub-Chapter 4</td>
<td><a href="https://www.ameicalboard.org/Professionals/pdf/MD_AppPack.pdf">https://www.ameicalboard.org/Professionals/pdf/MD_AppPack.pdf</a></td>
<td><a href="http://www.amlme.org/appsphys.html#Physician_initial_license">http://www.amlme.org/appsphys.html#Physician_initial_license</a></td>
</tr>
<tr>
<td>State</td>
<td>Requirements (Summary)</td>
<td>Rule/Reference</td>
<td>Website/Link</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>------------------------</td>
<td>----------------</td>
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<td></td>
</tr>
<tr>
<td>Colorado</td>
<td>Requires “lawful status,” includes all statuses that are mentioned in the INA — Requires all applicants to submit an Affidavit of Eligibility to certify that the applicant is either a US citizen or otherwise lawfully present in the US and authorized to the employed in the US.</td>
<td>HB 06S-1009; C.R.S. 24-34-107</td>
<td><a href="https://media.nasba.org/files/2011/02/Eligibility_Colorado.pdf">https://media.nasba.org/files/2011/02/Eligibility_Colorado.pdf</a></td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>SSN required unless not a citizen or resident, then temporary license may be issued for 30 days after which SSN still required.</td>
<td>§ 456.013</td>
<td><a href="http://flboardofmedicine.gov/apps/medical-doctor-app.pdf">http://flboardofmedicine.gov/apps/medical-doctor-app.pdf</a></td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>Requirement</td>
<td>Reference</td>
<td>Website</td>
<td></td>
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<tr>
<td>-----------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§ 436B-10(6) “Proof that the applicant is a United States citizen, a United States national, or an alien authorized to work in the United States[.]”</td>
<td></td>
<td><a href="http://cca.hawaii.gov/pvl/files/2013/06/Require-Instruct-App-for-Physician_10.1_4R.pdf">http://cca.hawaii.gov/pvl/files/2013/06/Require-Instruct-App-for-Physician_10.1_4R.pdf</a></td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td>“[M]ust be legally able to work and live in the United States . . . [D]ocumentation of lawful presence” required.</td>
<td>IDAPA 22.050.01</td>
<td><a href="http://adminrules.idaho.gov/rules/current/22/0101.pdf">http://adminrules.idaho.gov/rules/current/22/0101.pdf</a></td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>SSN required by the statute.</td>
<td>ILCS 100/ 10-65(c)</td>
<td><a href="http://www.idfpr.com/requirements/forms/md-ac-end.pdf">http://www.idfpr.com/requirements/forms/md-ac-end.pdf</a></td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>SSN required by the statute.</td>
<td>IC25-1-5-11</td>
<td><a href="http://www.idfpr.com/requirements/forms/md-ac-end.pdf">http://www.idfpr.com/requirements/forms/md-ac-end.pdf</a></td>
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<tr>
<td>Iowa</td>
<td>The “Application Addendum--Application Part 2” requires that a “Visa Type or Alien Registration Number” be provided if the applicant is not a U.S. citizen.</td>
<td>Medicine Board</td>
<td><a href="https://medicalboard.iowa.gov/services/forms.html">https://medicalboard.iowa.gov/services/forms.html</a></td>
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<td><a href="http://www.ksbhca.org/forms/md_do_app_nonfill.pdf">http://www.ksbhca.org/forms/md_do_app_nonfill.pdf</a></td>
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<td>Kansas</td>
<td>SSN is required on the application form.</td>
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<tr>
<td>State</td>
<td>Requirement</td>
<td>Source</td>
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<tr>
<td>Kentucky</td>
<td>SSN is required on the application form.</td>
<td>§ 311.571</td>
<td><a href="http://kbml.ky.gov/physician/Pages/Apply%20For%20A%20License.aspx">http://kbml.ky.gov/physician/Pages/Apply%20For%20A%20License.aspx</a></td>
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<tr>
<td>Louisiana</td>
<td>“be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner’s regulations thereunder (8 CFR)”</td>
<td>LA Administrative Code Title 46 XLV Medical Professions, § 311; LA Revised Statute Title 37, § 1272</td>
<td><a href="http://kbml.ky.gov/physician/Pages/Physicians.aspx">http://kbml.ky.gov/physician/Pages/Physicians.aspx</a></td>
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<tr>
<td>Maine</td>
<td>SSN is required on the application form.</td>
<td>Maine Revised Statutes, Title 32, § 3271</td>
<td><a href="http://www.mainel">http://www.mainel</a> egislature.org/leg is/statute s/32/title 32ec3271.html</td>
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<tr>
<td>Maryland</td>
<td>“Maryland law requires that the Board of Physicians obtain the U.S. Social Security number of any person applying for a professional license or certificate. Disclosure of your Social Security number is mandatory.” SSN is required on the application form.</td>
<td>Code of Maryland Regulations 10.32.01.03</td>
<td><a href="https://www.mdp.state.md.us/forms/dr_initial.pdf">https://www.mdp.state.md.us/forms/dr_initial.pdf</a></td>
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<tr>
<td>Massachusetts</td>
<td>SSN is required on the application form.  “Each applicant is required to provide the Board with a United States Social Security Number pursuant to M.G.L. c. 30A, § 13A.”</td>
<td>Code of Massachusetts Regulations 243</td>
<td><a href="http://www.mass.gov/eohhs/docs/b(orim/reg-243-cmr-2.pdf">http://www.mass.gov/eohhs/docs/b(orim/reg-243-cmr-2.pdf</a></td>
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<tr>
<td>Michigan</td>
<td>SSN is required on the application form.</td>
<td>Michigan Public Health Code § 333.17011</td>
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<tr>
<td>Minnesota</td>
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<td>Minnesota Statute 147.02 <a href="https://www.revisor.mn.gov/statutes/?id=147.02">https://www.revisor.mn.gov/statutes/?id=147.02</a></td>
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<tr>
<td>Mississippi</td>
<td>SSN required by both the statute and the application form.</td>
<td>Mississippi State Admin Code of Medical Licensure Chapter 2 § 2601</td>
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<td><a href="https://www.ms.gov/medical_licensure/renewal/applicantLogin.jsp">https://www.ms.gov/medical_licensure/renewal/applicantLogin.jsp</a></td>
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<tr>
<td>Missouri</td>
<td>Copy of SSN card required for application but “[a] citizen of an international country” is permitted to “submit his/her Visa or Passport” instead.</td>
<td>Missouri Revised Statutes § 334.035</td>
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<tr>
<td>State</td>
<td>Requirement</td>
<td>Code</td>
<td>URL</td>
<td>Other URL</td>
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<td>Nevada</td>
<td>US citizen or “lawfully entitled to . . . work in the United States[.]”</td>
<td>NRS 630.160 (2)(a)</td>
<td><a href="http://leg.state.nv.us/NRS/NRS-630.html#NRS630Section160">http://leg.state.nv.us/NRS/NRS-630.html#NRS630Section160</a></td>
<td><a href="http://medboard.ne.gov/PublicHealth/Licensure/Documents/FullMedicalApplication.pdf">http://medboard.ne.gov/PublicHealth/Licensure/Documents/FullMedicalApplication.pdf</a></td>
</tr>
<tr>
<td>New Jersey</td>
<td>USC or &quot;has declared his intention to become&quot; a USC. --New Jersey Statute, 45:9-6</td>
<td>New Jersey Statutes, 45:9-6</td>
<td><a href="http://www.njconsuermaffairs.gov/Statutes/medicalexaminerslaw.pdf">http://www.njconsuermaffairs.gov/Statutes/medicalexaminerslaw.pdf</a></td>
<td><a href="http://www.njconsuermaffairs.gov/bme/Pages/Application.aspx">http://www.njconsuermaffairs.gov/bme/Pages/Application.aspx</a></td>
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</tbody>
</table>
### New Mexico

“[P]roof of compliance with immigration laws” is required on the application.

USC or proof that “in compliance with US immigration laws”.

Exact wording: “A graduate of a board-approved medical school located outside the United States or Canada may be granted a license to practice medicine in New Mexico, provided the applicant presents evidence to the board that the applicant is a person of good moral character and is in compliance with the United States immigration laws” – NMSA 61-6-11

NMSA 61-6-11 (repealed effective July 1, 2016).

http://www.nmlegis.gov/sessions/05%20Regular/final/SB0297.html

### New York

Advisory Notice:

U.S. Court of Appeals Decision on Litigation Involving 13 Professions that Require U.S. Citizenship or Permanent Lawful Residence for Licensure

Please be advised that in accordance with the decision of the United States Court of Appeals, Second Circuit, in Dandamudi v Tisch, No. 10-4397-CV, 2012 WL 2763281 (July 10, 2012), we will consider applications for licenses from individuals who would otherwise be barred from licensure by statutory requirements of citizenship or permanent residency, in one the following professions: Certified Shorthand Reporting; Chiropractic; Dentistry; Dental Hygiene; Landscape Architecture; Land Surveying; Massage Therapy; Medicine; Midwifery; Pharmacy; Professional Engineering; Veterinary Medicine; Veterinary Technology

If you believe you meet these requirements, please submit an application for licensure to the Department and we will process your application accordingly.

http://www.op.nysed.gov/news/advisory-notices.html#appeals

SSN is optional on Application Form

Article 131 § 6524 (6) Education Code

http://www.op.nysed.gov/prof/med/artic131.htm

<table>
<thead>
<tr>
<th>State</th>
<th>Requirement</th>
<th>Code</th>
<th>Website</th>
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<tbody>
<tr>
<td>North Carolina</td>
<td>Documentation providing lawful immigration and work status.</td>
<td>21 NCAC 32W .0102</td>
<td>[<a href="http://reports.oah.state.nc.us/ncac/title%202/1%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%202/0%20North">http://reports.oah.state.nc.us/ncac/title%202/1%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%202/0%20North</a> Carolina%20medical%20board/subchapter%2021%20ncac%20032w%200102.pdf](<a href="http://reports.oah.state.nc.us/ncac/title%202/1%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%202/0%20North">http://reports.oah.state.nc.us/ncac/title%202/1%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%202/0%20North</a> Carolina%20medical%20board/subchapter%2021%20ncac%20032w%200102.pdf)</td>
</tr>
<tr>
<td>Ohio</td>
<td>USC, LPR or “filed an application for naturalization and that such application has not been rejected or withdrawn, or if not yet eligible to file an application for naturalization, he has filed a declaration of intention to become a citizen of the United States in an appropriate court of record.”</td>
<td>OAC 4731.292</td>
<td><a href="http://med.ohio.gov/Portals/0/DNN/PDF-FOLDERS/Applicant/PhysicianLicensureApplication.pdf">http://med.ohio.gov/Portals/0/DNN/PDF-FOLDERS/Applicant/PhysicianLicensureApplication.pdf</a></td>
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<tr>
<td>State</td>
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<td>Related Legislation</td>
<td>Website</td>
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<tr>
<td>Oregon</td>
<td>SSN required. Oregon Health Licensing Agency, Oregon Administrative Rules, Chapter 331, Divisions 001-030</td>
<td>“Applicants must list their Social Security or Individual Taxpayer Identification number on a form prescribed by the agency at the time of initial application and renewal for certification, licensure, permit or registration. The authority for this requirement is ORS 25.785, 305.385, 42 USC Sec. 405(c)(2)(C)(i), and 42 USC Sec. 666(a)(13).”</td>
<td><a href="https://www.oregonlegislature.gov/bills_laws/or/s677.html">https://www.oregonlegislature.gov/bills_laws/or/s677.html</a></td>
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<tr>
<td>State</td>
<td>Requirement</td>
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<td>South Carolina</td>
<td>“Pursuant to Section 8-29-10, et seq. of the South Carolina Code of Laws (1976, as amended), the Department of Labor, Licensing and Regulation must verify that any person who applies for a South Carolina license is lawfully present in the United States.”</td>
<td>Section 8-29-10, et seq. of the South Carolina Code of Laws (1976, as amended); § 40-47-32</td>
<td><a href="http://www.llr.state.sc.us/Poli/Medical/Forms/MDDOPermLic.pdf">http://www.llr.state.sc.us/Poli/Medical/Forms/MDDOPermLic.pdf</a></td>
</tr>
<tr>
<td>South Dakota</td>
<td>SSN is required on the application form.</td>
<td>South Dakota Codified Laws § 36-4-11</td>
<td><a href="http://www.sdbmoe.gov/content/physician-licensing-mddo">http://www.sdbmoe.gov/content/physician-licensing-mddo</a></td>
</tr>
<tr>
<td>Tennessee</td>
<td>USC, LPR, EAD, or otherwise legally entitled to work.</td>
<td>TBME 0880-02-03 (6)</td>
<td><a href="https://tn.gov/assets/entities/health/attachments/0880-02.20091221.pdf">https://tn.gov/assets/entities/health/attachments/0880-02.20091221.pdf</a></td>
</tr>
<tr>
<td>Utah</td>
<td>Application form requires either a Driver’s License, State ID or “a legible copy of your current and valid government issued document(s) showing evidence of authorization to work in the United States.” It also asks for SSN and legal status.</td>
<td>Utah Code 58-67-302</td>
<td><a href="http://www.dopLutah.gov/apps/MD.pdf">http://www.dopLutah.gov/apps/MD.pdf</a></td>
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<tr>
<td>State</td>
<td>Requirement</td>
<td>Code of Law Reference</td>
<td>Website References</td>
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<tr>
<td>Virginia</td>
<td>SSN is required on the application form.</td>
<td>§ 54.1-2930</td>
<td><a href="http://laws.lis.virginia.gov/vacode/title54.1/chapter29/section54.1-2930/">http://laws.lis.virginia.gov/vacode/title54.1/chapter29/section54.1-2930/</a></td>
</tr>
<tr>
<td>Washington</td>
<td>SSN is required on the application form. ITIN or Canadian SIN not accepted.</td>
<td>RCW 18.71.050</td>
<td><a href="http://apps.leg.wa.gov/RCW/default.aspx?cite=18.71.050">http://apps.leg.wa.gov/RCW/default.aspx?cite=18.71.050</a></td>
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<tr>
<td>West Virginia</td>
<td>SSN required:</td>
<td>West Virginia Code § 30-3-10</td>
<td><a href="http://ww.legis.state.wv.us/WVCODE/Code.cfm?chap=30&amp;art=3#03">http://ww.legis.state.wv.us/WVCODE/Code.cfm?chap=30&amp;art=3#03</a></td>
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<tr>
<td>Wisconsin</td>
<td>SSN or Employer Identification Number Required in Application Form found here:</td>
<td>Wisconsin Statute § 448.05</td>
<td><a href="http://docs.legis.wisconsin.gov/statutes/statutes/448.05">http://docs.legis.wisconsin.gov/statutes/statutes/448.05</a></td>
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<td><a href="http://165.189.64.111/Documents/Credentialing%20Forms/Health%20Application%20Forms/fm570.pdf">http://165.189.64.111/Documents/Credentialing%20Forms/Health%20Application%20Forms/fm570.pdf</a></td>
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<td><a href="http://165.189.64.111/Documents/Credentialing%20Forms/Health%20Application%20Forms/fm570.pdf">http://165.189.64.111/Documents/Credentialing%20Forms/Health%20Application%20Forms/fm570.pdf</a></td>
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<td>If SSN not provided, form 1051, Affidavit is required to explain why SSN was not provided on the application:</td>
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<td><a href="http://dsps.wi.gov/Documents/Credentialing%20Forms/Business%20Application%20Forms/fm1051.pdf">http://dsps.wi.gov/Documents/Credentialing%20Forms/Business%20Application%20Forms/fm1051.pdf</a></td>
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<tr>
<td>State</td>
<td>Question about immigration status in Application form:</td>
<td>Certification of Legal Status:</td>
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<tr>
<td>Wyoming</td>
<td>I declare under penalty of law that I am (check one): A citizen or national of the United States, or A qualified alien or nonimmigrant lawfully present in the United States who is eligible to receive this professional license or credential as defined in the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, as codified in 8 U.S.C. § 1601 et. Seq. (PRWORA) . . . Should my legal status change during the application process or after a credential is granted, I understand that I must report this change to the Wisconsin Department of Safety and Professional Services immediately.</td>
<td>Wyoming Statute § 33-26-303</td>
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<tr>
<td>Washington D.C.</td>
<td>SSN required on the application form: 33-1-114 “Except as otherwise specifically provided by statute, a board or commission authorized to establish examination, permit or license application requirements for any profession or occupation regulated under this title shall require applicants for new licenses, certificates of registration or renewals of licenses or certificates to include the applicant's social security number on the application form.”</td>
<td>D.C. Municipal Regulations for Medicine</td>
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</tbody>
</table>

http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title33/Title33CH26.htm

https://sites.google.com/a/wyo.gov/wyomedboard/physicians/initial-physician-license-application

Nursing:

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<thead>
<tr>
<th>State</th>
<th>Nursing License</th>
<th>Statute</th>
<th>Source</th>
<th>Application Form</th>
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<tbody>
<tr>
<td>Alabama</td>
<td>“An alien who is not lawfully present in the United States and who is not defined as an alien eligible for public benefits under 8 U.S.C. § 1621(a) or 8 U.S.C. § 1641 shall not receive any state or local public benefits.”&lt;-- General rule. Public Benefits is defined as including professional licenses. Specific to nurses: “An applicant for a license . . . a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.” Section 34-21-21</td>
<td>Ala. Code § 31-13-7(b) / Section 34-21-21(a)</td>
<td><a href="http://alison.ndb.legislature.state.al.us/alison/codeofalabama/1975/costtoc.htm">http://alison.ndb.legislature.state.al.us/alison/codeofalabama/1975/costtoc.htm</a></td>
<td><a href="https://www.abn.alabama.gov/Content.aspx?id=3">https://www.abn.alabama.gov/Content.aspx?id=3</a></td>
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<tr>
<td>Alaska</td>
<td>Social Security Number: “[A] license to engage in a profession may not be issued by the department to a natural person unless the social security number has been provided to the department.”</td>
<td>§ 08.01.060 (b)</td>
<td><a href="http://touchehrgo.com/1glcntr/akst/Statutes/Title08/Chapter01/Section060.htm">http://touchehrgo.com/1glcntr/akst/Statutes/Title08/Chapter01/Section060.htm</a></td>
<td><a href="https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing.aspx">https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing.aspx</a></td>
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<tr>
<td>Arkansas</td>
<td>No mention of any immigration status requirement</td>
<td>Arkansas State Board of Nursing Rules. Chapter 2, Section 1</td>
<td><a href="http://www.arsbn.arkansas.gov/forms/Documents/Rule%20Chapt">http://www.arsbn.arkansas.gov/forms/Documents/Rule%20Chapt</a> er%20Final%20Effective%202014.pdf</td>
<td><a href="http://www.arsbn.arkansas.gov/forms/Pages/default.aspx">http://www.arsbn.arkansas.gov/forms/Pages/default.aspx</a></td>
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<td>California</td>
<td>“An applicant who has received his or her training from a school of nursing in a country outside the United States and who has compiled with the provisions of subdivision (a), or has completed training equivalent to that required by subdivision (a), shall qualify for licensure by successfully passing the examination prescribed by the board.”</td>
<td>Business and Professions Code of California, Chapter 6, Article 2, Section 2736(b)</td>
<td><a href="http://www.rn.ca.gov/regulations/bpc.shtml#2736">http://www.rn.ca.gov/regulations/bpc.shtml#2736</a></td>
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<td>Colorado</td>
<td>Requires “lawful status,” includes all status that are mentioned in the INA -- Requires all applicants to submit an Affidavit of Eligibility to certify that the applicant is either a US citizen or otherwise lawfully present in the US and authorized to the employed in the US.</td>
<td>HB 065-1009; C.R.S. 24-34-107</td>
<td><a href="https://media.nasba.org/files/2011/02/Eligibility_Colorado.pdf">https://media.nasba.org/files/2011/02/Eligibility_Colorado.pdf</a></td>
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<tr>
<td>Delaware</td>
<td>No requirement specified within the statute. SSN is required on the application form but can request for an exemption by filling out a form.</td>
<td>24 Del. C. 1953, § 1910</td>
<td><a href="http://dpr.delaware.gov/boards/nursing/documents/Nursing_Exam_Application.pdf">http://dpr.delaware.gov/boards/nursing/documents/Nursing_Exam_Application.pdf</a></td>
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<td>Florida</td>
<td>SSN required unless not a citizen or resident, then temporary license may be issued for 30 days after which SSN still required.</td>
<td>456.013</td>
<td><a href="http://floridansnursing.gov/licensing/licensure/practical-nurse-registered-nurse-by-examination/">http://floridansnursing.gov/licensing/licensure/practical-nurse-registered-nurse-by-examination/</a></td>
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<td>State</td>
<td>Requirement</td>
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<td>Illinois</td>
<td>SSN required but in some circumstances this information does not have to be provided immediately.</td>
<td>ILCS 100/ 10-65(c)</td>
<td><a href="http://www.illinois.gov/legislation/fulltext.asp?DocName=00050010K10-65">http://www.illinois.gov/legislation/fulltext.asp?DocName=00050010K10-65</a></td>
<td><a href="http://www.idfpr.com/Renewals/apply/forms/rn-ex.pdf">http://www.idfpr.com/Renewals/apply/forms/rn-ex.pdf</a></td>
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<td>Indiana</td>
<td>SSN required by the statute.</td>
<td>IC 25-1-5-11</td>
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<tr>
<td>State</td>
<td>Requirement</td>
<td>Act/Rule</td>
<td>Website 1</td>
<td>Website 2</td>
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<td>Louisiana</td>
<td>SSN is requested on the application form.</td>
<td>LA Administrative Code Title 46, Part XLVII, Part 2</td>
<td><a href="http://www.lsbn.state.la.us/Portals/1/Documents/rules/fullrules.pdf">http://www.lsbn.state.la.us/Portals/1/Documents/rules/fullrules.pdf</a></td>
<td><a href="http://www.lsbn.state.la.us/Portals/1/Documents/RNExamApplication.pdf">http://www.lsbn.state.la.us/Portals/1/Documents/RNExamApplication.pdf</a></td>
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<tr>
<td>Massachusetts</td>
<td>SSN is required on the application form.</td>
<td>M.G.L. c. 112, s. 74 &amp; 74A, and Board regulations at 244 CMR 8:00</td>
<td><a href="http://www.mass.gov/courts/decis/lawlib/230-249/244/244cmar244cmr8.pdf">http://www.mass.gov/courts/decis/lawlib/230-249/244/244cmar244cmr8.pdf</a></td>
<td><a href="https://pcshq.com/?page=an2015NursebyExamApp.pdf">https://pcshq.com/?page=an2015NursebyExamApp.pdf</a></td>
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<tr>
<td>Minnesota</td>
<td>X</td>
<td>[2014 Minnesota Statutes, Section 148.211](<a href="https://www.revisor.mi">https://www.revisor.mi</a> nnesota.gov/statutes/?id=148.211)</td>
<td><a href="https://www.revisor.mn.gov/STATUTES/?id=148.211">https://w ww.revisor.mn.gov/STATUTES/?id=148.211</a></td>
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<td>Missouri</td>
<td>Application states that applicants must submit either their SSN or &quot;bias or passport identification number.&quot;</td>
<td><a href="http://s1.sos.mo.gov/cmsimages/adrules/current/20csr/20c220-04.pdf">Rules of Department of Insurance, Financial Institutions and Professional Registration Division 2200—State Board of Nursing Chapter 4—General Rules</a></td>
<td><a href="http://pr.mo.gov/boards/nursing/lpnexaminationapp53003.pdf">http://pr.mo.gov/boards/nursing/lpnexaminationapp53003.pdf</a></td>
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<td>Montana</td>
<td>SSN is required on the application form.</td>
<td>Rule: 24.159.1222</td>
<td><a href="http://www.wmrules.org/gateway/RuleNo.aspx?RN=24%2E159%2E1222">http://www.w w.mrules.or g/gateway/RuleNo.as p?RN=24%2E159%2E1222</a></td>
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<tr>
<td>Nebraska</td>
<td>Rules do not state immigration status requirements, but application form requires proof of &quot;Lawful Presence in the United States[.]&quot;)</td>
<td>[Nurse Practice Act, Section 38-2220](<a href="http://dhhs.ne.gov/p">http://dhhs.ne.gov/p</a> ublichealth /Licensure/Document s/Nursing-NursePrac ticeAct.pdf)</td>
<td><a href="http://dhhs.ne.gov/publichealth/health/Pages/crl_nursing_rn-lpn_endorsement.aspx">http://dhhs.n e.gov/publ ich/health/Pages/c rl_nursing_rn- lpn_endorsem ent.aspx</a></td>
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<td>New Hampshire</td>
<td>SSN is required on the application form.</td>
<td>RSA 326-B:4, III (Nurse Practice Act); Nur 301.03</td>
<td><a href="http://www.nh.gov/nursing/forms/documents/licensure-examination-rn-lpn.pdf">http://www.nh.gov/nursing/forms/documents/licensure-examination-rn-lpn.pdf</a></td>
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<td>New Mexico</td>
<td>SSN requested on the application form.</td>
<td>New Mexico Nursing Practice Act, Chapter 61</td>
<td><a href="http://nmbon.sks.com/Application_for_Licensure.aspx">http://nmbon.sks.com/Application_for_Licensure.aspx</a></td>
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<td>New York</td>
<td>Question 21 on the application form: “Federal law limits the issuance of professional licenses, registrations and limited permits to United States citizens or qualified aliens. To comply with this Federal law, complete this section of this form and check the appropriate box below which indicates your citizenship/immigration status.”</td>
<td>Article 139 Education Code, § 6905 (6)</td>
<td><a href="http://www.op.nysed.gov/prof/nurse/article139.htm">http://www.op.nysed.gov/prof/nurse/article139.htm</a></td>
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Produced by The Berkeley Electronic Press, 2017
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<td>Rhode Island</td>
<td>SSN required on the application form.</td>
<td>Section 5-34-10</td>
<td><a href="http://webserver.rilin.state.ri.us/Statutes/TITLE5/5-34-10HTM">http://webserver.rilin.state.ri.us/Statutes/TITLE5/5-34-10HTM</a></td>
<td><a href="http://health.ri.gov/applications/Nursing">http://health.ri.gov/applications/Nursing</a> RNLPN-Exam.pdf</td>
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<td>South Carolina</td>
<td>&quot;Pursuant to Section 8-29-10, et seq. of the South Carolina Code of Laws (1976, as amended), the Department of Labor, Licensing and Regulation must verify that any person who applies for a South Carolina license is lawfully present in the United States.&quot;</td>
<td>Nurse Practice Act, Chapter 33 § 40-33-32 (5)</td>
<td><a href="http://www.scstateho">http://www.scstateho</a> use.gov/co de/400c033.php</td>
<td><a href="http://www.lhr.state.sc.us/">http://www.lhr.state.sc.us/</a> pol/nursing/index.asp?file=pub.htm#RN</td>
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<td>Texas</td>
<td>SSN required on the application form.</td>
<td>Nursing Practice Act, Sec. 301.252</td>
<td><a href="https://www.bon.texas.gov/laws_and_rules_nursing_practice_act_2013.asp#Sec.301.252">https://www.bon.texas.gov/laws_and_rules_nursing_practice_act_2013.asp#Sec.301.252</a></td>
<td><a href="https://www.bon.texas.gov/applications_graduates_an_dnclex_examinations.asp">https://www.bon.texas.gov/applications_graduates_an_dnclex_examinations.asp</a></td>
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<td>Requirement</td>
<td>Code/Act</td>
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<tr>
<td>West Virginia</td>
<td>SSN is required on the application form.</td>
<td>West Virginia Code, § 30-7-6 &amp; 7</td>
<td><a href="http://www.legis.state.wv.us/WVCODE/code.cfm?chap=30&amp;part=7#1">http://www.legis.state.wv.us/WVCODE/code.cfm?chap=30&amp;part=7#1</a></td>
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<tr>
<td>Wisconsin</td>
<td>If SSN not provided, form 1051, Affidavit is required to explain why SSN was not provided in the application.</td>
<td>Wisconsin Administration Code N 2.10</td>
<td><a href="http://dsps.wi.gov/Documents/Credentialing%20Forms/Business%20Application%20Forms/fm1051.pdf">http://dsps.wi.gov/Documents/Credentialing%20Forms/Business%20Application%20Forms/fm1051.pdf</a></td>
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<tr>
<td>Washington D.C.</td>
<td>SSN required on the application form and in accordance to § 1-1205.05, which reads: “The social security number of each applicant for a license issued pursuant to this chapter shall be recorded on the application ...”</td>
<td>District of Columbia Nurse Practice Act § 3-1205.03-05</td>
<td>[<a href="http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Nurse%20Practice%20Act%202014.p">http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Nurse%20Practice%20Act%202014.p</a> df](<a href="http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Nurse%20Practice%20Act%202014.p">http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Nurse%20Practice%20Act%202014.p</a> df)</td>
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<td>State</td>
<td>Attorney License</td>
<td>Statute</td>
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<td>Application Form</td>
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<td>Alabama</td>
<td>“Only a person who is a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, may be licensed to practice law in this state.”</td>
<td>Code of Alabama Section 34-3-6</td>
<td><strong><a href="http://alison.db.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm">http://alison.db.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm</a></strong></td>
<td><strong><a href="https://admissions.alabar.org/home">https://admissions.alabar.org/home</a></strong></td>
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<td>Alaska</td>
<td>Required to disclose “citizenship” but no status specifically required. Rule 3, Section 2: “The application shall be made under oath and contain such information relating to the applicant’s age, residence, addresses, citizenship, occupations, general education, legal education, moral character and other matters as may be required by the Board; however, the application must contain the applicant’s social security number.”</td>
<td>Alaska Bar Rules</td>
<td><strong><a href="http://www.courtrecords.alaska.gov/webdocs/rules/docs/bar/pdf">http://www.courtrecords.alaska.gov/webdocs/rules/docs/bar/pdf</a></strong></td>
<td><strong><a href="https://admissions.alaskabar.org/home">https://admissions.alaskabar.org/home</a></strong></td>
</tr>
<tr>
<td>Arkansas</td>
<td>“Candidates may be a United States citizen, an alien lawfully admitted for permanent residence, or an alien otherwise authorized to work or study lawfully in the United States.”</td>
<td>Arkansas Judiciary Rule XII</td>
<td><strong><a href="https://courts.arkansas.gov/rules-and-administrative-orders/rules-governin/g-admission-examination">https://courts.arkansas.gov/rules-and-administrative-orders/rules-governin/g-admission-examination</a></strong></td>
<td><strong><a href="https://courts.arkansas.gov/administration/professional-programs/bar-exam/admission-examination">https://courts.arkansas.gov/administration/professional-programs/bar-exam/admission-examination</a></strong> Applications are online only and posted 5 months before the bar exam in July</td>
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<tr>
<td>State</td>
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<td>Website</td>
<td>Regulations</td>
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<td>California</td>
<td>“(b) Upon certification by the examining committee that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.” (Amended by Stats. 2013, Ch. 573, Sec. 1. Effective January 1, 2014.) Sergio Garcia case: Undocumented immigrant allowed to practice law in California: <a href="http://www.courts.ca.gov/24673.htm">http://www.courts.ca.gov/24673.htm</a></td>
<td><a href="https://leginfo.legislature.ca.gov/faces/CodeDisplaySection.xhtml?sectionNum=6064&amp;lawCode=BPC">https://leginfo.legislature.ca.gov/faces/CodeDisplaySection.xhtml?sectionNum=6064&amp;lawCode=BPC</a></td>
<td><a href="https://www.calbarxap.com/applications/calbar/California_Bar_Registration/">https://www.calbarxap.com/applications/calbar/California_Bar_Registration/</a></td>
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<td>State</td>
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| Florida | "[A]ll applicants are required to document their citizenship or immigration status. “ --Florida Board of Bar Examiners FAQ  
**New bill Passed that allowed undocumented persons to become lawyers under certain circumstances:**  
Title XXXII Chapter 454.021 (3) "Upon certification by the Florida Board of Bar Examiners that an applicant who is an unauthorized immigrant who was brought to the United States as a minor; has been present in the United States for more than 10 years; has received documented employment authorization from the United States Citizenship and Immigration Services (USCIS); has been issued a social security number; if a male, has registered with the Selective Service System if required to do so under the Military Selective Service Act, 50 U.S.C. App. 453; and has fulfilled all requirements for admission to practice law in this state, the Supreme Court of Florida may admit that applicant as an attorney at law authorized to practice in this state and may direct an order be entered upon the court's records to that effect."  
https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0454/Sections/0454.021.html  
Florida Board of Bar Examiners FAQ | https://www.floridabarexam.org/__85257bbe0055eb2c.nsf/52286a9af8f845185257c07005c3fe1/d65e1e8ca3f618eb85257c0d004e20be#2872 |
| Georgia | SSN is required on application form.  
"Applicants who are not U. S. citizens or do not have permanent resident status in the U. S. must print, complete, and submit the Non-Immigrant Affidavit and required documentation along with the Fitness Application.  
| Hawaii | Chapter 436B-10(6) Professional and Vocational Licensing Act requires “[p]roof that the applicant is a United States citizen, a United States national, or an alien authorized to work in the United States”; 436B-10(4) requests a social security number.  
<table>
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<tr>
<th>State</th>
<th>Requirement</th>
<th>Rule or Reference</th>
<th>Website</th>
<th>Additional Website</th>
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<tr>
<td>Indiana</td>
<td>SSN required by the statute.</td>
<td>Indiana Rules of Court: Rules for Admission to the Bar and the Discipline of Attorneys <a href="http://www.in.gov/judiciary/rules/ad_dis/#_Toc341254986">http://www.in.gov/judiciary/rules/ad_dis/#_Toc341254986</a></td>
<td><a href="https://www.in.gov/judiciary/rules/ad_dis/ad_dis/#_Toc341254986">https://www.in.gov/judiciary/rules/ad_ddis/ad_dis/#_Toc341254986</a></td>
<td>[<a href="https://myble">https://myble</a> courts.in.gov/information-and-applications](<a href="https://myble">https://myble</a> courts.in.gov/information-and-applications)</td>
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<td>Kansas</td>
<td>Application form requires SSN and asks for citizenship and immigration status -- required to explain and provide proof of legal status if not a US citizen -- page 4 of application form.</td>
<td>Rule 705 of Rules Adopted by the Supreme Court</td>
<td>[<a href="http://www.kscourts.or">http://www.kscourts.or</a> g/rules/Rule- Info.asp?r1=Rule s+Relat ing+to+A dmission+n+of+At torneys&amp;r2=400](<a href="http://www.kscourts.org/rules/Rule-Info.asp?r1=Rule">http://www.kscourts.org/rules/Rule-Info.asp?r1=Rule</a> s+Relat ing+to+A dmission+n+of+At torneys&amp;r2=400)</td>
<td>[<a href="http://www.kscourts.org/appellate-clerk/Board-of-Law-Examiners/PDF/Applicati">http://www.kscourts.org/appellate-clerk/Board-of-Law-Examiners/PDF/Applicati</a> onWrittenExamination.pdf](<a href="http://www.kscourts.org/appellate-clerk/Board-of-Law-Examiners/PDF/Applicati">http://www.kscourts.org/appellate-clerk/Board-of-Law-Examiners/PDF/Applicati</a> onWrittenExamination.pdf)</td>
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<td>Louisiana</td>
<td>“Be a citizen of the United States or an alien lawfully admitted for permanent residence, or an alien otherwise authorized to work lawfully in the United States.”</td>
<td>Rule XVII LA Bar Admission Rules, Section 3(B) <a href="http://www.lasc.org/rules/supreme/RuleXVII.aspx">http://www.lasc.org/rules/supreme/RuleXVII.aspx</a></td>
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<td><a href="https://www.lascba.org/candidate/instrucFirstTime.cfm">https://www.lascba.org/candidate/instrucFirstTime.cfm</a></td>
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<td>Minnesota State Board of Law Examiners, Rule 4</td>
<td><a href="https://www.ble.state.mn.us/rules/Rule-4-General-Requirements-for-Admission.aspx">https://www.ble.state.mn.us/rules/Rule-4-General-Requirements-for-Admission.aspx</a></td>
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<td>Board of Bar Admission’s Rules Governing Admission to the Mississippi Bar</td>
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<td><a href="https://courts.ms.gov/baradmissions/baradmissions_applawstudent.html">https://courts.ms.gov/baradmissions/baradmissions_applawstudent.html</a></td>
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<td>Missouri</td>
<td>&quot;Be a citizen or national of the United States, an immigrant alien lawfully admitted for permanent residence in the United States, or an alien otherwise authorized to work lawfully in the United States.&quot;</td>
<td>Missouri Board of Law Examiners, Rule 8.03</td>
<td><a href="https://www.mble.org/rules">https://www.mble.org/rules</a></td>
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<td>Nebraska</td>
<td>Supreme Court Rules have no immigration status requirements but application form asks for immigration status and citizenship.</td>
<td>Supreme Court Rules § 3-112/113</td>
<td><a href="https://supreme">https://supreme</a> court.nebraskagov/supreme-court-rules/ch3/art1</td>
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<td>Nevada</td>
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<td>Supreme Court Rule 51 and 52</td>
<td><a href="http://www.leg.state.nv.us/co">http://www.leg.state.nv.us/co</a> urtrules/scr.htm</td>
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<td>New Hampshire</td>
<td>Supreme Court Rules have no immigration status requirements but application form asks for immigration status and citizenship.</td>
<td>Supreme Court Rule 42</td>
<td><a href="http://www.coourts.state.nh.us/rules/scr-42.htm">http://www.coourts.state.nh.us/rules/scr-42.htm</a></td>
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<td>New Jersey</td>
<td>Supreme Court Rules have no immigration status requirements but application form asks for immigration status and citizenship.</td>
<td>Rule 1:24/27/29</td>
<td><a href="https://www.njbarexams.org/rules">https://www.njbarexams.org/rules</a></td>
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<tr>
<td>New York</td>
<td>Application asks for SSN and immigration status.</td>
<td>No Immigration status Requirements in Rules, but Cesar Vargas case:</td>
<td><a href="http://www.njbarexams.org/intro.aspx">http://www.njbarexams.org/intro.aspx</a></td>
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<td>Vargas case update: Vargas application to practice law granted by the Supreme Court of the State of New York Appellate Division: Second Judicial Department</td>
<td>Vargas application to practice law granted by the Supreme Court of the State of New York Appellate Division: Second Judicial Department</td>
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<td>SSN Required on Application Form</td>
<td>Admission to Practice Rules, Rule X</td>
<td>Web Links</td>
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<td>Oregon</td>
<td>SSN required on the application form.</td>
<td>Supreme Court of the State of Oregon Rule 3.05</td>
<td><a href="http://www.osbar.org/docs/rulesadmissions.pdf">http://www.osbar.org/docs/rulesadmissions.pdf</a></td>
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<tr>
<td>Pennsylvania</td>
<td>Application form requires citizenship information and immigration status as well as appropriate documentation.</td>
<td>Rule 203/204/205</td>
<td><a href="http://www.pabarexam.org/bar_admission_rules/geninfo.htm">http://www.pabarexam.org/bar_admission_rules/geninfo.htm</a></td>
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<tr>
<td>Rhode Island</td>
<td>“He/She is a citizen of the United States or legal resident, of good character[.]”</td>
<td>Supreme Court Rules: Article II, Rule 1(a)</td>
<td><a href="https://www.courts.ri.gov/AttorneyResources/Admissions/Pages/Examination.aspx">https://www.courts.ri.gov/AttorneyResources/Admissions/Pages/Examination.aspx</a></td>
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<tr>
<td>State</td>
<td>X</td>
<td>Rule/Regulation</td>
<td>Website</td>
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<tr>
<td>South Carolina</td>
<td></td>
<td>“Pursuant to Section 8-29-10, et seq. of the South Carolina Code of Laws (1976, as amended), the Department of Labor, Licensing and Regulation must verify that any person who applies for a South Carolina license is lawfully present in the United States.”</td>
<td><a href="http://www.judicial.state.sc.us/courtReg/displa">http://www.judicial.state.sc.us/courtReg/displa</a> yRule.cfm?ruleID=D=402&amp;subRuleID=D=&amp;rule Type=A PP</td>
<td></td>
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<tr>
<td>South Dakota</td>
<td>X</td>
<td>Rules and Regulations for Admission to Practice Law in South Dakota, Rule 16-16-2</td>
<td><a href="http://www.uj">http://www.uj</a> s.sd.gov/upload s/barexa miners/RReg.pdf</td>
<td></td>
</tr>
<tr>
<td>Tennessee</td>
<td>X</td>
<td>Supreme Court Rule 7, Article I, Section 1.03</td>
<td><a href="http://tncourts">http://tncourts</a>. gov/rul es/supreme-court/7</td>
<td></td>
</tr>
</tbody>
</table>
| Texas        |   | “quality under one of the following categories:  
(A) be a United States citizen;  
(B) be a United States national;  
(C) be an alien lawfully admitted for permanent residence;  
(D) be otherwise authorized to work lawfully in the United States, including in a period of Optional Practical Training; or  
(E) be an Applicant who does not reside in the United States when the Application is submitted” | http://www.bl e.state.tx .us/rule s/newru les/curr entruleb ook.pdf                        |
<p>| Utah         | X | Rule 14-703                                                                      | <a href="http://www.ut">http://www.ut</a> ahbar.or g/admis sions/rules-governin g-bar-admissio ns/                      |
| Vermont      |   | “An applicant must be a citizen of the United States or an alien lawfully present in the United States[.]” | <a href="https://www.ve">https://www.ve</a> rmontjudici ary.o rg/LC/d BBELibr ary/BBE Rules.pdf                       |</p>
<table>
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<tr>
<th>State</th>
<th>Requirement</th>
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<th>Additional Links</th>
</tr>
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<td>Washington</td>
<td>X</td>
<td>Court Rules APR 3</td>
<td><a href="https://admissions.wsba.org">https://admissions.wsba.org</a></td>
</tr>
<tr>
<td>Wyoming</td>
<td>X</td>
<td>WYO Stat Ann Section 33-5-105; Rules and Procedures Governing Admission to the Practice of Law, Section IV</td>
<td><a href="https://www.wyomingbar.org/admissions/frequently-asked-questions/">https://www.wyomingbar.org/admissions/frequently-asked-questions/</a></td>
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n_by_examinatio
n_rev.pdf
| http://www.
dccourts.gov/
internet/appe
llate/adminco
mittee/main.jsf
Educator:

<table>
<thead>
<tr>
<th>State</th>
<th>Educator/Teacher License</th>
<th>Statute</th>
<th>Source</th>
<th>Application Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>“… the school board is required to verify the immigration status of a newly hired employee (including a substitute employee) as part of the employment process…”</td>
<td>Title 31, Chapter 13 of the Code of Alabama 1975</td>
<td><a href="http://www.alsde.edu/sec/comm/Pages/Everify.aspx">http://www.alsde.edu/sec/comm/Pages/Everify.aspx</a></td>
<td><a href="https://ats1.searchsoft.net/ats/app_login.shtm?COMPANY_ID=00008500">https://ats1.searchsoft.net/ats/app_login.shtm?COMPANY_ID=00008500</a></td>
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<tr>
<td>Alaska</td>
<td>SSN is required on the application form.</td>
<td>4 AAC 12.305</td>
<td><a href="http://www.legis.state.ak.us/basis/aacasp#4.1">http://www.legis.state.ak.us/basis/aacasp#4.1</a></td>
<td><a href="http://www.education.alaska.gov/TeacherCertification/forms/initial.pdf">http://www.education.alaska.gov/TeacherCertification/forms/initial.pdf</a></td>
</tr>
<tr>
<td>State</td>
<td>Legal Status Requirements</td>
<td>Application Details</td>
<td></td>
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</table>
| California | The statute does not specify legal status requirements, but the application asks for either a SSN or Individual Tax ID Number. | 5 CCR § 80413  
https://www.ctc.ca.gov/credentials/letters/414.pdf |
| Colorado  | HB 065-1009: Requires Lawful Presence  
This bill was enacted into law on July 31, 2006 and applies to all professional licensees:  
SECTION 1. 24-34-107 (1), Colorado Revised Statutes  
http://tornado.state.co.us/gov_dir/leg_dir/olgs/sl2006b/sl_9.htm  
The application requires that you “affirm . . . That you are either a United States citizen, a legal permanent resident or that you are otherwise lawfully present in the United States pursuant to federal law.”  
https://www.cde.state.co.us/cdeprof/verification_lawful_presence |  
Colorado Educator Licensing Act of 1991, 2.03(3)  
Section 1. 24-34-107 (1), Colorado Revised Statutes  
http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6250&fileName=1%20CCR%202030-1-37  
https://www.cde.state.co.us/cdeprof/checklist-initialteacher |
| Connecticut | The application requests a SSN. | Regulation of State Board of Education, Sec. 10-145d-400 to 619  
<table>
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<tr>
<th>State</th>
<th>Requirement</th>
<th>Statute/Code</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>&quot;(a) The State Board of Education may adopt rules for issuing certificates to noncitizens who are needed to teach and who are legally admitted to the United States through the United States Bureau of Citizenship and Immigration Services. The filing of a written oath to uphold the principles of the Constitution of the United States and the Constitution of the State of Florida, required under paragraph (2)(b), does not apply to individuals assigned to teach on an exchange basis. (b) A certificate may not be issued to a citizen of a nation controlled by forces that are antagonistic to democratic forms of government, except to an individual who has been legally admitted to the United States through the United States Bureau of Citizenship and Immigration Services.&quot;</td>
<td>Fla. Stat. § 1012.56(11)(a)-(b)</td>
<td><a href="http://www.flsenate.gov/Laws/Statutes/2013/1012.56">http://www.flsenate.gov/Laws/Statutes/2013/1012.56</a></td>
</tr>
<tr>
<td>Georgia</td>
<td>&quot;Georgia law, O.C.G.A. 50-36-1, stipulates that ‘every agency or political subdivision shall verify the lawful presence in the United States of any applicant for public benefits.’ Professional licensure is listed within the law as a public benefit. The GaPSC is therefore required to verify the lawful presence in the United States of all applicants for educator certification. No certificate or license may be issued to an applicant who is unable to verify lawful presence in the United States.&quot;</td>
<td>O.C.G.A. 50-36-1</td>
<td><a href="http://www.gapsc.com/Rules/Current/Certification/505-2-27.pdf">http://www.gapsc.com/Rules/Current/Certification/505-2-27.pdf</a></td>
</tr>
<tr>
<td>Idaho</td>
<td>X</td>
<td>IDAPA 08.02.02</td>
<td><a href="http://sde.idaho.gov/license-permits/licensing-permits-overview/">http://sde.idaho.gov/license-permits/licensing-permits-overview/</a></td>
</tr>
<tr>
<td>State</td>
<td>Requirement</td>
<td>Code/Website</td>
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<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>X</td>
<td>IC 20-28 <a href="http://www.isbe.net/ELI_S/default.htm">http://www.isbe.net/ELI_S/default.htm</a></td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td>SSN required on the application form.</td>
<td>K.S.A. 72-1388 <a href="http://www.doe.in.gov/licensing/statute-preparatory-program">http://www.doe.in.gov/licensing/statute-preparatory-program</a></td>
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<tr>
<td>Massachusetts</td>
<td>SSN is required on the application form.</td>
<td>603 CMR 7.04(c), 7.09, or 7.11</td>
<td><a href="http://www.doe.mass.edu/taawrepsi/603cmr7.html?section=02">http://www.doe.mass.edu/taawrepsi/603cmr7.html?section=02</a></td>
</tr>
<tr>
<td>State</td>
<td>Requirement</td>
<td>Reference</td>
<td>Additional Link</td>
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<tr>
<td>Minnesota</td>
<td>Minnesota Administrative Rules, 8710.0300</td>
<td><a href="https://www.revisor.mn.gov/rules/?id=8710.0300">https://www.revisor.mn.gov/rules/?id=8710.0300</a></td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>“Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.”</td>
<td><a href="http://www.mde.k12.ms.us/docs/educator-licensure/enabling-legislation/pdf?sfvrsn=0">http://www.mde.k12.ms.us/docs/educator-licensure/enabling-legislation/pdf?sfvrsn=0</a></td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td>SSN required within application materials.</td>
<td>5 CSR 20-400.150</td>
<td><a href="https://dese.mo.gov/educator-quality/certification/teacher">https://dese.mo.gov/educator-quality/certification/teacher</a></td>
</tr>
</tbody>
</table>

Produced by The Berkeley Electronic Press, 2017
<table>
<thead>
<tr>
<th>State</th>
<th>SSN Required</th>
<th>ARM Rule</th>
<th>Nebraska Admin Code, Title 92, Chapter 21, 005</th>
<th>Nevada Administrative Rules for Education, Chapter Ed 500</th>
</tr>
</thead>
</table>
| Nevada     | “1. Except as otherwise provided in this section and NRS 391.070, it is unlawful for:
   (a) The Superintendent of Public Instruction to issue a license to, or a board of trustees of a school district or a governing body of a charter school to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.” NRS 391.060 Employment of alien teacher through program of exchange permitted. The board of trustees of a school district or the governing body of a charter school may employ a teacher or instructor authorized to teach in the United States under the teacher exchange programs authorized by laws of the Congress of the United States. * May 15, 2015 update: Nevada Gov. Brian Sandoval (R) signed a state bill this week allowing some undocumented immigrants with temporary work authorization to receive teaching licenses. | NRS 391.060 | [http://leg.state.nv.us/NRS/NRS-391.html#NRS391Sec060](http://leg.state.nv.us/NRS/NRS-391.html#NRS391Sec060) | |
<table>
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<tr>
<th>State</th>
<th>Requirement</th>
<th>Code/URL</th>
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<tbody>
<tr>
<td>New Jersey</td>
<td>“Every permanent teaching staff member employed in any of the free public schools for nine months or more, in any year shall be a citizen of the United States, except that any citizen of any other country, who has declared his intention of becoming a United States citizen and to whom there has been issued a teaching certificate in accordance with law, may be employed as a teacher so long as he holds a valid teacher’s certificate and a teacher of foreign languages who has been a resident of the United States for less than 10 years and who is not a citizen of the United States may be employed in such capacity. The requirement of citizenship shall not be construed to apply to a teacher from a foreign country who is enrolled with an approved international agency which operates a teacher placement program or teacher exchange program.”</td>
<td>N.J.S.18A:26-1 ftp://www.njleg.state.nj.us/22003/P.L02/9_.PDF <a href="http://www.state.nj.us/education/educators/licensure/tcis/">http://www.state.nj.us/education/educators/licensure/tcis/</a></td>
</tr>
<tr>
<td>New Mexico</td>
<td>SSN is required on the application form.</td>
<td>6.61.1 - 12 NMAC <a href="http://164.64.11.023/nmac/_title06/T06C061.htm">http://164.64.11.023/nmac/_title06/T06C061.htm</a></td>
</tr>
<tr>
<td>State</td>
<td>Requirement</td>
<td>Code Section</td>
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<tr>
<td>New York</td>
<td>No person shall be employed or authorized to teach in the public schools of the state who is [...]</td>
<td>§ 3001 EDN Title 4, Article 61, § 3001</td>
</tr>
<tr>
<td>State</td>
<td>Requirement</td>
<td>Code/Source</td>
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<tr>
<td>Ohio</td>
<td>X</td>
<td><a href="http://codes.ohio.gov/oac/3301-24">Ohio Administrative Code, Chapter 3301-24</a></td>
</tr>
<tr>
<td>Oregon</td>
<td>SSN is required on the application form.</td>
<td><a href="http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_r_584/584_050.html">OAR 584-050-0002</a></td>
</tr>
</tbody>
</table>
Pennsylvania

“State certificates shall be issued as herein provided. Each such certificate shall set forth the branches which its holder is entitled to teach. No teacher shall teach, in any public school, any branch which he has not been properly certificated to teach.

A certificate to teach shall not be granted or issued to any person not a citizen of the United States, except in the case of exchange teachers not permanently employed and teachers employed for the purpose of teaching foreign languages.

In the case of a resident foreign national holding an immigrant visa who has declared, in writing, to the Department of Public Instruction the intention of becoming a citizen of the United States, such person shall be eligible for a provisional college certificate.”

24 P.S. § 12-1202

http://www.education.pa.gov/Teachers%20-%20Administrators/Certifications/Pages/default.aspx#.Vs-CWMDiv-Z

https://www.mydepaps.pa.gov/site/minderagent/forms/loginn.ftml

http://www.pa code.com/securedata/022/chapter49/chapter49toch.html

http://www.legis.state.pa.us/cfdocs/legis/LJ/ucorc/heck.cf

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slnd=0

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Ind=0&

act=1&

chpt=12

&subsec

n=0


https://www.m ydepaps.pa.gov/site/minderagent/forms/loginn.ftml
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<tbody>
<tr>
<td>Rhode Island</td>
<td>SSN is required on the application form.</td>
<td>State of Rhode Island General Laws § 16-11-1 to 7</td>
</tr>
<tr>
<td>South Carolina</td>
<td>SSN is required on the application form.</td>
<td>South Carolina Code of Laws, SECTION 59-25-20</td>
</tr>
<tr>
<td>South Dakota</td>
<td>SSN is required on the application form.</td>
<td>SD Admin Rules, Article 24:15</td>
</tr>
</tbody>
</table>

Rhode Island

SSN is required on the application form.

State of Rhode Island General Laws § 16-11-1 to 7


South Carolina

SSN is required on the application form.

"Pursuant to Section 8-29-10, et seq. of the South Carolina Code of Laws (1976, as amended), the Department of Labor, Licensing and Regulation must verify that any person who applies for a South Carolina license is lawfully present in the United States."

South Carolina Code of Laws, SECTION 59-25-20

http://www.scstatehouse.gov/code/t59c025.php

http://ed.sc.gov/educators/certification/certification-forms/forms/pdf-application-for-educator-certification-or-student-teaching-clearance/

South Dakota

SSN is required on the application form.

SD Admin Rules, Article 24:15


<table>
<thead>
<tr>
<th>State</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>Tennessee</td>
<td>SSN is required on the application form.</td>
<td>Rules of the State Board of Education Chapter 0520-02-03</td>
<td><a href="https://www.tn.gov/assets/entities/sbe/attachments/7-24-15-III-C-TeacherLicenseEmergencyRuleAttachmentCleanVersion.pdf">https://www.tn.gov/assets/entities/sbe/attachments/7-24-15-III-C-TeacherLicenseEmergencyRuleAttachmentCleanVersion.pdf</a></td>
</tr>
<tr>
<td>Vermont</td>
<td>SSN is required on the application form.</td>
<td>Vermont Statutes § 1696</td>
<td><a href="https://alis.edlicensing.vermont.gov/InitialUserRegistration.aspx">https://alis.edlicensing.vermont.gov/InitialUserRegistration.aspx</a></td>
</tr>
<tr>
<td>Virginia</td>
<td>Application states: “In accordance with § 63.2-1937 of the Code of Virginia, the Virginia Department of Education requires applicants for teacher licensure in Virginia to provide their social security numbers[.]”</td>
<td>8VAC20-22-40</td>
<td><a href="http://www.doe.virginia.gov/teaching/licensure/application.pdf">http://www.doe.virginia.gov/teaching/licensure/application.pdf</a></td>
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<td>Regulations</td>
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<td><a href="http://www.k12.wa.us/certification/Certapp/Instructions.pdf">http://www.k12.wa.us/certification/Certapp/Instructions.pdf</a></td>
</tr>
<tr>
<td>West Virginia</td>
<td></td>
<td>9.1.a “A license to work in the public schools of West Virginia may be granted to an applicant who is: 1) a United States citizen unless otherwise noted…”</td>
<td>126CSR136-9</td>
</tr>
<tr>
<td></td>
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<td></td>
<td><a href="http://www.state.wv.us/certification/forms/documents/Form20T.pdf">http://www.state.wv.us/certification/forms/documents/Form20T.pdf</a></td>
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<tr>
<td>Wisconsin</td>
<td>X</td>
<td>Wisconsin Admin Code, Chapter PI 34</td>
<td><a href="http://docs.legis.wisco">http://docs.legis.wisco</a> nsin.gov/admin_code/pi/34/V/17</td>
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<td></td>
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<td></td>
<td><a href="http://tepdl.dpi.wi.gov/licensing/elo-initial-wi-teacher-tips">http://tepdl.dpi.wi.gov/licensing/elo-initial-wi-teacher-tips</a></td>
</tr>
<tr>
<td>Wyoming</td>
<td></td>
<td>Application includes SSN request and question regarding eligibility to work in the US.</td>
<td>Wyoming Code, 21-2-802</td>
</tr>
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<td></td>
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<td></td>
<td><a href="http://ptsb.state.wy.us/LinkClick.aspx?fileticket=fCMAa_FKn03d&amp;tabid=94">http://ptsb.state.wy.us/LinkClick.aspx?fileticket=fCMAa_FKn03d&amp;tabid=94</a></td>
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<td><a href="http://osse.dc.gov/serv">http://osse.dc.gov/serv</a> ice/teacher-licensure</td>
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</table>
### APPENDIX II: EXAMPLES OF STATE OCCUPATIONAL LICENSING LAWS REQUIRING CERTAIN IMMIGRATION STATUS

<table>
<thead>
<tr>
<th>Occupation</th>
<th>State</th>
<th>Law</th>
<th>Citizenship/Alienage requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletic Trainer</td>
<td>Nevada</td>
<td>NEV. REV. STAT. § 640B.310</td>
<td>(b) Be a citizen of the United States or lawfully entitled to remain and work in the United States;</td>
</tr>
<tr>
<td>Auctioneer</td>
<td>West Virginia</td>
<td>W. VA. CODE § 19-2C-5</td>
<td>(e) That he or she is a citizen of the United States;</td>
</tr>
<tr>
<td>Breeder (game animals or game birds)</td>
<td>Delaware</td>
<td>DEL. CODE ANN. tit. 7, § 543</td>
<td>[S]hall be issued only to citizens of the United States</td>
</tr>
<tr>
<td>Broker</td>
<td>Massachusetts</td>
<td>MASS. GEN. LAWS ANN. ch. 112, § 87TT</td>
<td>Every applicant for a license shall furnish evidence that he is a citizen of the United States or shall present to the board a copy of his declaration of intention to become a citizen of the United States, certified by the clerk of the court in which it was filed, or a certificate from the Immigration and Naturalization Service of the United States, showing that, in accordance with law, he has declared his intention to become such citizen</td>
</tr>
<tr>
<td>Commercial Fisher</td>
<td>South Carolina</td>
<td>S.C. CODE ANN. § 50-9-30(A)(6)(a)</td>
<td>For purposes of obtaining a commercial license, permit, or tag, “resident” means a United States citizen who has been domiciled in this State for three</td>
</tr>
</tbody>
</table>
Within You Without You

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<thead>
<tr>
<th>Occupation</th>
<th>Jurisdiction</th>
<th>Reference</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Reporter</td>
<td>Utah</td>
<td>UTCHOD ANN. § 58-74-302</td>
<td>(b) [B]e a citizen of the United States;</td>
</tr>
<tr>
<td>Day Care Center Operator</td>
<td>Arizona</td>
<td>ARIZ. REV. STAT. ANN. § 36-889</td>
<td>[S]hall be a citizen of the United States who is a resident of this state, or a legal resident alien who is a resident of this state.</td>
</tr>
<tr>
<td>Dentistry or Dental Hygiene</td>
<td>South Dakota</td>
<td>S.D. CODIFIED LAWS § 36-6A-44</td>
<td>(8) [C]itizen of the United States or lawfully admitted alien, or he shall file an affidavit with the board indicating his intent to become a citizen of the United States. However, if citizenship has not been attained within eight years from the filing of such affidavit, he forfeits the right to be licensed under this chapter.</td>
</tr>
<tr>
<td>Employment and Temporary Work Agencies</td>
<td>Arkansas</td>
<td>ARK. CODE ANN. § 11-11-210</td>
<td>(a) To be eligible for application for an employment counselor’s license, the applicant shall be: (1) A citizen of the United States;</td>
</tr>
<tr>
<td>Employment and Temporary Work Agencies</td>
<td>Minnesota</td>
<td>MINN. STAT. § 184.26</td>
<td>An applicant for an employment agency’s license shall be a citizen of the United States or resident alien</td>
</tr>
<tr>
<td>Employment and Temporary Work Agencies</td>
<td>West Virginia</td>
<td>W. VA. CODE ANN. § 21-2-8</td>
<td>License to operate as an employment agent shall be issued only to citizens of the United States.</td>
</tr>
<tr>
<td>Professional</td>
<td>State</td>
<td>Code Reference</td>
<td>Requirements</td>
</tr>
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</tr>
<tr>
<td>Engineer</td>
<td>District of Columbia</td>
<td>D.C. CODE § 47-2886.08</td>
<td>(2)(A) To register as a professional engineer any person of good character and repute who is a citizen of the United States (4) Any person who is not a citizen of the United States [can obtain temporary registration] to engage in the practice of engineering only for the duration of and in connection with a specific project for which it was granted, and shall be subject to annual renewal and to suspension or revocation.</td>
</tr>
<tr>
<td>Engineer-in-training</td>
<td>Alabama</td>
<td>ALA. CODE § 34-13-72</td>
<td>(1) Is a citizen of the United States or legally present in this state.</td>
</tr>
<tr>
<td></td>
<td>Massachusetts</td>
<td>MASS. GEN. LAWS ANN. ch. 112, § 83</td>
<td>[A] citizen of the United States</td>
</tr>
<tr>
<td></td>
<td>New Jersey</td>
<td>N.J. STAT. ANN. 45:7-50</td>
<td>(1)(a) He is a citizen of the United States and has been a resident of the State of New Jersey for a period of at least 6 months prior to the date of the examination;</td>
</tr>
<tr>
<td></td>
<td>New York</td>
<td>N.Y. PUB. HEALTH LAW § 3421 (McKinney)</td>
<td>(2)(a) [I]s a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;</td>
</tr>
<tr>
<td></td>
<td>Oklahoma</td>
<td>OKLA. STAT. tit. 59, § 396.3</td>
<td>(B) [A] citizen or permanent resident of the United States</td>
</tr>
<tr>
<td>Role</td>
<td>State</td>
<td>Statute/Code</td>
<td>Requirement</td>
</tr>
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</tr>
<tr>
<td>Funeral Home Director</td>
<td>Pennsylvania</td>
<td>63 PA. STAT. ANN. § 479.3</td>
<td>(b) Each applicant shall be a citizen of the United States</td>
</tr>
<tr>
<td>Funeral Home Director</td>
<td>Rhode Island</td>
<td>R.I. GEN. LAWS § 5-33.2-6</td>
<td>(2) Be a citizen of the United States or have lawful entry into the country;</td>
</tr>
<tr>
<td>Funeral Home Director</td>
<td>South Dakota</td>
<td>S.D. CODIFIED LAWS § 36-19-21</td>
<td>[Must] be a citizen of the United States or a resident of South Dakota</td>
</tr>
<tr>
<td>Funeral Home Director</td>
<td>Tennessee</td>
<td>TENN. CODE ANN. § 62-5-305</td>
<td>(b)(2) Is a citizen of the United States</td>
</tr>
<tr>
<td>Funeral Home Director</td>
<td>West Virginia</td>
<td>W. VA. CODE ANN. § 30-6-8</td>
<td>(a)(3) Is a citizen of the United States or is eligible for employment in the United States;</td>
</tr>
<tr>
<td>Homeopathic Medicine</td>
<td>Nevada</td>
<td>NEV. REV. STAT. ANN. § 630A.230</td>
<td>(2)(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;</td>
</tr>
<tr>
<td>Licensed Practical Nurse</td>
<td>Indiana</td>
<td>IND. CODE ANN. § 25-23-1-4</td>
<td>(a)(1) Be a citizen of the United States</td>
</tr>
<tr>
<td>Long-term Care Administrator</td>
<td>Kentucky</td>
<td>KY. REV. STAT. ANN. § 216A.080</td>
<td>(1)(b) He or she is a citizen of the United States or has declared his or her intent to become a citizen of the United States;</td>
</tr>
<tr>
<td>Manager of Collection Agency</td>
<td>New Mexico</td>
<td>N.M. STAT. ANN. § 61-18A-11</td>
<td>(A) Be a citizen of the United States</td>
</tr>
<tr>
<td>Marine Pilot</td>
<td>Alaska</td>
<td>ALASKA STAT. ANN. § 08.62.100</td>
<td>(a)(1) Is a citizen of the United States</td>
</tr>
<tr>
<td>Profession</td>
<td>State</td>
<td>Code</td>
<td>Requirement</td>
</tr>
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</tr>
<tr>
<td>Marital and Family Therapist</td>
<td>Missouri</td>
<td>MO. ANN. STAT. § 337.715</td>
<td>(1)(5) is a United States citizen or has status as a legal resident alien</td>
</tr>
<tr>
<td>Massage Therapist</td>
<td>Texas</td>
<td>TEX. OCC. CODE ANN. § 455.202</td>
<td>(b)(1) a United States citizen or a legal permanent resident with a valid work permit;</td>
</tr>
<tr>
<td>Massage Therapist</td>
<td>Georgia</td>
<td>GA. CODE ANN. § 43-24A-8</td>
<td>(b)(3) a citizen of the United States or a permanent resident of the United States;</td>
</tr>
<tr>
<td>Massage Therapist</td>
<td>New York</td>
<td>N.Y. EDUC. LAW § 7804</td>
<td>(5) Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States;</td>
</tr>
<tr>
<td>Medication Attendant in Licensed Nursing Homes</td>
<td>Louisiana</td>
<td>LA. REV. STAT. ANN. § 37:1026.7</td>
<td>(1) Be a citizen of the United States, a United States national, or an alien lawfully admitted for permanent residency in the United States.</td>
</tr>
<tr>
<td>Midwife</td>
<td>New York</td>
<td>N.Y. EDUC. LAW § 6955</td>
<td>(6) Be a United States citizen or an alien lawfully admitted for permanent residence in the United States.</td>
</tr>
<tr>
<td>Nursing Home Administrator</td>
<td>Pennsylvania</td>
<td>63 PA. STAT. ANN. § 1106</td>
<td>(a) a citizen of the United States, or that he has duly declared his intention of becoming a citizen of the United States.</td>
</tr>
<tr>
<td>Profession</td>
<td>State</td>
<td>Code Requirement</td>
<td></td>
</tr>
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</tr>
<tr>
<td>Occupational Therapist</td>
<td>Alabama</td>
<td><strong>AL. CODE § 34-39-8</strong> Shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation</td>
<td></td>
</tr>
<tr>
<td>Occupational Therapist</td>
<td>Alaska</td>
<td><strong>ALASKA STAT. ANN. § 08.84.032</strong> (a)(4) Have met applicable requirements under the federal Immigration and Nationality Act (8 U.S.C. 1101 et seq.), unless a United States citizen;</td>
<td></td>
</tr>
<tr>
<td>Operator of a Steam Generator</td>
<td>New Jersey</td>
<td><strong>N.J. STAT. ANN. § 34:7-2</strong> An applicant must be a citizen of the United States or have officially declared his intention of becoming a citizen.</td>
<td></td>
</tr>
<tr>
<td>Optician</td>
<td>Nevada</td>
<td><strong>NEV. REV. STAT. ANN. § 637.127</strong> (1)(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;</td>
<td></td>
</tr>
<tr>
<td>Optometrist</td>
<td>New Mexico</td>
<td><strong>N.M. STAT. ANN. § 61-2-8</strong> (D) Is a citizen of the United States or has taken out his first naturalization papers;</td>
<td></td>
</tr>
<tr>
<td>Optometrist</td>
<td>Guam</td>
<td><strong>10 GUAM CODE ANN. § 12506</strong> (d) Is a citizen of the United States or is a permanent resident of the United States;</td>
<td></td>
</tr>
<tr>
<td>Optometrist</td>
<td>New Jersey</td>
<td><strong>N.J. STAT. ANN. § 45:12-7</strong> [A] Citizen of the United States, or has declared his intention to become such a citizen</td>
<td></td>
</tr>
<tr>
<td>Osteopathic Physician or Surgeon</td>
<td>Arizona</td>
<td><strong>ARIZ. REV. STAT. ANN. § 32-1822</strong> (A)(2) Is a citizen of the United States or a resident alien.</td>
<td></td>
</tr>
<tr>
<td>Profession</td>
<td>State</td>
<td>Code</td>
<td>Requirements</td>
</tr>
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</tr>
<tr>
<td>Pharmacist</td>
<td>Nebraska</td>
<td><strong>NEB. REV. STAT. § 38-2853</strong></td>
<td>A temporary pharmacist license may be granted to persons meeting all of the qualifications for a pharmacist license except the requirement that they be citizens of the United States if the person so licensed has not become a citizen of the United States within five years of the date such temporary license was issued, such license shall terminate and the person so licensed shall have no further right to practice pharmacy in this state.</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Illinois</td>
<td><strong>225 ILL. COMP. STAT. ANN. 85/6</strong></td>
<td>(1) That he or she is a United States citizen or legally admitted alien;</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Pennsylvania</td>
<td><strong>63 PA. STAT. ANN. § 390-3</strong></td>
<td>(1) Citizen of the United States;</td>
</tr>
<tr>
<td>Physical Therapist</td>
<td>Alabama</td>
<td><strong>ALA. CODE § 34-24-211</strong></td>
<td>Each applicant shall also be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.</td>
</tr>
<tr>
<td>Physical Therapist</td>
<td>Louisiana</td>
<td><strong>LA. REV. STAT. ANN. 37:2409</strong></td>
<td>(2) Be a citizen of the United States or have obtained legal authority to work in the United States, and have proper documentation evidencing this fact.</td>
</tr>
<tr>
<td>Physical Therapist</td>
<td>West Virginia</td>
<td><strong>W. VA. CODE § 30-20-11</strong></td>
<td>(a)(6) Is a citizen of the United States or is eligible for employment in the United States;</td>
</tr>
<tr>
<td>Physical Therapist</td>
<td>Guam</td>
<td><strong>10 GUAM CODE ANN. § 121506</strong></td>
<td>(2) Be a United States citizen or legal alien;</td>
</tr>
<tr>
<td>Profession</td>
<td>State</td>
<td>Statutory Reference</td>
<td>Requirement</td>
</tr>
<tr>
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</tr>
<tr>
<td>Podiatry</td>
<td>Nevada</td>
<td>NEV. REV. STAT. ANN. § 635.082</td>
<td>(2)(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.</td>
</tr>
<tr>
<td>Polygraph Examiner</td>
<td>South Carolina</td>
<td>S.C. CODE ANN. § 40-53-70</td>
<td>(2) [I]s a citizen of the United States;</td>
</tr>
<tr>
<td>Polygraph Examiner</td>
<td>Alabama</td>
<td>ALA. CODE § 34-25-24</td>
<td>(2) He is a citizen of the United States;</td>
</tr>
<tr>
<td>Port Watchman</td>
<td>New Jersey</td>
<td>N.J. STAT. ANN. § 32:23-40</td>
<td>(c) The citizenship of the applicant and, if he is a naturalized citizen of the United States, the court and date of his naturalization;</td>
</tr>
<tr>
<td>Poultry Technician</td>
<td>Pennsylvania</td>
<td>63 PA. STAT. ANN. § 642</td>
<td>a citizen of the United States, or has legally declared his intention to become such.</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Pennsylvania</td>
<td>63 PA. STAT. ANN. § 655</td>
<td>is a citizen of the United States or has legally declared intention to become such.</td>
</tr>
<tr>
<td>Private Detective</td>
<td>Pennsylvania</td>
<td>22 PA. STAT. ANN. § 14</td>
<td>(a) The application shall state that he is a citizen of the United States.</td>
</tr>
<tr>
<td>Private Investigator</td>
<td>South Carolina</td>
<td>S.C. CODE ANN. § 40-18-70</td>
<td>(E)(3) [I]s a citizen of the United States;</td>
</tr>
<tr>
<td>Private Investigator</td>
<td>Louisiana</td>
<td>LA. REV. STAT. ANN. § 37:3507</td>
<td>(A)(2) Is a citizen of the United States or a resident alien holding proper documentation to work in the United States.</td>
</tr>
<tr>
<td>Private Investigator</td>
<td>Tennessee</td>
<td>TENN. CODE ANN. § 62-26-207</td>
<td>(a)(2) Be a citizen of the United States or a resident alien;</td>
</tr>
<tr>
<td>Private Protection Service License</td>
<td>Tennessee</td>
<td>TENN. CODE ANN. § 62-35-106</td>
<td>(2) Be a citizen of the United States or a resident alien;</td>
</tr>
<tr>
<td>Private Security Guard</td>
<td>Virgin Island CODE ANN. tit. 23, § 1308</td>
<td>(b)(3) Grounds for denial of license shall be lack of United States citizenship, permanent resident status</td>
<td></td>
</tr>
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</tr>
<tr>
<td>Real Estate Agent</td>
<td>Alabama CODE § 34-27-32</td>
<td>(a)(4) Is a citizen of the United States or is an alien with permanent resident status.</td>
<td></td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>Hawaii HAW. REV. STAT. § 467-9.5</td>
<td>(a)(1) A United States citizen, a United States national, or an alien authorized to work in the United States</td>
<td></td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>Massachusetts MASS. GEN. LAWS ANN. ch. 112 § 87TT</td>
<td>Every applicant for a license shall furnish evidence that he is a citizen of the United States or shall present to the board a copy of his declaration of intention to become a citizen of the United States, certified by the clerk of the court in which it was filed, or a certificate from the Immigration and Naturalization Service of the United States, showing that, in accordance with law, he has declared his intention to become such citizen.</td>
<td></td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>Rhode Island R.I. GEN. LAWS § 5-20.5-3</td>
<td>(c) (B) a citizen or legal resident of the United States;</td>
<td></td>
</tr>
<tr>
<td>Professional</td>
<td>Location</td>
<td>Statute/Section</td>
<td>Eligibility</td>
</tr>
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</tr>
<tr>
<td>Real Estate Agent</td>
<td>South Dakota</td>
<td>S.D. CODIFIED LAWS § 36-21A-30</td>
<td>No one except a citizen of the United States of America, or resident of South Dakota, is eligible to secure a license as a broker, except as otherwise provided by this chapter.</td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>Texas</td>
<td>TEX. OCC. CODE ANN. § 1101.354</td>
<td>(1)(B) [B]e a citizen of the United States or a lawfully admitted alien;</td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>Virgin Islands</td>
<td>V.I. CODE ANN. tit. 27, § 423</td>
<td>(b)(2) [A] citizen of the United States or a permanent resident alien;</td>
</tr>
<tr>
<td>Real Estate Broker</td>
<td>Guam</td>
<td>21 GUAM CODE ANN. § 104202</td>
<td>The Commissioner shall not grant an original real estate broker’s license to any person who is not a citizen of the United States.</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Indiana</td>
<td>IND. CODE ANN. § 25-23-1-4</td>
<td>(a)(1) [B]e a citizen of the United States;</td>
</tr>
<tr>
<td>Ticket Resaler</td>
<td>Pennsylvania</td>
<td>4 PA. STAT. ANN. § 203</td>
<td>(d) If the applicant is an individual, his application shall show that the applicant is a citizen of the United States and has been a resident of this Commonwealth for at least one year immediately preceding his application.</td>
</tr>
<tr>
<td>Veterinarian</td>
<td>Tennessee</td>
<td>TENN. CODE ANN. § 63-12-112</td>
<td>(b)(4) Is a citizen of the United States or Canada or legally entitled to live within the United States;</td>
</tr>
<tr>
<td>Veterinarian</td>
<td>Nevada</td>
<td>NEV. REV. STAT. ANN. § 638.100</td>
<td>(2)(d) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.</td>
</tr>
<tr>
<td>Occupation</td>
<td>State</td>
<td>Statute/Code</td>
<td>Requirement</td>
</tr>
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</tr>
<tr>
<td>Veterinarian</td>
<td>West Virginia</td>
<td>W. VA. CODE ANN. § 30-10-8</td>
<td>(a)(5) Be a citizen of the United States or be eligible for employment in the United States;</td>
</tr>
<tr>
<td>Veterinary technician</td>
<td>Arkansas</td>
<td>ARK. CODE ANN. § 17-101-306</td>
<td>(c)(1)(A) A citizen of the United States or an applicant for citizenship;</td>
</tr>
<tr>
<td>Video Lottery Operator’s License</td>
<td>West Virginia</td>
<td>W. VA. CODE ANN. § 29-22B-503</td>
<td>(a)(1)(A) If the applicant is an individual, the applicant has been a citizen of the United States and a resident of this State for the four year period immediately preceding the application;</td>
</tr>
<tr>
<td>Water Well Contractor’s License</td>
<td>Illinois</td>
<td>225 ILL. COMP. STAT. ANN. 345/9</td>
<td>(b) [I]s a citizen of the United States or has declared his intention to become a citizen of the United States</td>
</tr>
</tbody>
</table>