

Within You Without You:

Undocumented Lawyers, DACA, and Occupational Licensing, *52 Valparaiso Law Review*  
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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.<sup>1</sup> 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 California Supreme

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<sup>1</sup> Andrew Bartmess, *3D Chess from Star Trek*, CHESS VARIANTS, <http://www.chessvariants.com/3d.dir/startrek.html> (last visited May 18, 2017). Enter this universe at some risk.

Court?<sup>2</sup> Or that President Barack Obama’s Department of Justice would argue against the move?<sup>3</sup> 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<sup>4</sup> —after many years of record immigration enforcement, deportations, and removals of unauthorized adults and children?<sup>5</sup>

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. No national study exists—that my research has found, and I have looked everywhere and shagged any

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<sup>2</sup> Jordan Fabian, *Sergio Garcia: USA's First Undocumented Lawyer*, THE ATLANTIC (Jan. 6, 2014), <https://www.theatlantic.com/politics/archive/2014/01/sergio-garcia-usas-first-undocumented-lawyer/430509/>.

<sup>3</sup> Application and Proposed Brief for Amicus Curiae the United States of America, *In re Garcia*, 315 P.3d 117 (Cal. 2014)(No. S202512).

Maura Dolan, *Feds Deal a Blow to Would-Be Attorney*, L.A. TIMES, Aug. 13, 2012, at LATEXtra 1.

<sup>4</sup> Michael A. Olivas, *Dreams Deferred: Deferred Action, Discretion, and the Vexing Case(s) of DREAM Act Students*, 21 WM. & MARY BILL RTS. J. 463 (2012);

<sup>5</sup> See, e.g., RYAN SCHULTHEIS & ARIEL G. RUIZ SOTO, A REVOLVING DOOR NO MORE? A STATISTICAL PROFILE OF MEXICAN ADULTS REPATRIATED FROM THE UNITED STATES (2017).

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 have emerged. As befits a multi-jurisdictional dataset, there are major inconsistencies, gaps, and mistakes that are in evidence, and virtually every state has multiple examples. 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. Virtually all have some form of formal or informal citizenship admissions criteria, but as DACA and caselaw have revealed, this tectonic plate is shifting and disturbing other plates. 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. 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.

In this vein, I offer preliminary thoughts about the various immigration classifications implicated by business and occupational licensing. Secondly, I set out to describe briefly the overall architectural features of licensing in U.S. society, revealing multidimensional forces at play, both at the state and federal levels. 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. 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. Even so,

these data will assist all serious scholars, elected officials, professional license authorities, and policy analysts who will work in these fields.

### **A. Immigration Narrative Facilitating Labor and Employment**

Setting aside refugee and asylum matters, recently in the news,<sup>6</sup> United States immigration policies and procedures break the world out into two large admissibility categories: family-related relationships across all the various dimensions of this comprehensive subject, and employment-based regimes that govern the importation of labor and eligibility to work in the country. Although these are obviously intertwined in many respects, the family and employment bases are parallel universes, almost Manichean in their ways. Of course, 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 myriad labor, civil rights, and employment features.) At the opposite end of the spectrum, a transient passing through the United States as someone on a common carrier laying over at the airport during an airplane flight across the world would not earn employment authorization, any more than would booking passage on a train that on its course, traversed United States and Canadian or Mexican borders.

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<sup>6</sup> See generally, SELA COWGER, JESSICA BOLTER & SARAH PIERCE, *THE FIRST 100 DAYS: SUMMARY OF MAJOR IMMIGRATION ACTIONS TAKEN BY THE TRUMP ADMINISTRATION* (2017); Eleanor Acer & Olga Byrne, *How the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Has Undermined U.S. Refugee Protection Obligations and Wasted Government Resources*, 5 J. MIGRATION & HUM. SECURITY 356 (2017).

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),<sup>7</sup> that predominate in this narrative. Most, but not all 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,<sup>8</sup> to possible security-related employment on classified job sites, where U.S. Citizenship may be a prerequisite. 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. In *Mauclet*, for

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<sup>7</sup> Press Release, U.S. Citizenship & Immigration Servs., *USCIS Will Issue Redesigned Green Cards and Employment Authorization Documents* (Apr. 19, 2017), [https://www.uscis.gov/news/news-releases/uscis-will-issue-redesigned-green-cards-and-employment-authorization-documents?utm\\_source=greencardpaperightrail&utm\\_campaign=gcredesign](https://www.uscis.gov/news/news-releases/uscis-will-issue-redesigned-green-cards-and-employment-authorization-documents?utm_source=greencardpaperightrail&utm_campaign=gcredesign). See also, Maria Linda Ontiveros, *Immigrant Workers and Workplace Discrimination: Overturning the Missed Opportunity of Title VII Under Espinoza v. Farah*, xx BERK. J. OF EMPL. AND LABOR L. xxx (forthcoming 2017); *Employment Rights of Immigrants Under Federal Anti-Discrimination Laws*, U.S. EQUAL EMP. OPP. COMM., <http://www.eeoc.gov/eeoc/publications/immigrants-facts.cfm> (last visited Feb. 15, 2017) [hereinafter *Employment Rights of Immigrants*].

<sup>8</sup> There is a long line of SCOTUS decisions striking down various citizenship requirements for benefits and occupational licensing. See, e.g., *Bernal v. Fainter*, 467 U.S. 216 (1984) (notaries public); *C.D.R. Enters., Ltd. v. Bd. of Educ.*, 412 F. Supp. 1164 (E.D.N.Y. 1976), *aff'd sub nom. Lefkowitz v. C.D.R. Enters., Ltd.*, 429 U.S. 1031 (1977) (public work construction); *Examining Bd. of Eng'rs, Architects & Surveyors v. Flores de Otero*, 426 U.S. 572 (1976) (civil engineers); *Ind. Real Estate Comm'n v. Satoskar*, 417 U.S. 938 (1974) (real estate license); *Sugarman v. Dougall*, 413 U.S. 634 (1973) (various civil service positions); In re *Griffiths*, 413 U.S. 717 (1973) (law practice). Hundreds of state and federal lower court cases have similarly reviewed and struck down citizenship requirements, as in *Dandamudi v. Tisch*, 686 F.3d 66 (2d Cir. 2012) (various New York state laws). One counter-example is *LeClerc v. Webb*, 419 F.3d 405 (5th Cir. 2005), where the Fifth Circuit upheld a Louisiana Supreme Court rule that limited membership to the bar to U.S. citizens or legal permanent residents—not to nonimmigrants with H-1B or J-1 exchange student visas, even though one was a foreign lawyer and another had graduated from a law school in the state. See, generally, Jennessa Calvo-Friedman, *Note: The Uncertain Terrain of State Occupational Licensing Laws for Noncitizens: A Preemption Analysis*, 102 GEO. L.J. 1597 (2014).

On the issue of citizenship requirements and exceptions for security-classified employment, see, e.g., U.S. Dep't of Defense, Defense Security Clearance, *Security Assurances for Cleared Individuals and Facilities* (last visited May 18, 2017), <http://www.dss.mil/isp/international/laa.html>

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,<sup>9</sup> 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.

In addition, anyone admitted to the U.S. as an immigrant earns LPR status, whether they are admitted by the employment or family-based routes. In turn, as LPRs, they are eligible for employment and most licensing. 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.(see Appendix II) If there are states—and there are—that appear to limit occupational licensing to U.S. Citizens, they would be ripe targets for an admissions case challenging the citizenship prerequisite. Yet the data I present in the body of this study are riddled with such admissions criteria, waiting to be discovered by an otherwise-eligible non-citizen applicant who would bring a legal challenge. A parallel issue that is revealed is 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.

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<sup>9</sup> *Nyquist v. Mauclet*, 432 U.S. 1 (1977). 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. *See, e.g.*, Press Release, Dep't of Justice, *Justice Department Settles Immigration-Related Discrimination Claim against Florida Roadside Assistance Services Company* (April 6, 2017)(<https://www.justice.gov/opa/pr/justice-department-settles-immigration-related-discrimination-claim-against-florida-roadside>). *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> (settlement over podiatric residency policies).

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;<sup>10</sup> these categories include a number of employment-related occupational authorizations, but many of the largest do not allow employment.<sup>11</sup> Some small numbers 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.<sup>12</sup> 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. This 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. They were not only denied permission to play, but even to enter the country on non-immigrant visas.<sup>13</sup>

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<sup>10</sup> See U.S. Citizenship & Immigration Servs., *Temporary (Nonimmigrant) Workers* (last updated Sept. 7, 2011), <https://www.uscis.gov/working-united-states/temporary-nonimmigrant-workers>.

<sup>11</sup> See U.S. Citizenship & Immigration Servs., *I-9, Employment Eligibility Verification* (last updated Jan. 23, 2017), <https://www.uscis.gov/i-9>.

<sup>12</sup> See generally, DAN H. BERGER & RITA SOSTRIN, *IMMIGRATION OPTIONS FOR ACADEMICS AND RESEARCHERS* (2d ed. 2011). 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 Neil G. Ruiz, *More Foreign Grads of U.S. Colleges Are Staying in the Country to Work*, PEW RESEARCH (MAY 18, 2017), <http://pewrsr.ch/2qA0foh>

<sup>13</sup> Yeganeh Torbati, *Number of U.S. Visas to Citizens of Trump Travel Ban Nations Drops*, REUTERS (April 27, 2017), <http://www.reuters.com/article/us-usa-immigration-visas-analysis-idUSKBN17T34G>. The ban affected the annual South by Southwest festival, tying up participants and exacting more immigration-related inspections. Chris Cooke, *U.S. Border Control Says Performance Visas Required Even for Free Shows*, COMPLETEMUSICUPDATE.COM (Mar. 15, 2017), <http://www.completemusicupdate.com/article/us-border-control-says-performance-visas-required-even-for-free-shows/>. The general travel ban(s) are under review by a variety of federal courts. Alana Durkin Richer, *Q&A: Trump's New Travel Ban Faces Key Test in Appeals Court*, ASSOCIATED PRESS (May 6, 2017),

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.<sup>14</sup> 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. 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 free-lancing; if they were to lose their position, they would be removable.<sup>15</sup> Although 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. Almost all these employment relationships exist in a zone maintained and administered by the DHS and the Department of Labor (DOL).<sup>16</sup> As

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<http://www.startribune.com/q-a-trump-s-new-travel-ban-faces-key-test-in-appeals-court/421525683/>. [Placeholder for 4<sup>th</sup> Circ. Case]

<sup>14</sup> 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. 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.

<sup>15</sup> The petitioner must notify USCIS within 14 days of any change in the nonimmigrant religious worker's employment and must also notify USCIS when the employment is terminated. The details and complex architecture of this one small category are available at: <https://www.uscis.gov/working-united-states/temporary-workers/r-1-temporary-religious-workers/r-1-temporary-nonimmigrant-religious-workers#Notification>.

<sup>16</sup> This footnote could include volumes on each of the several overlapping jurisdictions. An online resource I have found to be helpful is the very detailed and comprehensive U.S. CUSTOMS & IMMIGRATION SERVS., HANDBOOK FOR EMPLOYERS: GUIDANCE FOR COMPLETING FORM I-9 (EMPLOYMENT ELIGIBILITY VERIFICATION FORM (last updated Jan. 22, 2017), <https://www.uscis.gov/sites/default/files/files/form/m-274.pdf>. See also, EEOC, *Employment Rights of Immigrants Under Federal Anti-Discrimination Laws*, (last visited May 15, 2017), <http://www.eeoc.gov/eeoc/publications/immigrants-facts.cfm> [hereinafter *Employment Rights of Immigrants*]. Many instructional resources also exist, covering this large terrain. See, e.g., T. Alexander Aleinikoff, David A. Martin,



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.<sup>17</sup>

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. There are additional categories that involve and can enable such non-citizen-status persons to hold employment. A variety of loosely-connected status and inchoate categories could be set out as ones with PRUCOL characteristics (“permanently residing under color of law”).<sup>18</sup> 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 “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.<sup>19</sup> 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. 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

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Hiroshi Motomura, Maryellen Fullerton & Juliet P. Stumpf, *IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY* (8th edition 2016), at 269-444.

<sup>17</sup> INA § 101(a)(15)(B), 8 U.S.C. § 1101(a)(15)(B)(2006)(Temporary Business or Pleasure Visitors).

<sup>18</sup> SOC. SECURITY ADMIN., *PROG. OPERATIONS MANUAL SYSTEM, SI 00501.420, PERMANENT RESIDENCE UNDER COLOR OF LAW (PRUCOL) PRE-1996 LEGISLATION* (May 5, 2012), <https://secure.ssa.gov/poms.nsf/lnx/0500501420> [hereinafter PRUCOL].

<sup>19</sup> *See id.* at SI 00501.420B.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 was replaced by section 207 of the INA, effective April 1, 1980.

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.<sup>20</sup>

It is exactly at this point that Deferred Action for Childhood Arrivals (DACA) figures into the picture. 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.<sup>21</sup> 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. The 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.<sup>22</sup> The policy did not create a pathway to LPR or citizenship, as the DREAM

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<sup>20</sup> The Social Security Administration, for example, defines them in these discretionary terms: “The acronym ‘PRUCOL’ refers to permanently residing under color of law. 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). 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. (See PRUCOL, *supra* note 18, at SI 00501.420).

<sup>21</sup> See generally, Michael A. Olivas, *Dreams Deferred: Deferred Action, Discretion, and the Vexing Case(s) of DREAM Act Students*, 21 WM. & MARY BILL RTS. J. 463 (2012); Rose Cuison Villazor, *The Undocumented Closet*, 92 N.C. L. REV. 1 (2013); Vasanthi Venkatesh, *Mobilizing Under ‘Illegality’: The Arizona Immigrant Rights Movement’s Engagement with the Law*, 19 HARV. LATINO L. REV., 165 (2016); Atheendar S. Venkataramani, Sachin J. Shah, Rourke O’Brien, Ichiro Kawachi, & Alexander C. Tsai, *Health Consequences of the U.S. Deferred Action for Childhood Arrivals (DACA) Immigration Programme: A Quasi-Experimental Study*, 2 LANCET PUBLIC HEALTH e175 (Apr. 2017), <http://dx.doi.org/10.1016/>.

<sup>22</sup> Olivas, *supra* note 21, at 475-478 (role of Lennon v. U.S.); Leon Wildes, *All You Need Is Love-and a Good Jewish Lawyer*, N.J. JEWISH STANDARD (Dec. 10, 2010), [http://www.jstandard.com/index.php/content/item/all\\_you\\_need\\_is\\_love\\_and\\_a\\_good\\_jewish\\_lawyer/](http://www.jstandard.com/index.php/content/item/all_you_need_is_love_and_a_good_jewish_lawyer/) (providing a first-person account of the litigation in the Lennon immigration matter from the perspective of his attorney); see also JON WIENER, COME TOGETHER: JOHN LENNON IN HIS TIME 225-80 (1984); JON WIENER, GIMME SOME TRUTH: THE JOHN LENNON FBI FILES (2000). For the details of the underlying child custody dispute and family court matter, much of which occurred in Houston, Texas, see Mark Davidson, *I Really Want to See You!* 49 HOUS. LAW., Sept.-Oct. 2011, at 24, 25-26; Anthony D. Cox v. Yoko Ono Lennon, 457 F.2d 1190 (3d Cir. 1972). See also,

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.<sup>23</sup>

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SHOBA SIVAPRASAD WADHIA, BEYOND DEPORTATION: THE ROLE OF PROSECUTORIAL DISCRETION IN IMMIGRATION CASES (2015).

<sup>23</sup> USCIS maintained an excellent and helpful website, with program information, application protocols, and an informative and updated FAQ: U.S. CUSTOMS & IMMIGRATION SERVS., FREQUENTLY ASKED QUESTIONS (FAQ) (Apr. 25, 2017) <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions> . 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.

The FAQ section of the DACA policies and procedures sets this out in a clear fashion:

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 considered to be lawfully present in the United States during that time. **Individuals granted deferred action are not precluded by federal law from establishing domicile in the U.S. [sic]**

Apart from the immigration laws, “lawful presence,” “lawful status” and similar terms are used in various other federal and state laws.<sup>24</sup>

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

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<sup>24</sup> For a relevant federal example, 8 U.S. Code § 1621(d) (Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits) has the following eligibility criterion: “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) only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility” (State authority to provide for eligibility of illegal aliens for State and local public benefits).

For a state example, Texas requires “lawful presence” as a precondition for its state driver’s license: Tex. Dep’t of Public Safety, U.S. Citizenship or Lawful Presence Requirement (last visited May 19, 2017), <https://www.dps.texas.gov/DriverLicense/LawfulStatusDLID.htm>.

into being “DACAmended,” with virtually all renewing after the two year period.<sup>25</sup> A number of court challenges followed, beginning within six months, when disgruntled ICE employees filed suit in federal court, and lost,<sup>26</sup> and 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.<sup>27</sup>

Undocumented immigrants eligible for DACA flocked to its programs, triggering a number of issues having to do with the EAD authority. These challenges ranged from immigrant rights groups such as the Mexican American Legal Defense and Educational 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.<sup>28</sup> In an important settlement, Nationwide agreed to admit otherwise-qualified DACA recipients to apply and be considered for the management trainee program.<sup>29</sup> 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

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<sup>25</sup> The most current USCIS DACA data are archived at: U.S. Customs and Immigration Servs., Number of I-821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2016 (Mar. 2016), [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/I821d\\_performance\\_data\\_fy2016\\_qtr2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/I821d_performance_data_fy2016_qtr2.pdf)

<sup>26</sup> *Crane v. Napolitano*, 920 F. Supp. 2d 724 (N. D. Tex. 2013) (challenge to DACA dismissed under Civil Service Reform Act (“CSRA”)), *aff’d*, 783 F.3d 244 (5th Cir. 2015).

<sup>27</sup> [Reference to ALL DACA CASES Here]

<sup>28</sup> *Juarez v. Nw. Mut. Life Ins. Co.*, No. 14-CV-5107 KBF, 69 F. Supp. 3d 364 (S.D.N.Y. 2014), *appeal filed*, No. 15-790 (2d Cir. Mar. 17, 2015) (allegations of refusal to recognize EAD for hiring sufficient to state § 1981 claim).

<sup>29</sup> Kelly Knaub, *Northwestern Escapes DACA Bias Class Action*, LAW360 (May 27, 2015), <http://www.law360.com/immigration/articles/660123> . Mandate, *Juarez v. Northwestern Mutual Life Ins. Co.*, No. 1:14-cv-05107 (S.D.N.Y. June 24, 2015), ECF No. 70.

by NOT considering them for employment with full permission to work in the United States, assuming they were otherwise-eligible by virtue of their application merits.

Building upon the 2012 success, in November, 2014, President Obama set out his Immigration Accountability Executive Action, including a widening of DACA and expansion from two to three years, and 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.<sup>30</sup> 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<sup>31</sup> and driver's licenses to DACA recipients.<sup>32</sup> 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, so efforts to give them

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<sup>30</sup> Trees have been felled to provide paper for the volumes of DAPA/U.S. v. Texas issues. Among the more thoughtful and detailed are AM. IMMIGRATION COUNCIL, DEFENDING DAPA AND EXPANDED DACA BEFORE THE SUPREME COURT: A GUIDE TO *UNITED STATES V. TEXAS* (Apr. 2016), [https://www.americanimmigrationcouncil.org/sites/default/files/research/defending\\_dapa\\_and\\_expanded\\_daca\\_befo\\_re\\_scutus.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/defending_dapa_and_expanded_daca_befo_re_scutus.pdf) ; Patricia L. Bellia, *Faithful Execution and Enforcement Discretion*, 164 U. PENN. L. REV. 1753 (2016); Marisa Bono, *When a Rose is not a Rose: DACA, the DREAM Act, and the Need for More Comprehensive Immigration Reform*, 40 T. MARSHALL L. REV. 193 (2015).

<sup>31</sup> *Rivera Hernandez v. Alford*, No. 2016-CV-274418 (Ga. Super. Ct. Dec. 30, 2016).

Charles Kuck, *When Can A DACA Student Pay In-State Tuition In Georgia? Now!*, MUSINGS ON IMMIGRATION (Jan. 2017), <http://musingsonimmigration.blogspot.com/2017/01/when-can-daca-student-pay-in-state.html> and *Arizona ex. rel Brnovich v. Maricopa Cty. Cmty. Coll. Dist. Bd.*, No. 2013-009093 (Ariz. Super. Ct. May 5, 2015), *appeal filed*, No. 1 CA-CV 15-0498 (Ariz. App. Ct. July 30, 2015). [need to update with SCOTUS cert request]

<sup>32</sup> Marisa Bono, *When a Rose is not a Rose: DACA, the DREAM Act, and the Need for More Comprehensive Immigration Reform*, 40 T. MARSHALL L. REV. 193, 214-218 (2015). [ See also AZ case in 9<sup>th</sup> Circ. SCOTUS cert request]

any DACA-like relief led to all-out war upon DAPA, the extension of prosecutorial discretion to certain undocumented parents.<sup>33</sup>

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,<sup>34</sup> and 26 state attorneys general filed a similar case in Brownsville, Texas federal court.<sup>35</sup> 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 cert on the Sheriff's appeal, ending the matter.<sup>36</sup>

However, the Texas federal court preliminarily enjoined both initiatives (not the original DACA, but its expansion and extension to 3 years upon renewal), as well as DAPA.<sup>37</sup> The Department of Justice appealed,<sup>38</sup> and the Fifth Circuit Court of Appeals panel upheld Judge Andrew Hanen's ruling in a 2-1 decision.<sup>39</sup> The U. S. Supreme Court—absent the recently-

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<sup>33</sup> 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. Josh Blackman, *Gridlock* 130 HARV. L. REV. 241, 278-304 (2016) (critiquing *U.S. v. Texas*, 136 S. Ct. 2271 (2016)).

<sup>34</sup> *Arpaio v. Obama*, 27 F. Supp. 3d 185 (D.D.C. 2014) (striking down AZ sheriff challenge to DACA), *aff'd* 797 F.3d 11 (D.C. Cir. 2015); 136 S. Ct. 900 (2016) (cert. denied).

<sup>35</sup> *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015) (issuing preliminary injunction).

<sup>36</sup> *Arpaio v. Obama*, 136 S. Ct. 900 (2016) (cert. denied).

<sup>37</sup> *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015) (issuing preliminary injunction).

<sup>38</sup> *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Texas 2015) (issuing permanent injunction); stay denied, 787 F.3d 733 (5th Cir. 2015); preliminary injunction affirmed, 809 F.3d 134 (5th Cir. 2015).

<sup>39</sup> Stay denied, 787 F.3d 733 (5th Cir. 2015); preliminary injunction affirmed, 809 F.3d 134 (5th Cir. 2015). *See generally*, AMERICAN IMMIGRATION COUNCIL, DEFENDING DAPA AND EXPANDED DACA BEFORE THE SUPREME

deceased Justice Antonin Scalia—tied 4-4, upholding the District Court’s original Temporary Restraining Order, and returning the case to Brownsville.<sup>40</sup> When the Trump Administration took office in January, 2017, there was no actual ruling on the constitutionality of DACA, its extension to 3 years, or DAPA.<sup>41</sup> 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. [\*\*\*\*Will need to update after TRO case determined\*\*\*\*\*]<sup>42</sup>

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, the pathway to DACA. These undocumented students or undocumented

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COURT: A GUIDE TO *UNITED STATES v. TEXAS* (Apr. 2016), <http://www.immigrationpolicy.org/special-reports/defending-dapa-and-expanded-daca-supreme-court>.

<sup>40</sup> *United States v. Texas*, 579 U.S. \_\_\_, 136 S.Ct. 2271 (2016). 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.

<sup>41</sup> Dana Goodyear, *Defiance and Anxiety Among Undocumented Youth in Trump's America*, NEW YORKER (Nov. 11, 2016), <http://www.newyorker.com/news/news-desk/defiance-and-anxiety-among-undocumented-youth-in-trumps-america>; Priscilla Alvarez, *Trump's Quiet Reversal on Deporting Young Undocumented Immigrants*, THE ATLANTIC (April 2017), <https://www.theatlantic.com/politics/archive/2017/04/trumps-quiet-reversal-on-deporting-young-undocumented-immigrants/524367/>. The uncertainty of the Administration’s policy intentions added to the *in terrorem* effect upon DACA recipients, especially when a handful were deported for confusing reasons. Samantha Schmidt & Peter Holley, *A ‘dreamer’ claims he was secretly deported. The government claims it never happened*, WASH. POST (Apr. 19, 2017), [http://wapo.st/2orwIdH?tid=ss\\_mail](http://wapo.st/2orwIdH?tid=ss_mail). Confusion ensued.

<sup>42</sup> See generally, Michael A. Olivas, *Legal Resources in Immigration and Higher Education: Data and Materials on Undocumented and “DACA-mented” Students*, 21-1 *Bender’s Immig. Bull.* 13 (January 1, 2016). [Also Placeholder TRO/2017 developments]



persons were unable to navigate DACA, hence 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, these persons might find work, but had 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 the safer confines of DACA.<sup>43</sup>

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<sup>43</sup> Literally dozens of stories in the various social media have addressed the fear and liminality of non-citizen students, whether undocumented, DACAmented, or legally enrolled as non-immigrants in student status. As examples, see generally, Katherine Mangan, *Students Without DACA Are More Fearful Than Ever*, CHRON. HIGHER EDUC., Mar. 17, 2017, at A22; Stephanie Saul, *In a Survey, 40% of Colleges Report a Drop in Foreign Applicants*, N.Y. TIMES, Mar. 17, 2017, at A12 (effects upon application and persistence of international students); Sameer M. Ashar, Edalina M. Burciaga, Jennifer M. Chacón, Susan Bibler Coutin, Alma Garza, & Stephen Lee, *Navigating Liminal Legalities Along Pathways To Citizenship: Immigrant Vulnerability and the Role of Mediating Institutions*, Legal Studies Research Paper Series No. 2016-05 (Feb. 17, 2016), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2733860](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2733860); Leisy J. Abrego & Sarah M. Lakhani, *Incomplete Inclusion: Legal Violence and Immigrants in Liminal Legal Statuses*, 37 LAW & POL’Y 265-293 (2015).

**Table One: DACA Data**

Period	Requests by Intake, Biometrics and Case Status								
	Intake <sup>1</sup>				Biometrics <sup>6</sup>	Case Review <sup>8</sup>			
	Requests Accepted <sup>2</sup>	Requests Rejected <sup>3</sup>	Total Requests Received <sup>4</sup>	Average Accepted/Day <sup>5</sup>	Biometrics Scheduled <sup>7</sup>	Requests Under Review <sup>9</sup>	Approved <sup>10</sup>	Denied <sup>11</sup>	Pending <sup>12</sup>
<b>Fiscal Year - Total</b>									
2012	152,431	5,395	157,826	4,763	124,055	38,024	1,684	-	150,747
2013	427,614	16,352	443,966	1,704	445,013	75,901	472,133	11,036	95,192
2014	238,896	24,827	263,723	952	209,670	99,739	158,526	21,164	154,398
2014 Initial	122,423	19,064	141,487	488	N/A	N/A	136,275	21,161	60,179
2014 Renewal	116,473	5,763	122,236	1,370	N/A	N/A	22,251	D	94,219
2015	448,405	35,175	483,580	1,786	525,499	45,087	511,623	21,557	69,623
2015 Initial	84,879	7,161	92,040	388	N/A	N/A	91,131	19,261	34,666
2015 Renewal	363,526	28,014	391,540	1,448	N/A	N/A	420,492	2,296	34,957
2016	91,174	3,493	94,667	735	68,796	37,161	95,438	7,491	57,868
2016 Initial	32,165	1,131	33,296	259	N/A	N/A	27,062	5,810	33,959
2016 Renewal	59,009	2,362	61,371	476	N/A	N/A	68,376	1,681	23,909
Total Cumulative	1,358,520	85,242	1,443,762	1,495	1,373,033	37,161	1,239,404	61,248	57,868
Total Cumulative Initial	819,512	49,103	868,615	902	N/A	N/A	728,285	57,268	33,959
Total Cumulative Renewal	539,008	36,139	575,147	1,172	N/A	N/A	511,119	3,980	23,909
<b>Fiscal Year 2016 by Quarter<sup>13</sup></b>									
Q1. October - December	47,383	2,814	50,197	764	53,009	33,034	55,907	4,154	56,945
Q1. October-December Initial	17,670	896	18,566	285	N/A	N/A	13,522	3,239	35,575
Q1. October -	29,713	1,918	31,631	479	N/A	N/A	42,385	915	21,370

December Renewal									
Q2. January - March	43,791	679	44,470	706	15,787	37,161	39,531	3,337	57,868
Q2. January – March Initial	14,495	235	14,730	234	N/A	N/A	13,540	2,571	33,959
Q2. January – March Renewal	29,296	444	29,740	473	N/A	N/A	25,991	766	23,909
Q3. April - June									
Q3. April – June Initial									
Q3. April – June Renewal									
Q4. July - September									
Q3. July – September Initial									
Q3. July – September Renewal									

D Data withheld to protect requestors' privacy.

- Represents zero

<sup>1</sup> 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>.

<sup>2</sup> The number of new requests accepted at a Lockbox during the reporting period.

<sup>3</sup> The number of requests rejected at a Lockbox during the reporting period.

<sup>4</sup> The number of requests that were received at a Lockbox during the reporting period.

<sup>5</sup> 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.

<sup>6</sup> Refers to capture of requestors' biometrics

<sup>7</sup> The number of appointments scheduled to capture requestors' biometrics during the reporting period.

<sup>8</sup> Refers to consideration of deferring action on a case-by-case basis during the reporting period.

<sup>9</sup> The number of new requests received and entered into a case-tracking system during the reporting period.

<sup>10</sup> The number of requests approved during the reporting period.

<sup>11</sup> The number of requests that were denied, terminated, or withdrawn during the reporting period.

<sup>12</sup> The number of requests awaiting a decision as of the end of the reporting period.

<sup>13</sup> Data on biometrics scheduled is not available past 01/31/2016. Totals reflect up to 1/31/2016.

NOTE: 1) Some requests approved or denied may have been received in previous reporting periods.

2) The report reflects the most up-to-date estimate available at the time the report is generated. Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Biometrics Capture Systems, CIS Consolidated Operational Repository (CISCOR), March 2016

## **B. 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. 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. 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.<sup>44</sup> 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, 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. In addition, some fields of specialized law are predominantly federal, such as in the fields of immigration law and patent law, so that these federal practice areas will implicate certain federal bar admissions requirements.<sup>45</sup>

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<sup>44</sup> See generally, Russell G. Pearce, Noel Semple & Renee Newman Knake, *A Taxonomy of Lawyer Regulation: How Contrasting Theories of Regulation Explain the Divergent Regulatory Regimes in Australia, England/Wales, and North America*, 16 LEGAL ETHICS 258 (2013); Nicola Persico, *The Political Economy of Occupational Licensing Associations*, 31 J. L. ECON. & ORGS. 213 (2014).

<sup>45</sup> See generally, Nicholas Matich, *Patent Office Practice after the America Invents Act*, 23 FED. CIR. B.J. 225, 244 (2013); Ken Port; Lucas Hjelle & Molly Littman, *Where Have All the Patent Lawyers Gone: Long Time Passing*, 97 J. PAT. & TRADEMARK OFF. SOC'Y 193 (2015).

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. 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. The State Bar Act is set out by the California *Business & Professions Code Div. 3 - Professions and Vocations Generally, Ch. 4 - Attorneys* (Bus. & Prof. Code §§ 6000 et seq.), and codifies the practice of law in California. The state bar exam and admissions procedures are administered by its Committee of Bar Examiners.<sup>46</sup> (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.

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 seekers. 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.<sup>47</sup> If and when they met all the eligibility criteria, they were admitted, in small numbers, and formed a DREAM BAR ASSOCIATION. Discussions with California scholars and bar admissions personnel have estimated that between

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<sup>46</sup> CAL. BUS. & PROF. CODE § 6000 et. seq. (West 2003 & Supp. 2017).

<sup>47</sup> Unless noted otherwise, all references to the Sergio Garcia case are from identified case documents, briefs, and *amicus* filings; these are helpfully archived at: <http://www.courts.ca.gov/18822.htm>. I filed an *amicus* in support of Garcia's application. See also, Jordan Fabian, *Sergio Garcia: USA's First Undocumented Lawyer*, THE ATLANTIC (Jan. 6, 2014), <https://www.theatlantic.com/politics/archive/2014/01/sergio-garcia-usas-first-undocumented-lawyer/430509/>.

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.<sup>48</sup>

Garcia was residing in California without legal status, although he had lived in the United States almost all his life, and continuously since 1994. 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.<sup>49</sup> 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.<sup>50</sup>

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:

“the Committee ‘has submitted the name of Sergio C. Garcia (hereafter Garcia or applicant) for admission to the 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.

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<sup>48</sup> [In re Garcia, 315 P.3d 117 \(Cal. 2014\).](#)

<sup>49</sup> [In re Garcia, 315 P.3d 117 \(Cal. 2014\).](#)

<sup>50</sup> [In re Garcia, 315 P.3d 117 \(Cal. 2014\).](#)

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. 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.

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.”<sup>51</sup>

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 entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.

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<sup>51</sup> [In re Garcia, 315 P.3d 117 \(Cal. 2014\)](#).



(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.*)<sup>52</sup>

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.<sup>53</sup> Florida has passed a similar law, but it is limited to applicants—like those with DACA—who are “lawfully present,”<sup>54</sup> not undocumented, and New York has had similar administrative law actions to allow DACA recipients to practice law in that State.<sup>55</sup> And, as becomes evident in the study data, some states are like pre-2008 California and

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<sup>52</sup> Amended by Stats. 2013, Ch. 573, Sec. 1. Effective January 1, 2014. In re Garcia, 315 P.3d 117 (Cal. 2014).

<sup>53</sup> Andre Byik, *Formerly Undocumented Chico Lawyer Sergio Garcia Pays Taxes with a Smile*, CHICO ENTERPRISE-RECORD (Feb. 23, 2016, 7:16 PM), <http://www.chicoer.com/article/NA/20160223/NEWS/160229897#.WP0S78yYa2g>

<sup>54</sup> (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. FLA. STAT. ANN. § 454.021(3)(West 2014).  
*See generally*, Tia Mitchell, *Scott Signs ‘Dreamers’ Bill*, MIAMI HERALD, June 10, 2014, at 4B; Steve Bousquet, *Noncitizen Wins Backing to Practice Law in Florida*, TAMPA BAY TIMES, May 2, 2014, at 1B. A fascinating case study of Jose Manuel Godinez Samperio’s case has been published by his FSU law professor. Wendi Adelson, *Lawfully Present Lawyers*, 18 CHAPMAN L. REV. 387 (2015) It also has a comprehensive review of lawyer licensing in its Appendix, at 400-418.

<sup>55</sup> Cesar Vargas entered the country from Mexico without authorization, when he was 5, and has resided continuously since then. He was sworn into the NY state bar in 2016 at the age of 32. He graduated from law school

ask no immigration questions. 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.<sup>56</sup>

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

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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 was 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, *Bar Exam Passed, Immigrant Still Can't Practice Law*, N.Y. TIMES, Dec. 4, 2013, at A30; Liz Robbins, *An Immigrant's Four-Year Fight to Become a Lawyer Ends in Celebrations*, N.Y. TIMES, Feb. 4, 2016, at A18.

<sup>56</sup> In Texas, for example, a 2016 news story revealed that only one state medical school admitted DACA students to study, even though the state legislature has provisions for certain undocumented students to receive resident tuition and state financial assistance. *See, e.g.,* Reynaldo Leonos, Jr., *Immigration Status is Keeping Students Out of Medical School*, Tex. Standard (May 24, 2016, 9:30 AM) <http://www.texasstandard.org/stories/students-in-immigration-status-limbo-lack-medical-school-options/>. 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.” <https://ble.texas.gov/rules>

*See, generally,* Jeremy Raff, *What Will Happen to Undocumented Doctors?*, THE ATLANTIC, February 2, 2017, <https://www.theatlantic.com/video/index/515466/what-will-happen-to-undocumented-doctors/>. A list (Admission Policies of Medical Schools Open to Undocumented and DACA Applicants) is maintained, but the number of undocumented and DACAmented medical students is apparently small. <https://www.pomona.edu/sites/default/files/daca-medschools-accepting.pdf>. *See also,* Mina Kim, *UCSF's First Undocumented Medical Student Begins Training*, KQED STATE OF HEALTH (Sept. 8, 2014), <http://ww2.kqed.org/stateofhealth/2014/09/08/ucsfs-first-undocumented-medical-student-begins-training/>.

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, leaving them with a restricted number of employment opportunities outside the solo practice of law.<sup>57</sup> There are sometimes additional filters that are 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,<sup>58</sup> and argued that he should not be admitted to the state practice, based upon their reading of Sec. 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

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<sup>57</sup> See, e.g., Jennifer Medina, *Allowed to Join the Bar, but Not to Take a Job*, N.Y. TIMES, Jan. 3, 2014, at A1.

<sup>58</sup> 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. Brief for the United States, as Amicus Curiae Supporting Applicant, *In re Garcia*, 315 P.3d 117 (Cal. 2014) (No. S202512) <http://www.courts.ca.gov/documents/20-s202512-amicus-united-states-america-080312.pdf>.

(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; . . .

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.<sup>59</sup>

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[,]” the exception to the federal prohibition had been triggered. And because DACA provides “lawful presence” to its recipients, 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).<sup>60</sup> This

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<sup>59</sup> Provisions codified at 8 U.S.C. §§ 1621, 1623 (2000). I have written about these provisions in some detail in the context of state postsecondary residency requirements. *See, e.g.,* Michael A. Olivas, *IIRIRA, The DREAM Act, and Undocumented College Student Residency*, 30 J. OF COLL. & UNIV. L. 435, 450-455 (2004).

<sup>60</sup> This was essentially the position cited by DOJ in opposition to the Sergio Garcia bar admission matter. *Supra*, at note 58.

reveals the extent to which federal and state law interact in licensing and immigration governance, and in very complicated fashion regarding DACA.

### **C. A 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.<sup>61</sup>

**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

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<sup>61</sup> ALA. CODE § 34-3-6 (West 2010, Supp. 2013), <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm>

SSN—available to DACA recipients; it is not clear if an Individual Taxpayer Identification Number (ITIN) could suffice.<sup>62</sup>

**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.<sup>63</sup>

**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 an

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<sup>62</sup> Internal Revenue Serv., *Individual Taxpayer Identification Number*, <https://www.irs.gov/individuals/individual-taxpayer-identification-number-itin#.WNgShh6wj2g.mailto> (last updated Apr. 20, 2017).

<sup>63</sup> U.S. Dep't of State, Bureau of Consular Affairs, *Student Visa*, <https://travel.state.gov/content/visas/en/study-exchange/student.html> (last visited May 25, 2017).

F-1 student. 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.<sup>64</sup>

And 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 are imperfect or imprecise terminology, such as students, SSN holders, or lawful presence. Again, DACA become 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 the Sergio Garcias 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.<sup>65</sup> Given the large political divide over immigration-relation 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 ethos of the state is unlikely changed since that litigation.<sup>66</sup>

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<sup>64</sup> *Id.*

<sup>65</sup> 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. Paul Elias, *Chico Lawyer Undocumented No More: Sergio Garcia Gets his Green Card*, CHICO ENTERPRISE-RECORD (June 4, 2015, 10:31AM), <http://www.chicoer.com/article/NA/20150604/NEWS/150609901#.WP0SagdNNdw> .

<sup>66</sup> 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

In this vein, the Alaska requirement that would-be lawyers present Social Security Numbers predated DACA and its provisions for SSNs, but a variety of tax and employment transactions require either an SSN or an Individual Taxpayer Identification Number (ITIN), which is a tax-processing number issued by the Internal Revenue Service.<sup>67</sup> 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 a filing or reporting obligations under the Internal Revenue Code.<sup>68</sup> 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, either is an unlikely and imprecise measure of immigration licensing eligibility.

#### **D. Other States, Other Licensed Occupations**

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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 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.” 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](http://www.huffingtonpost.com/2013/05/18/alabama-immigration-law_n_3295255.html)

<sup>67</sup> Internal Revenue Serv., *Individual Taxpayer Identification Number*, <https://www.irs.gov/individuals/individual-taxpayer-identification-number-itin#.WNgShh6wj2g.mailto> (last updated Apr. 20, 2017).

<sup>68</sup> Francine J. Lipman, *The 'Illegal' Tax*, 11 CONN. PUBL. INTEREST L. J., 93 (2011); Francine J. Lipman, *I've Got ITINs on My Mind*, THE SURLY SUBGROUP (Sept. 24, 2016), <https://surlysubgroup.com/2016/09/24/ive-got-itins-on-my-mind/>



Of course, the practice of law is not alone in its high status and 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 and LPRs and international scholars).<sup>69</sup> Thus, there is a very exacting immigration-related series of federal licensing requirements built into medical practice, but a review of the statutory M.D. eligibility and admissions criteria reveals similar confusion and imprecision,<sup>70</sup> 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

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<sup>69</sup> Interestingly, one of the more useful and detailed studies of labor markets and occupational licensing and certification issues does not even venture into citizenship criteria, in an otherwise comprehensive study. It is the immigration dog that does not bark, even as he discusses comparative policies. *See* MORRIS M. KLEINER, GUILD-RIDDEN LABOR MARKETS: THE CURIOUS CASE OF OCCUPATIONAL LICENSING (2015), <http://www.upjohn.org/sites/default/files/WEfocus/guild-ridden-labor-markets.pdf>. A variety of challenges to the world of occupational licensing have arisen, with an unusual alliance of libertarians who think the labor markets are too restrictive and progressives who feel they are too punitive, such as with rules against felons. *See, e.g.*, Patricia Cohen, *Horse Rub? Where's Your License?*, N.Y. TIMES, June 18, 2016, at B1. Space limitations have precluded any detailed analysis of teacher certification, although I have reported the state requirements, which suffer from the same over-inclusiveness and under-inclusive issues as the other baccalaureate-requiring professions. Interestingly, virtually no scholar in the voluminous teacher and alternative certification field has noted these issues, providing yet another dog that has not barked. *See, for example*, E. Frank Stephenson and Erin E. Wendt, *Occupational Licensing: Scant Treatment in Labor Texts*, 6 *Econ J. Watch* 181 (2009); Tim R. Sass, *Licensure and Worker Quality: A Comparison of Alternative Routes to Teaching*, 58 *J.L. & Econ.* 1 (2015). ); Alexandra L. Klein, *The Freedom to Pursue a Common Calling: Applying Intermediate Scrutiny to Occupational Licensing Statutes*, 73 *Wash. & Lee L. Rev.* 411 (2016).

<sup>70</sup> [Jeremy Raff](https://www.theatlantic.com/video/index/515466/what-will-happen-to-undocumented-doctors/), *What Will Happen to Undocumented Doctors?*, [The Atlantic](https://www.theatlantic.com/video/index/515466/what-will-happen-to-undocumented-doctors/), (Feb. 2, 2017), <https://www.theatlantic.com/video/index/515466/what-will-happen-to-undocumented-doctors/>.

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."<sup>71</sup>

**Wisconsin:** There is no specific immigration status indicated, but an 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.”<sup>72</sup>

**Wyoming:** "Except as otherwise specifically provided by statute, a board or commission authorized to establish examination, permit or license

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<sup>71</sup> W. VA. CODE, § 30-3-10 (2012), <http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=30&art=3#03>

<sup>72</sup> WIS. STAT. ANN. § 448.05 (West 2012, 2016 Supp.), <http://docs.legis.wisconsin.gov/statutes/statutes/448.pdf>

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."<sup>73</sup>

**Washington, D.C.** SSN is required on the application form, but the statute has no specific required immigration status.<sup>74</sup>

As was evident in the lawyer licensing world, similar nomenclature and proxy issues arise in the M.D. context. Wisconsin has unusually-detailed immigration language, but its fulcrum is the Social Security Number, and adds the Employer Identification Number (EIN), usually issued by the IRS (to individuals and to organizations) for limited tax administration purposes, associated with principal businesses in the United States.<sup>75</sup> Because the EIN is available to a wide range of individuals with a variety of immigration categories,<sup>76</sup> 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. 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.-- General rule. Public Benefits is defined as including

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<sup>73</sup> WYO. STAT. ANN. § 33-26-303 (2015), <http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title33/T33CH26.htm>.

<sup>74</sup> As elsewhere, this SSN requirement opens the door for DACA recipients, who are issued SSNs, even though they still have no lawful status.

<sup>75</sup> *Lipman, Illegal Tax*, supra at note 68.

<sup>76</sup> *Id.*

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."<sup>77</sup> 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.<sup>78</sup> 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 specifies no such requirement. Again, these examples shows the as-applied differences between the actual authorization language and the practical gatekeeping form passageways.<sup>79</sup>

### **E. 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.<sup>80</sup> This online portal aggregates many licenses in

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<sup>77</sup> ALA. CODE §§ 31-13-7(b) & 34-21-21(a) (West 2010, Supp. 2013), <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm>

<sup>78</sup> 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>. Arkansas State Board of Nursing Rules (2014). Chapter 2, Section 1; <http://www.arsbn.arkansas.gov/forms/Documents/Rules%20Chapter2-Final%20Effective%202014.pdf>

<sup>79</sup> National Council Licensure Examination Arkansas, NCLEX Forms, <https://easynclex.com/forms/arkansas.html> (last visited May 25, 2017).

<sup>80</sup> New York Office of Information Technology Services, *NYS License Center*, <https://its.ny.gov/nys-license-center-business-wizard> (last visited May 25, 2017).

Agriculture, Forestry and Fisheries, Construction, Education, Finance and Insurance, Food Service and Processing, Health Care, Manufacturing, Miscellaneous, One-Time Permits, Real Estate, Recreation, Retail, Services, Transportation and Public Utilities, and Wholesale), and additional permits and licenses for over a hundred agencies, from Adirondack Park Agency to the Workman’s Compensation Board.<sup>81</sup>

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

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

[https://appext20.dos.ny.gov/lcns\\_public/chk\\_load](https://appext20.dos.ny.gov/lcns_public/chk_load)

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<sup>81</sup> New York Business Express, *Profession Licenses*, <https://www.buinessexpress.ny.gov/app/index/st/4/c/545/session/L3RpbWUvMTQ5NDYyMjg1My9zaWQvZlVKTWJNejQyTUNaMjh1WTh4enpTJTdFQWlsZFAyR09EX2N3dXJRWHhWZXNETzZjSzN2ekVNSFNlcmNBQ0xpaTBSQ2xrdldRN2hEbzFLRnlhWFFVUyU3RW93NzhRWDFQYyU3RUhZQVpTV3RWUG5UUEhpQzlvJTdFek5SMmZNaIEIMjEIMjE%3D> (last visited May 26, 2017).

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, bowhunting, and even muzzleloading Privileges.<sup>82</sup> The issuing agencies involve the Departments of Agriculture and Markets, Department of Environmental Conservation, State, Taxation and Finance, and Motor Vehicles, among others.<sup>83</sup>

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).<sup>84</sup> In a 2015 study, Janet M. Calvo found almost 30

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<sup>82</sup> New York State Office of the Professions, *The Licensed Professions in New York State*, <http://www.op.nysed.gov/> (last updated March 24, 2017)( The State Education Department, under Regents' direction, administers professional regulation through its Office of the Professions, in conjunction with the various State Boards for the Professions.

<sup>83</sup> New York Business Express, *Profession Licenses*, <https://www.businessexpress.ny.gov/app/index/st/4/c/133/page/1> (last visited May 26, 2017)(select an agency).

<sup>84</sup> I selected several at random, to show the extraordinary range of licenses, certificates, and permits: [https://www.businessexpress.ny.gov/app/answers/cms/a\\_id/2499/kw/milk%20dealer](https://www.businessexpress.ny.gov/app/answers/cms/a_id/2499/kw/milk%20dealer) (milk dealer) ; [https://www.businessexpress.ny.gov/app/answers/cms/a\\_id/2502/kw/bulk%20and%20package%20hauler/session/L3RpbWUvMTQ5NDYyNDM3NC9zaWQvZlVMZlFwbmJyS0dtVjdRMWkycnVRWVR1S2JXSDNGWWtreVA5M2lrejRZXzRwbE8wSEZweEdWdEMwNWwzR2duY2VETyU3RVBmVG1OREVtUU45R1A3VXhwd0dnakdGdUxMNnVpRVduS0NabEM1eExGUnFPSUFyZHNRMFEMjEIMjE%3D](https://www.businessexpress.ny.gov/app/answers/cms/a_id/2502/kw/bulk%20and%20package%20hauler/session/L3RpbWUvMTQ5NDYyNDM3NC9zaWQvZlVMZlFwbmJyS0dtVjdRMWkycnVRWVR1S2JXSDNGWWtreVA5M2lrejRZXzRwbE8wSEZweEdWdEMwNWwzR2duY2VETyU3RVBmVG1OREVtUU45R1A3VXhwd0dnakdGdUxMNnVpRVduS0NabEM1eExGUnFPSUFyZHNRMFEMjEIMjE%3D) (bulk package hauler) ; [https://www.businessexpress.ny.gov/app/answers/cms/a\\_id/1925/kw/appearance%20enhancement%20natural%20hair/session/L3RpbWUvMTQ5NDYyNDM3NC9zaWQvZlVMZlFwbmJyS0dtVjdRMWkycnVRWVR1S2JXSDNGWWtreVA5M2lrejRZXzRwbE8wSEZweEdWdEMwNWwzR2duY2VETyU3RVBmVG1OREVtUU45R1A3VXhwd0dnakdGdUxMNnVpRVduS0NabEM1eExGUnFPSUFyZHNRMFEMjEIMjE%3D](https://www.businessexpress.ny.gov/app/answers/cms/a_id/1925/kw/appearance%20enhancement%20natural%20hair/session/L3RpbWUvMTQ5NDYyNDM3NC9zaWQvZlVMZlFwbmJyS0dtVjdRMWkycnVRWVR1S2JXSDNGWWtreVA5M2lrejRZXzRwbE8wSEZweEdWdEMwNWwzR2duY2VETyU3RVBmVG1OREVtUU45R1A3VXhwd0dnakdGdUxMNnVpRVduS0NabEM1eExGUnFPSUFyZHNRMFEMjEIMjE%3D) (Appearance Enhancement); [https://www.businessexpress.ny.gov/app/answers/cms/a\\_id/2030/kw/brewer%20taster/session/L3RpbWUvMTQ5NDYyNDM3NC9zaWQvZlVMZlFwbmJyS0dtVjdRMWkycnVRWVR1S2JXSDNGWWtreVA5M2lrejRZXzRwbE8wSEZweEdWdEMwNWwzR2duY2VETyU3RVBmVG1OREVtUU45R1A3VXhwd0dnakdGdUxMNnVpRVduS0NabEM1eExGUnFPSUFyZHNRMFEMjEIMjE%3D](https://www.businessexpress.ny.gov/app/answers/cms/a_id/2030/kw/brewer%20taster/session/L3RpbWUvMTQ5NDYyNDM3NC9zaWQvZlVMZlFwbmJyS0dtVjdRMWkycnVRWVR1S2JXSDNGWWtreVA5M2lrejRZXzRwbE8wSEZweEdWdEMwNWwzR2duY2VETyU3RVBmVG1OREVtUU45R1A3VXhwd0dnakdGdUxMNnVpRVduS0NabEM1eExGUnFPSUFyZHNRMFEMjEIMjE%3D) (brewer tasting); [https://www.businessexpress.ny.gov/app/answers/cms/a\\_id/2848/kw/special%20entertainer's%20permit%20\(for%20minors\)/session/L3RpbWUvMTQ5NDYyNDM3NC9zaWQvZlVMZlFwbmJyS0dtVjdRMWkycnVRWVR1S2JXSDNGWWtreVA5M2lrejRZXzRwbE8wSEZweEdWdEMwNWwzR2duY2VETyU3RVBmVG1OREVtUU45R1A3](https://www.businessexpress.ny.gov/app/answers/cms/a_id/2848/kw/special%20entertainer's%20permit%20(for%20minors)/session/L3RpbWUvMTQ5NDYyNDM3NC9zaWQvZlVMZlFwbmJyS0dtVjdRMWkycnVRWVR1S2JXSDNGWWtreVA5M2lrejRZXzRwbE8wSEZweEdWdEMwNWwzR2duY2VETyU3RVBmVG1OREVtUU45R1A3)

occupations governed by the New York Education Law and Department of Education that had no statutory immigration limitations among the many hundreds of such licensed occupations.<sup>85</sup> (TABLE TWO) As she noted, “Title VIII of the New York Education Law does not require citizenship or immigration category for twenty-nine professions.<sup>86</sup> 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.”<sup>87</sup>

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[VXhwd0dnakdGdUxMNnVpRVduS0NabEM1eExGUnFPSUFyZHNRMFEMjEIMjE%3D](http://www.op.nysed.gov/news/advisory-notices.html#appeals) (special entertainer’s permit for minors).

<sup>85</sup> See New York State Education Department, *U.S. Court of Appeals Decision on Litigation Involving 13 Professions that Require U.S. Citizenship or Permanent Lawful Residence for Licensure*, <http://www.op.nysed.gov/news/advisory-notices.html#appeals> (last updated March 24, 2017).

I am indebted to the careful research and advocacy of Professor Janet Calvo, who, with her law students, prepared many careful tables to assist the N.Y. Attorney General in addressing licensing issues. JANET M. CALVO, NEW YORK EDUCATIONAL LAW AND DEPARTMENT OF EDUCATION APPLICATIONS FOR PROFESSIONAL LICENSES FOR NON-CITIZENS AND DEPARTMENT OF EDUCATION APPLICATIONS FOR PROFESSIONAL LICENSES FOR NON-CITIZENS [hereinafter applications] (July 17, 2015); and JANET M. CALVO, THE DEPARTMENT OF EDUCATION’S APPLICATION FORMS AND WEB NOTICES VIOLATE NEW YORK STATE LAW AND THE STATE AND FEDERAL CONSTITUTIONS DO NOT COMPORT WITH STATE POLICY (July 17, 2015) [hereinafter “do not comport”] (memos on file with Valparaiso Law Review)

<sup>86</sup> Calvo, applications, *supra* note 85, at 1.

<sup>87</sup> Calvo, applications, *supra* note 85, at 1.

**Table TWO:**

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

<b><i>NO STATUTORY LIMITATIONS BASED ON IMMIGRATION CATEGORY</i></b>	<b><i>SPECIFIC LANGUAGE THAT CITIZENSHIP IS NOT A REQUIREMENT AND NO IMMIGRATION RELATED CRITERIA</i></b>	<b><i>LIMITING LICENSES FOR PROFESSIONS DECLARED UNCONSTITUTIONAL</i></b>
Acupuncturist: N.Y. Educ. Law § 8214 (McKinney) <a href="http://www.op.nysed.gov/prof/acu/acu1.pdf">http://www.op.nysed.gov/prof/acu/acu1.pdf</a>	Interior Design: N.Y. Educ. Law § 7304 (McKinney) <a href="http://www.op.nysed.gov/prof/id/intdesform1.pdf">http://www.op.nysed.gov/prof/id/intdesform1.pdf</a>	Chiropractor: N.Y. Educ. Law § 7504 (McKinney) <a href="http://www.op.nysed.gov/prof/chiro/chiro1.pdf">http://www.op.nysed.gov/prof/chiro/chiro1.pdf</a>
Athletic Trainer: N.Y. Educ. Law § 8355 (McKinney) <a href="http://www.op.nysed.gov/prof/at/at1.pdf">http://www.op.nysed.gov/prof/at/at1.pdf</a>	Architect: N.Y. Educ. Law § 7904 (McKinney) <a href="http://www.op.nysed.gov/prof/arch/arch1.pdf">http://www.op.nysed.gov/prof/arch/arch1.pdf</a>	Certified Shorthand Reporter: N.Y. Educ. Law § 6604 (McKinney) <a href="http://www.op.nysed.gov/prof/csr/csr1.pdf">http://www.op.nysed.gov/prof/csr/csr1.pdf</a>
Audiologist: N.Y. Educ. Law § 8206 (McKinney) <a href="http://www.op.nysed.gov/prof/slpa/sla1.pdf">http://www.op.nysed.gov/prof/slpa/sla1.pdf</a>	Occupational Therapist: N.Y. Educ. Law § 7904 (McKinney) <a href="http://www.op.nysed.gov/prof/ot/ot1.pdf">http://www.op.nysed.gov/prof/ot/ot1.pdf</a>	Dentist: N.Y. Educ. Law § 6609 (McKinney) <a href="http://www.op.nysed.gov/prof/dent/dent1.pdf">http://www.op.nysed.gov/prof/dent/dent1.pdf</a>
Clinical Laboratory Technologist: N.Y. Educ. Law § 8605 (McKinney) <a href="http://www.op.nysed.gov/prof/clt/clt1.pdf">http://www.op.nysed.gov/prof/clt/clt1.pdf</a>	Occupational Therapist Assistant: N.Y. Educ. Law § 7124 (McKinney) <a href="http://www.op.nysed.gov/prof/ot/ot1.pdf">http://www.op.nysed.gov/prof/ot/ot1.pdf</a>	Dental Hygienist: N.Y. Educ. Law § 7206 (McKinney) <a href="http://www.op.nysed.gov/prof/dent/dh1.pdf">http://www.op.nysed.gov/prof/dent/dh1.pdf</a>
Cytotechnologist: N.Y. Educ. Law § 8605 (McKinney) <a href="http://www.op.nysed.gov/prof/clt/clt1.pdf">http://www.op.nysed.gov/prof/clt/clt1.pdf</a>	Ophthalmic Dispensing: N.Y. Educ. Law § 7104 (McKinney) <a href="http://www.op.nysed.gov/prof/od/od1.pdf">http://www.op.nysed.gov/prof/od/od1.pdf</a>	Engineer: N.Y. Educ. Law § 7206-a (McKinney) <a href="http://www.op.nysed.gov/prof/pels/pe1.pdf">http://www.op.nysed.gov/prof/pels/pe1.pdf</a>
Clinical Laboratory/Histological Technician: N.Y. Educ. Law §§ 8606, 8606-a (McKinney) <a href="http://www.op.nysed.gov/prof/clt/cyt1.pdf">http://www.op.nysed.gov/prof/clt/cyt1.pdf</a>	Optometrist: N.Y. Educ. Law § 7004 (McKinney) <a href="http://www.op.nysed.gov/prof/optom/opt1.pdf">http://www.op.nysed.gov/prof/optom/opt1.pdf</a>	Land Surveyor: N.Y. Educ. Law § 7324 (McKinney) <a href="http://www.op.nysed.gov/prof/pels/lsurv1.pdf">http://www.op.nysed.gov/prof/pels/lsurv1.pdf</a>



Dental Assistant: N.Y. Educ. Law § 8004 (McKinney) <a href="http://www.op.nysed.gov/prof/dent/dent-rdf11.pdf">http://www.op.nysed.gov/prof/dent/dent-rdf11.pdf</a>	Podiatrist: N.Y. Educ. Law § 7603 (McKinney) <a href="http://www.op.nysed.gov/prof/pod/pod1.pdf">http://www.op.nysed.gov/prof/pod/pod1.pdf</a>	Landscape Architect: N.Y. Educ. Law § 7804 (McKinney) <a href="http://www.op.nysed.gov/prof/larch/landarch1.pdf">http://www.op.nysed.gov/prof/larch/landarch1.pdf</a>
Dietitian/Nutritionist: N.Y. Educ. Law § 8705 (McKinney) <a href="http://www.op.nysed.gov/prof/diet/diet1.pdf">http://www.op.nysed.gov/prof/diet/diet1.pdf</a>	Psychologist: N.Y. Educ. Law § 7404 (McKinney) <a href="http://www.op.nysed.gov/prof/psych/psych1.pdf">http://www.op.nysed.gov/prof/psych/psych1.pdf</a>	Massage Therapist: N.Y. Educ. Law § 6524 (McKinney) <a href="http://www.op.nysed.gov/prof/mt/mt1.pdf">http://www.op.nysed.gov/prof/mt/mt1.pdf</a>
Medical Physicist: N.Y. Educ. Law § 6541 (McKinney) <a href="http://www.op.nysed.gov/prof/medphys/mp1.pdf">http://www.op.nysed.gov/prof/medphys/mp1.pdf</a>	Certified Public Accountant: N.Y. Educ. Law § 6554 (McKinney) <a href="http://www.op.nysed.gov/prof/cpa/cpa1.pdf">http://www.op.nysed.gov/prof/cpa/cpa1.pdf</a>	Physician: N.Y. Educ. Law § 6955 (McKinney) <a href="http://www.op.nysed.gov/prof/med/med1.pdf">http://www.op.nysed.gov/prof/med/med1.pdf</a>
Physician Assistant: N.Y. Educ. Law § 6541 (McKinney) <a href="http://www.op.nysed.gov/prof/med/pa1.pdf">http://www.op.nysed.gov/prof/med/pa1.pdf</a>		Midwife: N.Y. Educ. Law § 6704, 6711 (McKinney) <a href="http://www.op.nysed.gov/prof/midwife/mid1.pdf">http://www.op.nysed.gov/prof/midwife/mid1.pdf</a>
Specialist Assistant: N.Y. Educ. Law § 8403 (McKinney) <a href="http://www.op.nysed.gov/prof/med/sa1.pdf">http://www.op.nysed.gov/prof/med/sa1.pdf</a>		Pharmacist: N.Y. Educ. Law § 6711 (McKinney) <a href="http://www.op.nysed.gov/prof/pharm/pharm1.pdf">http://www.op.nysed.gov/prof/pharm/pharm1.pdf</a>
Mental Health Practitioner: N.Y. Educ. Law § 8403 (McKinney) <a href="http://www.op.nysed.gov/prof/mhp/mft1.pdf">http://www.op.nysed.gov/prof/mhp/mft1.pdf</a>		
Family Therapist: N.Y. Educ. Law § 8404 (McKinney) <a href="http://www.op.nysed.gov/prof/mhp/mft1.pdf">http://www.op.nysed.gov/prof/mhp/mft1.pdf</a>		

<p>Creative Arts Therapist: N.Y. Educ. Law § 8405 (McKinney) <a href="http://www.op.nysed.gov/prof/mhp/cat1.pdf">http://www.op.nysed.gov/prof/mhp/cat1.pdf</a></p>		
<p>Psychoanalyst: N.Y. Educ. Law § 6905 (McKinney) <a href="http://www.op.nysed.gov/prof/mhp/psyan1.pdf">http://www.op.nysed.gov/prof/mhp/psyan1.pdf</a></p>		
<p>Registered Nurse: N.Y. Educ. Law § 6905 (McKinney) <a href="http://www.op.nysed.gov/prof/nurse/nurse1.pdf">http://www.op.nysed.gov/prof/nurse/nurse1.pdf</a></p>		
<p>Licensed Practical Nurse: N.Y. Educ. Law § 6910, 6911 (McKinney) <a href="http://www.op.nysed.gov/prof/nurse/nurse1.pdf">http://www.op.nysed.gov/prof/nurse/nurse1.pdf</a></p>		
<p>Certification for Nurse Practitioners and Clinical Nurse Specialists: N.Y. Educ. Law § 8609 (9) (McKinney) <a href="http://www.op.nysed.gov/prof/nurse/np1.pdf">http://www.op.nysed.gov/prof/nurse/np1.pdf</a>; <a href="http://www.op.nysed.gov/prof/nurse/cns1.pdf">http://www.op.nysed.gov/prof/nurse/cns1.pdf</a></p>		

<p>Perfusionist permit: N.Y. Educ. Law § 6734 (McKinney)  <a href="http://www.op.nysed.gov/prof/perfusion/perf5.pdf">http://www.op.nysed.gov/prof/perfusion/perf5.pdf</a></p>		
<p>Physical Therapist: N.Y. Educ. Law § 6734 (McKinney)  <a href="http://www.op.nysed.gov/prof/pt/pt1.pdf">http://www.op.nysed.gov/prof/pt/pt1.pdf</a></p>		
<p>Physical Therapist Assistant: N.Y. Educ. Law § 8505 (McKinney)  <a href="http://www.op.nysed.gov/prof/pt/pt1.pdf">http://www.op.nysed.gov/prof/pt/pt1.pdf</a></p>		
<p>Polysomnographic Technologist (authorization):  N.Y. Educ. Law § 8504 (McKinney)  <a href="http://www.op.nysed.gov/prof/polysom/polysom1.pdf">http://www.op.nysed.gov/prof/polysom/polysom1.pdf</a></p>		
<p>Respiratory Therapist: N.Y. Educ. Law § 8504 (McKinney)  <a href="http://www.op.nysed.gov/prof/rt/rt1.pdf">http://www.op.nysed.gov/prof/rt/rt1.pdf</a></p>		
<p>Respiratory Technician: N.Y. Educ. Law § 7704 (McKinney)  <a href="http://www.op.n.gov/prof/rt/rt1.pdf">http://www.op.n.gov/prof/rt/rt1.pdf</a></p>		

<p>Social Worker Master:  N.Y. Educ. Law § 7704  (McKinney)  <a href="http://www.op.nysed.gov/prof/sw/lmsw1.pdf">http://www.op.nysed.gov/prof/sw/lmsw1.pdf</a></p>		
<p>Clinical Social Worker:  N.Y. Educ. Law § 8206  (McKinney)  <a href="http://www.op.nysed.gov/prof/sw/lcsw1.pdf">http://www.op.nysed.gov/prof/sw/lcsw1.pdf</a></p>		
<p>Speech  Pathologist/Audiologist:  N.Y. Educ. Law § 8804  (2) (McKinney)  <a href="http://www.op.nysed.gov/prof/slpa/sla1.pdf">http://www.op.nysed.gov/prof/slpa/sla1.pdf</a></p>		
<p>Licensed Behavior  Analyst: N.Y. Educ. Law  § 8804 (1) (McKinney)  <a href="http://www.op.nysed.gov/prof/aba/aba1.pdf">http://www.op.nysed.gov/prof/aba/aba1.pdf</a></p>		
<p>Certified Behavior  Analyst Assistant: N.Y.  Educ. Law § 8305  (McKinney)  <a href="http://www.op.nysed.gov/prof/aba/aba1.pdf">http://www.op.nysed.gov/prof/aba/aba1.pdf</a></p>		

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 29 she listed from the single agency.<sup>88</sup> While not every state or jurisdiction is as large and decentralized as are New

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<sup>88</sup> CALVO, do not comport, *supra* note 85, at 5-6.

York's statutory and administrative regimes, the outlines and patterns are evident at every layer, across all fields, high and low. And put starkly, the actual technical details of implementation do not often track the legal underpinnings; indeed, there is a substantial slip between the authorizing cup and the as-applied lip.

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 become licensed to practice law;<sup>89</sup> *Mauclet*;<sup>90</sup> and *Dandamudi*.<sup>91</sup> 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. 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. 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.<sup>92</sup> Finally, her analysis of thirteen New York Education Law Title VIII occupations restricted licenses only to citizens and legal permanent residents, even after the immigration requirements had been struck down as unenforceable under the terms of the *Dandamudi* litigation.<sup>93</sup> Even though there are no enforceable legislative restrictions based in immigration category on these

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<sup>89</sup> Liz Robbins, *An Immigrant's Four-Year Fight to Become a Lawyer Ends in Celebrations*, N.Y. TIMES, Feb. 4, 2016, at A18. (Cesar Vargas developments)

<sup>90</sup> *Nyquist v. Mauclet*, 432 U.S. 1 (1977) (striking down New York statute that barred resident aliens from receiving state college financial assistance. N. Y. Educ. Law 661 (3) (McKinney Supp. 1976)).

<sup>91</sup> *Dandamudi v. Tisch*, 686 F.3d 66 (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) See generally, Calvo, applications, *supra* note 85.

<sup>92</sup> CALVO, applications, *supra* note 85.

<sup>93</sup> See generally, CALVO, do not comport, *supra* note 85.

professions, “the application forms published on the New York State Department of Education’s website restrict licensing applications to limited categories of non-citizens.”<sup>94</sup>

### Preliminary Thoughts and Early Conclusions

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.

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 had 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, in law licensure, and in assessments of moral character and fitness for bar eligibility, and was involved in some detail as New York California, and Florida dealt with undocumented and DACAmented applicants.<sup>95</sup> Even so, I was unprepared for the actual state of the requirements I unearthed, as have been my students and various educators and licensing

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<sup>94</sup> Calvo, do not comport, *supra* note 85. The NY Board of Regents adopted the various amendments, overhauling the citizenship requirement architecture. See Board of Regents, Professional Practice Committee Higher Education Committee, Proposed Amendment to Sections 59.4 and 80-1.3 of the Regulations of the Commissioner of Education Relating to Citizenship (Feb. 16, 2016). <http://bit.ly/20TjSS5>. See generally, Josefa Velasquez, *Board of Regents Votes to Allow Qualified Undocumented People to Become Licensed*, POLITICO (Feb. 23, 2016) <https://www.politicopro.com/states/new-york/albany/story/2016/02/board-of-regents-votes-to-allow-qualified-undocumented-people-to-become-licensed-031525>.

<sup>95</sup> See, Brief for Michael A. Olivas, et al., as Amicus Curiae Supporting Applicant, In re Garcia, 315 P.3d 117 (Cal. 2014) (No. S202512), <http://www.courts.ca.gov/documents/12-s202512-amicus-michael-olivas-072712.pdf> (amicus brief in Garcia case). MICHAEL A. OLIVAS, DRAFTING JUSTICE: STATUTORY LANGUAGE, PUBLIC POLICY, AND LEGISLATIVE REFORM (IHELG Research Monograph13-11) (2014), <http://www.law.uh.edu/ihelg/monograph/13-11.pdf> (describing experience in residency issues)

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. And I have been shocked at the unanticipated absence of immigration criteria in a substantial number of professions in a number of jurisdictions, as well as the multiple ways in which the formal requirements do not mesh with the actual implementation. And 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 also have made the entire process more complex and uncertain, more than the usual presidential transitions.<sup>96</sup> 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 to them, and their progress will be punctuated and uncertain.<sup>97</sup> As has been shown with the examples of bar membership in three of the largest

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<sup>96</sup> Jenny Jarvie, *President Trump Signs an Executive Order in January on Border Security and Immigration Enforcement*, L.A. TIMES (Apr. 19, 2017), <http://www.latimes.com/nation/la-na-daca-deportations-20170419-story.html> (DACA recipient in removal proceedings); Allissa Wickham, *Well-Known DACA Recipient Sues Over Revoked Status*, LAW360 (May 11, 2017), <https://www.law360.com/immigration/articles/922976>; See also, Kate Morrissey, *ICE Will No Longer Delay Deportations for Those with 'Private Bills' Pending*, SAN DIEGO UNION-TRIB. (May 9, 2017), <http://www.sandiegouniontribune.com/news/immigration/sd-me-private-bills-20170509-story.html>.

<sup>97</sup> Miriam Jordan, *Caught Anew In the Struggle Over Immigration*, N.Y. TIMES, May 11, 2017, at A10 (DACA recipient in removal proceedings); Caitlin Dickerson, *Immigration Arrests Rise Sharply as Agents Carry Out a Trump Mandate*, N.Y. TIMES, May 18, 2017, at A22; MARCELA VALDES, *Staying Power*, N.Y. TIMES MAGAZINE,

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

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May 28, 2017, at MM50 (legal tactics to slow deportations and removals). *See also*, Amanda E. Lopez, Still Dreaming: The Plight of the Undocumented Immigrant Student in the Professional World, 18 Scholar 451 (2016). A good gauge of the punctuated pathways of state legislation is regularly made available by the National Conference of State Legislators: *Professional Licenses for Immigrants* (January, 2017), <http://www.ncsl.org/research/immigration/professional-and-occupational-licenses-for-immigrants.aspx> .



## Appendix I: Professional License Eligibility Requirements (Physicians, Nurses, Attorneys, Teachers/Educators)

### Professional License Eligibility Requirements

#### Medical:

State	Medical License	Statute	Source	Application Form
<b>Alabama</b>	“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.”	Ala Code § 31-13-7 ( New: AL Code § 34-24-70(g) (2014))	<a href="http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm</a>	<a href="http://www.albme.org/appsphys.html#Physician_initial_license">http://www.albme.org/appsphys.html#Physician_initial_license</a>
<b>Alaska</b>	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."	§ 08.01.060(b)	<a href="http://touchngo.com/1glcntr/akstats/Statutes/Title08/Chapter01/Section060.htm">http://touchngo.com/1glcntr/akstats/Statutes/Title08/Chapter01/Section060.htm</a>	<a href="https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/StateMedicalBoard.aspx">https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/StateMedicalBoard.aspx</a>
<b>Arizona</b>	Documentation "indicating that the individual's presence in the United States is authorized under federal law" is required under 41-1080.	A.R.S. 41-1080 (August 21, 2013)	<a href="http://www.azleg.gov/ars/41/01080.htm">http://www.azleg.gov/ars/41/01080.htm</a>	<a href="https://www.azmd.gov/PhysicianCenter/MDLicenseApp.aspx">https://www.azmd.gov/PhysicianCenter/MDLicenseApp.aspx</a>
<b>Arkansas</b>	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.	Arkansas State Medical Board, Arkansas Medical Practices Acts and Regulations, Sub-Chapter 4	<a href="https://www.armedicalboard.org/Professionals/pdf/mpa.pdf">https://www.armedicalboard.org/Professionals/pdf/mpa.pdf</a>	<a href="http://www.armedicalboard.org/Professionals/pdf/MD_AppPack.pdf">http://www.armedicalboard.org/Professionals/pdf/MD_AppPack.pdf</a>

<b>California</b>	SSN required by the statute.	Section 30 of the Business and Professions Code and Public Law 94-455	<a href="http://www.mbc.ca.gov/applicant/application_international.pdf">http://www.mbc.ca.gov/applicant/application_international.pdf</a>	<a href="http://www.mbc.ca.gov/Forms/Applicants/application_us-canada.pdf">http://www.mbc.ca.gov/Forms/Applicants/application_us-canada.pdf</a>
<b>Colorado</b>	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 be employed in the US.	HB 06S-1009; C.R.S. 24-34-107	<a href="https://media.nasba.org/files/2011/02/Eligibility_Colorado.pdf">https://media.nasba.org/files/2011/02/Eligibility_Colorado.pdf</a>	<a href="https://www.colorado.gov/pacific/dora/Medical_Board">https://www.colorado.gov/pacific/dora/Medical_Board</a>
<b>Connecticut</b>	SSN: "Pursuant to Connecticut General Statutes, Section 17b-137a(a)(1), disclosure of the social security number is mandatory."	GS 17B-137a	<a href="http://www.ct.gov/dph/cwp/view.asp?a=3121&amp;q=389534">http://www.ct.gov/dph/cwp/view.asp?a=3121&amp;q=389534</a>	<a href="http://www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/physician/md_app_only.pdf">http://www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/physician/md_app_only.pdf</a>
<b>Delaware</b>	No mention of immigration status requirements in Title 24, Chapter 17 Medical Practice Act. Application form requires SSN but can request for an exemption by filling out a form.	Medical Practice Act	<a href="http://delcode.delaware.gov/title24/c017/sc03/index.shtml">http://delcode.delaware.gov/title24/c017/sc03/index.shtml</a>	<a href="http://dpr.delaware.gov/boards/medicalpractice/documents/Physician_Application_Complete.pdf">http://dpr.delaware.gov/boards/medicalpractice/documents/Physician_Application_Complete.pdf</a>
<b>Florida</b>	SSN required unless not a citizen or resident, then temporary license may be issued for 30 days after which SSN still required.	456.013	<a href="http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=456.013&amp;URL=0400-0499/0456/Sections/0456.013.html">http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=456.013&amp;URL=0400-0499/0456/Sections/0456.013.html</a>	<a href="http://flboardofmedicine.gov/apps/medical-doctor-app.pdf">http://flboardofmedicine.gov/apps/medical-doctor-app.pdf</a>

<b>Georgia</b>	USC, LPR, or qualified "alien under the Federal INA."	Rule 360-2-01	<a href="http://rules.sos.state.ga.us/gac/360-2-.01">http://rules.sos.state.ga.us/gac/360-2-.01</a>	<a href="http://medicalboard.georgia.gov/sites/medicalboard.georgia.gov/files/1104InitialAppv0713.pdf">http://medicalboard.georgia.gov/sites/medicalboard.georgia.gov/files/1104InitialAppv0713.pdf</a>
<b>Hawaii</b>	§436B-10(4) "The applicant's social security number . . ." §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[.]"	Professional and Vocational Licensing § 436B-10	<a href="http://files.hawaii.gov/dcca/pvl/programs/hrs/hrs_pvl_436b.pdf">http://files.hawaii.gov/dcca/pvl/programs/hrs/hrs_pvl_436b.pdf</a>	<a href="http://cca.hawaii.gov/pvl/files/2013/06/Require-Instruct-App-for-Physician_10.14R.pdf">http://cca.hawaii.gov/pvl/files/2013/06/Require-Instruct-App-for-Physician_10.14R.pdf</a>
<b>Idaho</b>	"[M]ust be legally able to work and live in the United States . . . [D]ocumentation of lawful presence" required.	IDAPA 22.050.01	<a href="http://adminrules.idaho.gov/rules/current/22/0101.pdf">http://adminrules.idaho.gov/rules/current/22/0101.pdf</a>	<a href="http://www.fsmb.org/licensure/uniform-application/">http://www.fsmb.org/licensure/uniform-application/</a>
<b>Illinois</b>	SSN required by the statute.	ILCS 100/ 10-65(c)	<a href="http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=000501000K10-65">http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=000501000K10-65</a>	<a href="https://www.idfpr.com/renewals/apply/forms/md-ac-end.pdf">https://www.idfpr.com/renewals/apply/forms/md-ac-end.pdf</a>
<b>Indiana</b>	SSN required by the statute.	IC25-1-5-11	<a href="http://www.in.gov/pla/files/Microsoft_Word_-_Medical_Licensing_Board.2012.pdf">http://www.in.gov/pla/files/Microsoft_Word_-_Medical_Licensing_Board.2012.pdf</a>	<a href="http://www.in.gov/pla/3067.htm">http://www.in.gov/pla/3067.htm</a>
<b>Iowa</b>	The "Application Addendum--Application Part 2" requires that a "Visa Type or Alien Registration Number" be provided if he applicant is not a U.S. citizen. <a href="https://medicalboard.iowa.gov/images/pdf/Iowa%20Paper%20Addendum%208-15.pdf">https://medicalboard.iowa.gov/images/pdf/Iowa%20Paper%20Addendum%208-15.pdf</a>	Medicine Board	<a href="https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/10-16-2013.Agency.653.pdf">https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/10-16-2013.Agency.653.pdf</a>	<a href="https://medicalboard.iowa.gov/services/forms.html">https://medicalboard.iowa.gov/services/forms.html</a>

<b>Kansas</b>	SSN is required on the application form.	Article 28, 65-2801 to 65-28, 132	<a href="http://www.kslegislature.org/li_2012/b2011_12/statute/065_000_0000_chapter/065_028_0000_article/">http://www.kslegislature.org/li_2012/b2011_12/statute/065_000_0000_chapter/065_028_0000_article/</a>	<a href="http://www.ksbha.org/forms/md_do_app_nonfill.pdf">http://www.ksbha.org/forms/md_do_app_nonfill.pdf</a>
<b>Kentucky</b>	SSN is required on the application form.	§ 311.571	<a href="http://www.lrc.ky.gov/statutes/statute.aspx?id=44609">http://www.lrc.ky.gov/statutes/statute.aspx?id=44609</a>	<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>
<b>Louisiana</b>	"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)"	LA Administrative Code Title 46 XLV Medical Professions, §311; La Revised Statute Title 37, § 1272	<a href="http://www.lsbme.la.gov/sites/default/files/documents/Rules/Individual%20Rules/Physicians.pdf">http://www.lsbme.la.gov/sites/default/files/documents/Rules/Individual%20Rules/Physicians.pdf</a>	<a href="http://www.lsbme.la.gov/licensure/physicians">http://www.lsbme.la.gov/licensure/physicians</a>
<b>Maine</b>	SSN is required on the application form.	Maine Revised Statutes, Title 32, §3271	<a href="http://www.mainelegislature.org/legis/statutes/32/title32sec3271.html">http://www.mainelegislature.org/legis/statutes/32/title32sec3271.html</a>	<a href="http://www.maine.gov/md/licensure/md-licensure.html">http://www.maine.gov/md/licensure/md-licensure.html</a>
<b>Maryland</b>	"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.	Code of Maryland Regulations 10.32.01.03	<a href="http://www.dsd.state.md.us/comar/comarhtml/10/10.32.01.03.htm">http://www.dsd.state.md.us/comar/comarhtml/10/10.32.01.03.htm</a>	<a href="https://www.mbp.state.md.us/forms/dr_initial.pdf">https://www.mbp.state.md.us/forms/dr_initial.pdf</a>

<b>Massachusetts</b>	<p>SSN is required on the application form.</p> <p>"Each applicant is required to provide the Board with a United States Social Security Number pursuant to M.G.L. c. 30A, §13A."</p>	Code of Massachusetts Regulations 243	<a href="http://www.mass.gov/eohhs/docs/borim/regs-243-cmr-2.pdf">http://www.mass.gov/eohhs/docs/borim/regs-243-cmr-2.pdf</a>	<a href="http://www.mass.gov/eohhs/docs/borim/kits/full-license-kit.pdf">http://www.mass.gov/eohhs/docs/borim/kits/full-license-kit.pdf</a>
<b>Michigan</b>	<p>SSN is required on the application form.</p>	Michigan Public Health Code §333.17011	<a href="http://www.legislature.mi.gov/(S(arowhz4xkxnyblwqas3p0mhs))/mileg.aspx?page=getObject&amp;objectName=mcl-333-17011">http://www.legislature.mi.gov/(S(arowhz4xkxnyblwqas3p0mhs))/mileg.aspx?page=getObject&amp;objectName=mcl-333-17011</a>	<a href="http://www.michigan.gov/lara/0,4601,7-154-63294_27529_27541--,00.html">http://www.michigan.gov/lara/0,4601,7-154-63294_27529_27541--,00.html</a>
<b>Minnesota</b>	<p>Application requires SSN and notarized copy of driver's license.</p> <p>"Minn. Stat. § 147.091 Subd. 7(d) requires all applicants to provide their social security number on their license application for the administration of the state tax code. Your social security number is private. Your social security number is also required to facilitate reporting of the DataBank and for accurate identification under the federal and state child support enforcement law."</p>	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>	<a href="https://mn.gov/boards/medical-practice/applicants/apply/">https://mn.gov/boards/medical-practice/applicants/apply/</a>
<b>Mississippi</b>	<p>SSN required by both the statute and the application form.</p>	Mississippi State Admin Code of Medical Licensure Chapter 2 § 2601	<a href="https://www.msbl.ms.gov/msbl/web.nsf/webpages/Regulations_Exambook/\$FILE/Jurisprudence_Exam_Book.pdf?OpenElement">https://www.msbl.ms.gov/msbl/web.nsf/webpages/Regulations_Exambook/\$FILE/Jurisprudence_Exam_Book.pdf?OpenElement</a>	<a href="https://www.ms.gov/medical_licensure/renwal/applicantLogin.jsp">https://www.ms.gov/medical_licensure/renwal/applicantLogin.jsp</a>

<b>Missouri</b>	Copy of SSN card required for application but "[a] citizen of an international country" is permitted to "submit his/her Visa or Passport" instead.	Missouri Revised Statutes §334.035	<a href="http://www.moga.mo.gov/mostatutes/stath.html/33400000351.html">http://www.moga.mo.gov/mostatutes/stath.html/33400000351.html</a>	<a href="http://pr.mo.gov/boards/healingarts/375-0457.pdf">http://pr.mo.gov/boards/healingarts/375-0457.pdf</a>
<b>Montana</b>	On the application form, SSN asked for but not required. Foreign ID also acceptable.	Montana Code Annotated § 37-3-305	<a href="http://leg.mt.gov/bills/mca/37/3/37-3-305.htm">http://leg.mt.gov/bills/mca/37/3/37-3-305.htm</a>	<a href="http://b.bsd.dli.mt.gov/license/bsd_boards/med_board/board_page.asp">http://b.bsd.dli.mt.gov/license/bsd_boards/med_board/board_page.asp</a>
<b>Nebraska</b>	SSN; Neb. Rev. Stat. §38-123 mandates disclosure of your social security number to DHHS.	Professional and Occupational Licensure Title 172, Chapter 88 § 88-003.001	<a href="http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-088.pdf">http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-088.pdf</a>	<a href="http://dhhs.ne.gov/publichealth/Licensure/Documents/FullMedicalApplication.pdf">http://dhhs.ne.gov/publichealth/Licensure/Documents/FullMedicalApplication.pdf</a>
<b>Nevada</b>	US citizen or "lawfully entitled to . . . work in the United States[.]"	NRS 630.160 (2)(a)	<a href="http://leg.state.nv.us/NRS/NRS-630.html#NRS630Sec160">http://leg.state.nv.us/NRS/NRS-630.html#NRS630Sec160</a>	<a href="http://medboard.nv.gov/Licensees/L_A_Main/">http://medboard.nv.gov/Licensees/L_A_Main/</a>
<b>New Hampshire</b>	SSN required. See: <a href="http://www.nh.gov/medicine/physicians/documents/physician_online_instructions.pdf">http://www.nh.gov/medicine/physicians/documents/physician_online_instructions.pdf</a>	MED 301.03	<a href="http://www.gencourt.state.nh.us/rules/state_agencies/med100-600.html">http://www.gencourt.state.nh.us/rules/state_agencies/med100-600.html</a>	<a href="http://www.nh.gov/medicine/physicians/">http://www.nh.gov/medicine/physicians/</a>

<p><b>New Jersey</b></p>	<p>USC or "has declared his intention to become" a USC. --New Jersey Statute, 45:9-6</p> <p>Documentation verifying legal status and SSN are both required on application.</p> <p>"N.J.S.A. 54:50-25 of the New Jersey Taxation law, and Section 1128E(b)(2)A of the Social Security Act, the Board is required to obtain your Social Security number."</p>	<p>New Jersey Statutes, 45:9-6</p>	<p><a href="http://www.njconsumeraffairs.gov/Statutes/medicalexaminerslaw.pdf">http://www.njconsumeraffairs.gov/Statutes/medicalexaminerslaw.pdf</a></p>	<p><a href="http://www.njconsumeraffairs.gov/bme/Pages/applications.aspx">http://www.njconsumeraffairs.gov/bme/Pages/applications.aspx</a></p>
<p><b>New Mexico</b></p>	<p>"[P]roof of compliance with immigration laws" is required on the application.</p> <p>USC or proof that "in compliance with US immigration laws".</p> <p>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</p>	<p>NMSA 61-6-11 (repealed effective July 1, 2016).</p>	<p><a href="http://www.nmlegis.gov/sessions/05%20Regular/final/SB0297.html">http://www.nmlegis.gov/sessions/05%20Regular/final/SB0297.html</a></p>	<p><a href="http://www.nmmb.state.nm.us/licensing_info/physician_licenses.html">http://www.nmmb.state.nm.us/licensing_info/physician_licenses.html</a></p>

<p><b>New York</b></p>	<p style="text-align: center;">Advisory Notice: U.S. Court of Appeals Decision on Litigation Involving 13 Professions that Require U.S. Citizenship or Permanent Lawful Residence for Licensure</p> <p>Please be advised that in accordance with the decision of the United States Court of Appeals, Second Circuit, in <i>Dandamudi v Tisch</i>, 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</p> <p>If you believe you meet these requirements, please submit an application for licensure to the Department and we will process your application accordingly.</p> <p style="text-align: center;"><a href="http://www.op.nysed.gov/news/advisory-notices.html#appeals">http://www.op.nysed.gov/news/advisory-notices.html#appeals</a></p> <p style="text-align: center;">SSN is optional on Application Form</p>	<p style="text-align: center;">Article 131 § 6524 (6) Education Code</p>	<p style="text-align: center;"><a href="http://www.op.nysed.gov/prof/med/article131.htm">http://www.op.nysed.gov/prof/med/article131.htm</a></p>	<p style="text-align: center;"><a href="http://www.op.nysed.gov/prof/med/med1.pdf">http://www.op.nysed.gov/prof/med/med1.pdf</a></p>
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<p><b>North Carolina</b></p>	<p>Documentation providing lawful immigration and work status.</p>	<p>21 NCAC 32W .0102</p>	<p><a href="http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2032%20-%20north%20carolina%20medical%20board/subchapter%20w/21%20ncac%2032w%20.0102.pdf">http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2032%20-%20north%20carolina%20medical%20board/subchapter%20w/21%20ncac%2032w%20.0102.pdf</a></p>	<p><a href="http://www.ncmedboard.org/licensure/licensing/physicians/full-application">http://www.ncmedboard.org/licensure/licensing/physicians/full-application</a></p>
<p><b>North Dakota</b></p>	<p>SSN is required on the application form.</p>	<p>North Dakota Century Code 43-17-18</p>	<p><a href="http://www.legis.nd.gov/cencode/t43c17.pdf?20131027202641">http://www.legis.nd.gov/cencode/t43c17.pdf?20131027202641</a></p>	<p><a href="https://www.ndbomex.org/practitioners/physicians/newapp/appPg1.asp">https://www.ndbomex.org/practitioners/physicians/newapp/appPg1.asp</a></p>
<p><b>Ohio</b></p>	<p>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."</p>	<p>OAC 4731.292</p>	<p><a href="http://codes.ohio.gov/orc/4731">http://codes.ohio.gov/orc/4731</a></p>	<p><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></p>

<b>Oklahoma</b>	SSN required by the statute.	OKLAHOMA ALLOPATHIC MEDICAL AND SURGICAL LICENSURE AND SUPERVISIO N ACT Title 59 O.S. § 493.1 (A)(1)	<a href="http://www.okmedic&lt;br/&gt;alboard.org/downlo&lt;br/&gt;ad/268/MDLAW.pdf">http://www.okmedic alboard.org/downlo ad/268/MDLAW.pdf</a>	<a href="https://www.ok.gov/&lt;br/&gt;medlic/licensing/app/l&lt;br/&gt;ogin.php?lt=90">https://www.ok.gov/ medlic/licensing/app/l ogin.php?lt=90</a>
<b>Oregon</b>	SSN required. Oregon Health Licensing Agency, Oregon Administrative Rules, Chapter 331, Divisions 001-030  "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)." <a href="http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_331/331_030.html">http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_331/331_030.html</a>	ORS 677.100	<a href="https://www.oregonl&lt;br/&gt;egislature.gov/bills_1&lt;br/&gt;aws/ors/ors677.html">https://www.oregonl egislature.gov/bills_1 aws/ors/ors677.html</a>	<a href="https://techmedweb.o&lt;br/&gt;mb.state.or.us/Clients&lt;br/&gt;/ORMB/Private/Onlin&lt;br/&gt;eServices/Login.aspx">https://techmedweb.o mb.state.or.us/Clients /ORMB/Private/Onlin eServices/Login.aspx</a>
<b>Pennsylvania</b>	SSN is required on the application form.	PA Code § 16.12	<a href="http://www.pacode.c&lt;br/&gt;om/secure/data/049/c&lt;br/&gt;hapter16/s16.12.html">http://www.pacode.c om/secure/data/049/c hapter16/s16.12.html</a>	<a href="https://www.mylicens&lt;br/&gt;e.state.pa.us/PersonSe&lt;br/&gt;archResults.aspx">https://www.mylicens e.state.pa.us/PersonSe archResults.aspx</a>
<b>Rhode Island</b>	X	Rhode Island General Laws § 5-37-2	<a href="http://med.brown.edu&lt;br/&gt;/cme/brouchure/7669&lt;br/&gt;.pdf">http://med.brown.edu /cme/brouchure/7669 .pdf</a>	<a href="http://www.fsmb.org/l&lt;br/&gt;icensure/fcvs/">http://www.fsmb.org/l icensure/fcvs/</a>

<b>South Carolina</b>	"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."	Section 8-29-10, et seq. of the South Carolina Code of Laws (1976, as amended); §40-47-32	<a href="http://www.llr.state.sc.us/pol/medical/PDF/Laws/MPAChapt47.pdf">http://www.llr.state.sc.us/pol/medical/PDF/Laws/MPAChapt47.pdf</a>	<a href="http://www.llr.state.sc.us/Pol/Medical/Pdf/ApplicationsForms/MDDOPermLic.pdf">http://www.llr.state.sc.us/Pol/Medical/Pdf/ApplicationsForms/MDDOPermLic.pdf</a>
<b>South Dakota</b>	SSN is required on the application form.	South Dakota Codified Laws § 36-4-11	<a href="http://legis.sd.gov/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=36-4-11">http://legis.sd.gov/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=36-4-11</a>	<a href="http://www.sdbmoe.gov/content/physician-license-mddo">http://www.sdbmoe.gov/content/physician-license-mddo</a>
<b>Tennessee</b>	USC, LPR, EAD, or otherwise legally entitled to work.	TBME 0880-02-03 (6)	<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>	<a href="https://www.tn.gov/health/article/ME-applications">https://www.tn.gov/health/article/ME-applications</a>
<b>Texas</b>	SSN required on the application form.	Occupations Code Chapter 155, Subchapter A	<a href="http://www.statutes.legis.state.tx.us/Docs/OC/pdf/OC.155.pdf">http://www.statutes.legis.state.tx.us/Docs/OC/pdf/OC.155.pdf</a>	<a href="http://www.tmb.state.tx.us/idl/EE8639CC-3E23-15CC-876A-452F265297CD">http://www.tmb.state.tx.us/idl/EE8639CC-3E23-15CC-876A-452F265297CD</a>
<b>Utah</b>	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.	Utah Code 58-67-302	<a href="http://le.utah.gov/xcode/Title58/Chapter67/58-67-S302.html?v=C58-67-S302_1800010118000101">http://le.utah.gov/xcode/Title58/Chapter67/58-67-S302.html?v=C58-67-S302_1800010118000101</a>	<a href="http://www.dopl.utah.gov/apps/MD.pdf">http://www.dopl.utah.gov/apps/MD.pdf</a>
<b>Vermont</b>	SSN is required on the application form.	Vermont Statute Title 26, Chapter 023, Subchapter 003, §1391	<a href="http://legislature.vermont.gov/statutes/section/26/023/01391">http://legislature.vermont.gov/statutes/section/26/023/01391</a>	<a href="http://healthvermont.gov/hc/med_board/documents/InitialForms5-24-13.pdf">http://healthvermont.gov/hc/med_board/documents/InitialForms5-24-13.pdf</a>

<b>Virginia</b>	SSN is required on the application form.	Code of Virginia § 54.1-2930	<a href="http://law.lis.virginia.gov/vacode/title54.1/chapter29/section54.1-2930/">http://law.lis.virginia.gov/vacode/title54.1/chapter29/section54.1-2930/</a>	<a href="https://www.license.dhp.virginia.gov/apply/">https://www.license.dhp.virginia.gov/apply/</a>
<b>Washington</b>	SSN is required on the application form. ITIN or Canadian SIN not accepted.	RCW 18.71.050	<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>	<a href="http://www.doh.wa.gov/Portals/1/Documents/Pubs/657079.pdf">http://www.doh.wa.gov/Portals/1/Documents/Pubs/657079.pdf</a>
<b>West Virginia</b>	<p>SSN required:</p> <p>"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."</p> <p><a href="https://wvbom.wv.gov/MD_Applications.asp">https://wvbom.wv.gov/MD_Applications.asp</a></p>	West Virginia Code, § 30-3-10	<a href="http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=30&amp;art=3#03">http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=30&amp;art=3#03</a>	<a href="https://wvbom.wv.gov/MD_Applications.asp">https://wvbom.wv.gov/MD_Applications.asp</a>

<p><b>Wisconsin</b></p>	<p>SSN or Employer Identification Number Required in Application Form found here:</p> <p><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></p> <p>If SSN not provided, form 1051, Affidavit is required to explain why SSN was not provided on the application:</p> <p><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></p>	<p>Wisconsin Statute § 448.05</p>	<p><a href="http://docs.legis.wisconsin.gov/statutes/statutes/448.pdf">http://docs.legis.wisconsin.gov/statutes/statutes/448.pdf</a></p>	<p><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></p>
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<p><b>Wyoming</b></p>	<p>Question about immigration status in Application form:</p> <p><b>CERTIFICATION OF LEGAL STATUS:</b> 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)...</p> <p>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.</p> <p>SSN required on the application form: 33-1-114</p> <p>"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."</p>	<p>Wyoming Statute § 33-26-303</p>	<p><a href="http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title33/T33CH26.htm">http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title33/T33CH26.htm</a></p>	<p><a href="https://sites.google.com/a/wyo.gov/wyomedboard/physicians/initial-physician-license-application">https://sites.google.com/a/wyo.gov/wyomedboard/physicians/initial-physician-license-application</a></p>
<p><b>Washington D.C.</b></p>	<p>SSN is required on the application form.</p>	<p>D.C. Municipal Regulations for Medicine</p>	<p><a href="http://doh.dc.gov/nodere/128972">http://doh.dc.gov/nodere/128972</a></p>	<p><a href="http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/2011%20MD-DO%20Application_new.pdf">http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/2011%20MD-DO%20Application_new.pdf</a></p>

**Nursing:**

State	Nursing License	Statute	Source	Application Form
Alabama	<p>"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.</p> <p>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</p>	Ala Code § 31-13-7(b)/ Section 34-21-21(a)	<a href="http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm</a>	<a href="https://www.abn.alabama.gov/Content.aspx?id=3">https://www.abn.alabama.gov/Content.aspx?id=3</a>
Alaska	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."	§ 08.01.060 (b)	<a href="http://touchngo.com/leglcntr/akstats/Statutes/Title08/Chapter01/Section060.htm">http://touchngo.com/leglcntr/akstats/Statutes/Title08/Chapter01/Section060.htm</a>	<a href="https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing.aspx">https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing.aspx</a>
Arizona	Must provide SSN and have citizenship or alien status as provided for in A.R.S. § 41-1080.	R4-19-301(1)(e), (2); A.R.S. § 41-1080	<a href="http://apps.azsos.gov/public_services/Title_04/4-19.pdf">http://apps.azsos.gov/public_services/Title_04/4-19.pdf</a> ; <a href="http://www.azleg.gov/FormatDocument.aspx?inDoc=/ars/41/01080.htm&amp;Title=41&amp;DocType=ARS">http://www.azleg.gov/FormatDocument.aspx?inDoc=/ars/41/01080.htm&amp;Title=41&amp;DocType=ARS</a>	<a href="https://www.azbn.gov/applications">https://www.azbn.gov/applications</a>

<b>Arkansas</b>	No mention of any immigration status requirement	Arkansas State Board of Nursing Rules. Chapter 2, Section 1	<a href="http://www.arsbn.arkansas.gov/forms/Documents/Rules%20Chapter2-Final%20Effective%202014.pdf">http://www.arsbn.arkansas.gov/forms/Documents/Rules%20Chapter2-Final%20Effective%202014.pdf</a>	<a href="http://www.arsbn.arkansas.gov/forms/Pages/default.aspx">http://www.arsbn.arkansas.gov/forms/Pages/default.aspx</a>
<b>California</b>	“An applicant who has received his or her training from a school of nursing in a country outside the United States and who has complied 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.”	Business and Professions Code of California, Chapter 6, Article 2, Section 2736(b)	<a href="http://www.rn.ca.gov/regulations/bpc.shtml#2736">http://www.rn.ca.gov/regulations/bpc.shtml#2736</a>	<a href="http://www.rn.ca.gov/pdfs/applicants/exam-app.pdf">http://www.rn.ca.gov/pdfs/applicants/exam-app.pdf</a>
<b>Colorado</b>	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 be employed in the US.	HB 06S-1009; C.R.S. 24-34-107	<a href="https://media.nasba.org/files/2011/02/Eligibility_Colorado.pdf">https://media.nasba.org/files/2011/02/Eligibility_Colorado.pdf</a>	<a href="https://www.colorado.gov/pacific/dora/Nursing">https://www.colorado.gov/pacific/dora/Nursing</a>
<b>Connecticut</b>	X	Nursing Practice Act, Chapter 378, Section 20-93	<a href="http://www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/nursing/chapter_378_nursing.pdf">http://www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/nursing/chapter_378_nursing.pdf</a>	<a href="http://www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/nursing/rn/rn_app_only.pdf">http://www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/nursing/rn/rn_app_only.pdf</a>
<b>Delaware</b>	No requirement specified within the statute. SSN is required on the application form but can request for an exemption by filling out a form.	24 Del. C. 1953, § 1910	<a href="http://delcode.delaware.gov/title24/c019/index.shtml">http://delcode.delaware.gov/title24/c019/index.shtml</a>	<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>



<b>Florida</b>	SSN required unless not a citizen or resident, then temporary license may be issued for 30 days after which SSN still required.	456.013	<a href="http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=456.013&amp;URL=0400-0499/0456/Sections/0456.013.html">http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=456.013&amp;URL=0400-0499/0456/Sections/0456.013.html</a>	<a href="http://floridasnursing.gov/licensing/licensed-practical-nurse-registered-nurse-by-examination/">http://floridasnursing.gov/licensing/licensed-practical-nurse-registered-nurse-by-examination/</a>
<b>Georgia</b>	SSN is required on the application form.	GEORGIA REGISTERED PROFESSIONAL NURSE PRACTICE ACT § 43-26-7	<a href="http://law.justia.com/codes/georgia/2010/title-43/chapter-26/article-1/43-26-7">http://law.justia.com/codes/georgia/2010/title-43/chapter-26/article-1/43-26-7</a>	<a href="http://sos.ga.gov/PLB/acrobat/Forms/38%20Application%20-%20Licensure%20by%20Exam%20for%20Graduates%20of%20Approved%20and%20Traditional%20Nursing%20Programs%203.pdf">http://sos.ga.gov/PLB/acrobat/Forms/38%20Application%20-%20Licensure%20by%20Exam%20for%20Graduates%20of%20Approved%20and%20Traditional%20Nursing%20Programs%203.pdf</a>
<b>Hawaii</b>	§436B-10(4) “The applicant’s social security number . . .” §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[.]”	Professional and Vocational Licensing Act § 436B-10	<a href="http://cca.hawaii.gov/pvl/files/2013/08/hrs_pvl_436b.pdf">http://cca.hawaii.gov/pvl/files/2013/08/hrs_pvl_436b.pdf</a>	<a href="http://cca.hawaii.gov/pvl/files/2013/06/Require-App-for-Nursing-without-exam-applying-by-endorsement_10.14R.pdf">http://cca.hawaii.gov/pvl/files/2013/06/Require-App-for-Nursing-without-exam-applying-by-endorsement_10.14R.pdf</a>
<b>Idaho</b>	X	23.01.01 - RULES OF THE IDAHO BOARD OF NURSING	<a href="http://adminrules.idaho.gov/rules/current/23/0101.pdf">http://adminrules.idaho.gov/rules/current/23/0101.pdf</a>	<a href="http://ibn.idaho.gov/IBNPortal/BoardAdditional.aspx?Board=IBON&amp;BureauLinkID=930">http://ibn.idaho.gov/IBNPortal/BoardAdditional.aspx?Board=IBON&amp;BureauLinkID=930</a>

<b>Illinois</b>	SSN required but in some circumstances this information does not have to be provided immediately. <a href="http://www.idfpr.com/Renewals/apply/FORMS/CGFNS_02.pdf">http://www.idfpr.com/Renewals/apply/FORMS/CGFNS_02.pdf</a>	ILCS 100/ 10-65(c)	<a href="http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=000501000K10-65">http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=000501000K10-65</a>	<a href="http://www.idfpr.com/Renewals/apply/forms/rn-ex.pdf">http://www.idfpr.com/Renewals/apply/forms/rn-ex.pdf</a>
<b>Indiana</b>	SSN required by the statute.	IC 25-1-5-11	<a href="http://www.in.gov/pla/files/2013_IPLA_COMPILATION_2.pdf">http://www.in.gov/pla/files/2013_IPLA_COMPILATION_2.pdf</a>	<a href="http://www.in.gov/pla/2507.htm">http://www.in.gov/pla/2507.htm</a>
<b>Iowa</b>	SSN is required on the application form.	NURSING BOARD[655], Section 11.4(17A,22,147,152,272C)/ 11.4(1)	<a href="https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/10-16-2013.Agency.655.pdf">https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/10-16-2013.Agency.655.pdf</a>	<a href="https://nursing.iowa.gov/sites/default/files/media/Exam%20App%2011%202014%20_0.pdf">https://nursing.iowa.gov/sites/default/files/media/Exam%20App%2011%202014%20_0.pdf</a>
<b>Kansas</b>	SSN and country of citizenship required on the application.	Nurse Practice Act 65-1115	<a href="http://www.ksbn.org/npa/npa.pdf">http://www.ksbn.org/npa/npa.pdf</a>	<a href="http://www.ksbn.org/forms/Initiallicense.pdf">http://www.ksbn.org/forms/Initiallicense.pdf</a>
<b>Kentucky</b>	USC, LPR, or "temporary residency"	201 KAR 20:370	<a href="http://www.lrc.state.ky.us/kar/201/020/370.htm">http://www.lrc.state.ky.us/kar/201/020/370.htm</a>	<a href="http://kbn.ky.gov/apply/Pages/default.aspx">http://kbn.ky.gov/apply/Pages/default.aspx</a>

<b>Louisiana</b>	SSN is requested on the application form.	LA Administrative Code Title 46, Part XLVII, Part 2	<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>	<a href="http://www.lsbn.state.la.us/Portals/1/Documents/Forms/RNExamApplication.pdf">http://www.lsbn.state.la.us/Portals/1/Documents/Forms/RNExamApplication.pdf</a>
<b>Maine</b>	SSN required on the application form.	Maine Revised Statutes, Title 32, Chapter 31, Subchapter 3, §2201	<a href="http://www.mainelegislature.org/legis/statutes/32/title32sec2201.html">http://www.mainelegislature.org/legis/statutes/32/title32sec2201.html</a>	<a href="http://www.maine.gov/boardofnursing/Licensing/RN/App%20for%20exam%20as%20RN.pdf">http://www.maine.gov/boardofnursing/Licensing/RN/App%20for%20exam%20as%20RN.pdf</a>
<b>Maryland</b>	SSN is required on the application form.	Nurse Practice Act	<a href="http://mbon.maryland.gov/Pages/nurse-practice-act.aspx">http://mbon.maryland.gov/Pages/nurse-practice-act.aspx</a>	<a href="https://license.mdbon.org/nbe/(S(hxrenbfekshztth14ztn0kxj))/frmHome.aspx">https://license.mdbon.org/nbe/(S(hxrenbfekshztth14ztn0kxj))/frmHome.aspx</a>
<b>Massachusetts</b>	SSN is required on the application form.	M.G.L. c. 112, s. 74 & 74A, and Board regulations at 244 CMR 8.00	<a href="http://www.mass.gov/courts/docs/lawlib/230-249cmr/244cmr8.pdf">http://www.mass.gov/courts/docs/lawlib/230-249cmr/244cmr8.pdf</a>	<a href="https://pcshq.com/?page=Jan2015NursebyExamApp.pdf">https://pcshq.com/?page=Jan2015NursebyExamApp.pdf</a>

<b>Michigan</b>	SSN is required on the application form.	Public Health Code, Act 368 of 1978, Section 333.16174	<a href="http://www.legislature.mi.gov/(S(e2144at22chjakmtkvpuqam))/mileg.aspx?page=getObject&amp;objectName=mcl-333-16174">http://www.legislature.mi.gov/(S(e2144at22chjakmtkvpuqam))/mileg.aspx?page=getObject&amp;objectName=mcl-333-16174</a>	<a href="https://www.michigan.gov/documents/lara/RN_Exam_App_437620_7.pdf">https://www.michigan.gov/documents/lara/RN_Exam_App_437620_7.pdf</a>
<b>Minnesota</b>	X	2014 Minnesota Statutes, Section 148.211	<a href="https://www.revisor.mn.gov/statutes/?id=148.211">https://www.revisor.mn.gov/statutes/?id=148.211</a>	<a href="https://www.hlb.state.mn.us/mbn/Portal/DesktopModules/ServiceForm.aspx?svid=6&amp;mid=78">https://www.hlb.state.mn.us/mbn/Portal/DesktopModules/ServiceForm.aspx?svid=6&amp;mid=78</a>
<b>Mississippi</b>	SSN required by the statute.	Mississippi Nursing Act §73-15-19 (10)	<a href="http://www.msbn.ms.gov/Documents/NursingPracticeAct.pdf">http://www.msbn.ms.gov/Documents/NursingPracticeAct.pdf</a>	<a href="http://www.msbn.ms.gov/Documents/Exam15.pdf">http://www.msbn.ms.gov/Documents/Exam15.pdf</a>
<b>Missouri</b>	Application states that applicants must submit either their SSN or "bias or passport identification number."	Rules of Department of Insurance, Financial Institutions and Professional Registration Division 2200—State Board of Nursing Chapter 4—General Rules	<a href="http://s1.sos.mo.gov/cmsimages/adrules/csr/current/20csr/20c2200-4.pdf">http://s1.sos.mo.gov/cmsimages/adrules/csr/current/20csr/20c2200-4.pdf</a>	<a href="http://pr.mo.gov/boards/nursing/lpnexminationapp53003.pdf">http://pr.mo.gov/boards/nursing/lpnexminationapp53003.pdf</a>
<b>Montana</b>	SSN is required on the application form.	Rule: 24.159.1222	<a href="http://www.mtrules.org/gateway/RuleNo.asp?RN=24%2E159%2E1222">http://www.mtrules.org/gateway/RuleNo.asp?RN=24%2E159%2E1222</a>	<a href="http://b.bsd.dli.mt.gov/license/bsd_boards/nur_board/board_page.asp">http://b.bsd.dli.mt.gov/license/bsd_boards/nur_board/board_page.asp</a>

<b>Nebraska</b>	Rules do not state immigration status requirements, but application form requires proof of "Lawful Presence in the United States[.]"	Nurse Practice Act, Section 38-2220	<a href="http://dhhs.ne.gov/publichealth/Licensure/Documents/Nursing-NursePracticeAct.pdf">http://dhhs.ne.gov/publichealth/Licensure/Documents/Nursing-NursePracticeAct.pdf</a>	<a href="http://dhhs.ne.gov/publichealth/Pages/crl_nursing_rn-lpn_endorsement.aspx">http://dhhs.ne.gov/publichealth/Pages/crl_nursing_rn-lpn_endorsement.aspx</a>
<b>Nevada</b>	SSN and citizenship information is required on the application form.	NRS 632.140	<a href="http://www.leg.state.nv.us/NRS/NRS-632.html#NRS632Sec140">http://www.leg.state.nv.us/NRS/NRS-632.html#NRS632Sec140</a>	<a href="http://nevadanursingboard.org/wp-content/uploads/2015/03/Instructions-for-RN-LPN-application-for-license-by-examination.pdf">http://nevadanursingboard.org/wp-content/uploads/2015/03/Instructions-for-RN-LPN-application-for-license-by-examination.pdf</a>
<b>New Hampshire</b>	SSN is required on the application form.	RSA 326-B:4, III (Nurse Practice Act); Nur 301.03	<a href="http://www.gencourt.state.nh.us/rules/state_agencies/nur100-800.html">http://www.gencourt.state.nh.us/rules/state_agencies/nur100-800.html</a>	<a href="http://www.nh.gov/nursing/forms/documents/license-examination-rn-lpn.pdf">http://www.nh.gov/nursing/forms/documents/license-examination-rn-lpn.pdf</a>
<b>New Jersey</b>	SSN and legal status required on the application.	New Jersey Board of Nursing Law 45:11-26	<a href="http://www.njconsumeraffairs.gov/Statutes/nursinglaw.pdf">http://www.njconsumeraffairs.gov/Statutes/nursinglaw.pdf</a>	<a href="http://www.njconsumeraffairs.gov/nur/Pages/applications.aspx">http://www.njconsumeraffairs.gov/nur/Pages/applications.aspx</a>
<b>New Mexico</b>	SSN requested on the application form.	New Mexico Nursing Practice Act, Chapter 61	<a href="https://www.ncsbn.org/New_Mexico_Nursing_Practice_Act.pdf">https://www.ncsbn.org/New_Mexico_Nursing_Practice_Act.pdf</a>	<a href="http://nmbon.sks.com/Application_for_Licensure.aspx">http://nmbon.sks.com/Application_for_Licensure.aspx</a>

<b>New York</b>	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."	Article 139 Education Code, § 6905 (6)	<a href="http://www.op.nysed.gov/prof/nurse/article139.htm">http://www.op.nysed.gov/prof/nurse/article139.htm</a>	<a href="http://www.op.nysed.gov/prof/nurse/nurse1.pdf">http://www.op.nysed.gov/prof/nurse/nurse1.pdf</a>
<b>North Carolina</b>	X	Nursing Practice Act, § 90-171.29	<a href="http://www.ncbon.com/myfiles/downloads/nursing-practice-act.pdf">http://www.ncbon.com/myfiles/downloads/nursing-practice-act.pdf</a>	<a href="http://www.ncbon.com/dcp/i/licensurelisting-licensure-by-examination-examination-application">http://www.ncbon.com/dcp/i/licensurelisting-licensure-by-examination-examination-application</a>
<b>North Dakota</b>	X	Nurse Practices Act, 43-12.1-09	<a href="http://www.legis.nd.gov/cencode/t43c12-1.pdf?20131027203032">http://www.legis.nd.gov/cencode/t43c12-1.pdf?20131027203032</a>	<a href="https://www.ndbon.org/NurseLicensure/InitialEndorse/index.asp">https://www.ndbon.org/NurseLicensure/InitialEndorse/index.asp</a>
<b>Ohio</b>	SSN is required on the application form.	Ohio Revised Code » Title [47] XLVII OCCUPATIO NS - PROFESSION S, 4723.09	<a href="http://codes.ohio.gov/orc/4723">http://codes.ohio.gov/orc/4723</a>	<a href="http://www.nursing.ohio.gov/PDFS/Forms/Exam/Exam_App_2015.pdf">http://www.nursing.ohio.gov/PDFS/Forms/Exam/Exam_App_2015.pdf</a>
<b>Oklahoma</b>	SSN is required on the application form.	Oklahoma Nursing Practice Act §567.5	<a href="http://nursing.ok.gov/actwp15.pdf">http://nursing.ok.gov/actwp15.pdf</a>	<a href="https://www.ok.gov/nursing/licensing/app/index.php">https://www.ok.gov/nursing/licensing/app/index.php</a>
<b>Oregon</b>	Provide SSN or sign an affidavit stating no SSN.	ORS 851-001- 0030	<a href="http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_851/851_001.html">http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_851/851_001.html</a>	<a href="http://www.oregon.gov/OSBN/pages/rn-lpnlicensure.aspx">http://www.oregon.gov/OSBN/pages/rn-lpnlicensure.aspx</a>

<b>Pennsylvania</b>	SSN required on the application form.	Pennsylvania Code § 21.23, 63 P. S. §§ 215 and 216	<a href="http://www.pacode.com/secure/data/049/chapter21/chap21toc.html#21.23">http://www.pacode.com/secure/data/049/chapter21/chap21toc.html#21.23</a> .	<a href="http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Nursing/Documents/Applications%20and%20Forms/Online%20Instr%20Grad%20Exam%20GTPP.pdf">http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Nursing/Documents/Applications%20and%20Forms/Online%20Instr%20Grad%20Exam%20GTPP.pdf</a> ; <a href="https://www.mylicensing.state.pa.us/PersonSearchResults.aspx">https://www.mylicensing.state.pa.us/PersonSearchResults.aspx</a>
<b>Rhode Island</b>	SSN required on the application form.	SECTION 5-34-10	<a href="http://webserver.rilin.state.ri.us/Statutes/TITLE5/5-34/5-34-10.HTM">http://webserver.rilin.state.ri.us/Statutes/TITLE5/5-34/5-34-10.HTM</a>	<a href="http://health.ri.gov/applications/NursingRN-LPN-Exam.pdf">http://health.ri.gov/applications/NursingRN-LPN-Exam.pdf</a>
<b>South Carolina</b>	"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."	Nurse Practice Act, Chapter 33 § 40-33-32 (5)	<a href="http://www.scstatehouse.gov/code/t40c033.php">http://www.scstatehouse.gov/code/t40c033.php</a>	<a href="http://www.llr.state.sc.us/pol/nursing/index.asp?file=pub.htm#RN">http://www.llr.state.sc.us/pol/nursing/index.asp?file=pub.htm#RN</a>
<b>South Dakota</b>	SSN requested on the application form.	South Dakota Code 36-9-30	<a href="http://legis.sd.gov/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=36-9-30">http://legis.sd.gov/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=36-9-30</a>	<a href="https://www.sdbon.org/rn_lpn/exam/">https://www.sdbon.org/rn_lpn/exam/</a>
<b>Tennessee</b>	Declaration of citizenship is required with all applications.	Rules of the Tennessee Board of Nursing 1000-01-.01	<a href="https://www.ncsbn.org/1000-01.20111103.pdf">https://www.ncsbn.org/1000-01.20111103.pdf</a> Link to form for declaration of citizenship: <a href="http://tn.gov/assets/entities/health/attachments/PH-4183.pdf">http://tn.gov/assets/entities/health/attachments/PH-4183.pdf</a>	<a href="http://tn.gov/assets/entities/health/attachments/Examination_Information.pdf">http://tn.gov/assets/entities/health/attachments/Examination_Information.pdf</a>

<b>Texas</b>	SSN required on the application form.	Nursing Practice Act, Sec. 301.252	<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>	<a href="https://www.bon.texas.gov/applications_graduates_and_nclex_examinations.asp">https://www.bon.texas.gov/applications_graduates_and_nclex_examinations.asp</a>
<b>Utah</b>	Citizenship and lawful presence declaration required on the application form.	Utah Code Title 58 Chapter 31b Part 3	<a href="http://le.utah.gov/xcode/Title58/Chapter31B/58-31b-P3.html?v=C58-31b-P3_1800010118000101">http://le.utah.gov/xcode/Title58/Chapter31B/58-31b-P3.html?v=C58-31b-P3_1800010118000101</a>	<a href="http://www.dopl.utah.gov/licensing/forms/applications/012_RN_LPN.pdf">http://www.dopl.utah.gov/licensing/forms/applications/012_RN_LPN.pdf</a>
<b>Vermont</b>	SSN is required on the application form.	Vermont Statute, Title 26, Chapter 28, § 1625	<a href="http://legislature.vermont.gov/statutes/fullchapter/26/028">http://legislature.vermont.gov/statutes/fullchapter/26/028</a>	<a href="https://www.sec.state.vt.us/media/683216/RN-Examination-Application-2015-0526.pdf">https://www.sec.state.vt.us/media/683216/RN-Examination-Application-2015-0526.pdf</a>
<b>Virginia</b>	X	Code of Virginia § 54.1-3017	<a href="http://law.lis.virginia.gov/vacode/title54.1/chapter30/section54.1-3017/">http://law.lis.virginia.gov/vacode/title54.1/chapter30/section54.1-3017/</a>	<a href="https://www.dhp.virginia.gov/nursing/nursing_forms.htm#LPN">https://www.dhp.virginia.gov/nursing/nursing_forms.htm#LPN</a>
<b>Washington</b>	SSN is required on the application form.	Chapter 246-840 WAC	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=246-840">http://apps.leg.wa.gov/WAC/default.aspx?cite=246-840</a>	<a href="http://www.doh.wa.gov/Portals/1/Documents/Pubs/669242.pdf">http://www.doh.wa.gov/Portals/1/Documents/Pubs/669242.pdf</a>
<b>West Virginia</b>	X	West Virginia Code, §30-7-6 & 7	<a href="http://www.legis.state.wv.us/WVCODE/code.cfm?chap=30&amp;art=7#1">http://www.legis.state.wv.us/WVCODE/code.cfm?chap=30&amp;art=7#1</a>	<a href="https://apps.wv.gov/Nursing/OnlineRegistration">https://apps.wv.gov/Nursing/OnlineRegistration</a>



<b>Wisconsin</b>	<p>SSN is required on the application form.</p> <p>If SSN not provided, form 1051, Affidavit is required to explain why SSN was not provided in the application:</p> <p><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></p>	<p>Wisconsin Administration Code N 2.10</p>	<p><a href="http://docs.legis.wisconsin.gov/code/admin_code/n/2">http://docs.legis.wisconsin.gov/code/admin_code/n/2</a></p>	<p><a href="http://dsps.wi.gov/Documents/Credentialing%20Forms/Health%20Application%20Forms/fm739.pdf">http://dsps.wi.gov/Documents/Credentialing%20Forms/Health%20Application%20Forms/fm739.pdf</a></p>
<b>Wyoming</b>	<p>SSN Required. See MD</p> <p>No immigration requirement in state nurse licensing law, but application requires proof of lawful presence.</p>	<p>Title 33, Chapter 21, 33-21-127</p>	<p><a href="http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title33/T33CH21.htm">http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title33/T33CH21.htm</a></p>	<p><a href="https://nursing-online.state.wy.us/Resources/RN%20LPN%20Exam%20App%203%2013%202014.pdf">https://nursing-online.state.wy.us/Resources/RN%20LPN%20Exam%20App%203%2013%202014.pdf</a></p>
<b>Washington D.C.</b>	<p>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 . . ."</p>	<p>District of Columbia Nurse Practice Act § 3-1205.03-.05</p>	<p><a href="http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Nurse%20Practice%20Act.pdf">http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Nurse%20Practice%20Act.pdf</a></p>	<p><a href="http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/RN%20Examination%20Application%20%283%29.pdf">http://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/RN%20Examination%20Application%20%283%29.pdf</a></p>

**Attorney:**

State	Attorney License	Statute	Source	Application Form
<b>Alabama</b>	"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."	Code of Alabama Section 34-3-6	<a href="http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm</a>	<a href="https://admissions.alabar.org/home">https://admissions.alabar.org/home</a>
<b>Alaska</b>	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."	Alaska Bar Rules	<a href="http://www.courtrecords.alaska.gov/webdocs/rules/docs/bar.pdf">http://www.courtrecords.alaska.gov/webdocs/rules/docs/bar.pdf</a>	<a href="https://admissions.alaskabar.org/home">https://admissions.alaskabar.org/home</a>
<b>Arizona</b>	Document proving citizenship and immigration status is required with application:  "If a US citizen, a copy 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."  <a href="http://www.azcourts.gov/Portals/26/admis/pdf/ExamAppChecklist2014.pdf">http://www.azcourts.gov/Portals/26/admis/pdf/ExamAppChecklist2014.pdf</a>	Arizona Supreme Court, Rules for Admission	<a href="http://www.azcourts.gov/Portals/26/admis/2015/AARules_Jan2015.pdf">http://www.azcourts.gov/Portals/26/admis/2015/AARules_Jan2015.pdf</a>	<a href="http://www.azcourts.gov/cld/AttorneyAdmissions.aspx">http://www.azcourts.gov/cld/AttorneyAdmissions.aspx</a>

<p><b>Arkansas</b></p>	<p>"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."</p>	<p>Arkansas Judiciary Rule XII</p>	<p><a href="https://courts.arkansas.gov/rules-and-administrative-orders/rules-governing-admission-to-the-bar">https://courts.arkansas.gov/rules-and-administrative-orders/rules-governing-admission-to-the-bar</a></p>	<p><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> Applications are online only and posted 5 months before bar exam in July</p>
<p><b>California</b></p>	<p>BUSINESS AND PROFESSIONS CODE -Article 4, BPC 6064.  "(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>  "The applicant is required by law either to provide the Committee with a Social Security Number or to request an exemption because of ineligibility for a Social Security Number." Rule 4.16(B)  <a href="http://rules.calbar.ca.gov/LinkClick.aspx?fileticket=-2KV5j0w6Cw%3D&amp;tabid=1227">http://rules.calbar.ca.gov/LinkClick.aspx?fileticket=-2KV5j0w6Cw%3D&amp;tabid=1227</a></p>	<p>BUSINESS AND PROFESSION S CODE - BPC 6064...as amended</p>	<p><a href="https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6064.&amp;lawCode=BPC">https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6064.&amp;lawCode=BPC</a></p>	<p><a href="https://www.calbarxap.com/applications/calbar/California_Bar_Registration/">https://www.calbarxap.com/applications/calbar/California_Bar_Registration/</a></p>

<p><b>Colorado</b></p>	<p>HB 06S-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 <a href="http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2006b/sl_9.htm">http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2006b/sl_9.htm</a></p> <p>SSN and citizenship and immigration status requested on application form.</p>	<p>SECTION 1. 24-34-107 (1), Colorado Revised Statutes</p>	<p><a href="http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2006b/sl_9.htm">http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2006b/sl_9.htm</a></p>	<p><a href="http://www.coloradosupremecourt.com/BL/BL/Application/OnlineApp/OnlineAppHome.asp">http://www.coloradosupremecourt.com/BL/BL/Application/OnlineApp/OnlineAppHome.asp</a></p>
<p><b>Connecticut</b></p>	<p>"[A] citizen of the United States or an alien lawfully residing in the United States."</p>	<p>Section 2-8(1) of the Rules of the Superior Court Regulating Admission to the Bar</p>	<p><a href="https://www.jud.ct.gov/cbec/rules.htm#2-2">https://www.jud.ct.gov/cbec/rules.htm#2-2</a></p>	<p><a href="http://www.jud.ct.gov/cbec/July15/Form1E.pdf">http://www.jud.ct.gov/cbec/July15/Form1E.pdf</a></p>
<p><b>Delaware</b></p>	<p>SSN is voluntary. Immigration status is requested on the application form. <a href="http://courts.delaware.gov/bbe/docs/2015_Sample_Delaware_Bar_App.pdf">http://courts.delaware.gov/bbe/docs/2015_Sample_Delaware_Bar_App.pdf</a></p>	<p>Rules of the Supreme Court of the State of Delaware Rule 52</p>	<p><a href="http://courts.delaware.gov/forms/download.aspx?id=39368">http://courts.delaware.gov/forms/download.aspx?id=39368</a></p>	<p><a href="http://courts.delaware.gov/bbe/docs/2015_Sample_Delaware_Bar_App.pdf">http://courts.delaware.gov/bbe/docs/2015_Sample_Delaware_Bar_App.pdf</a></p>
<p><b>Florida</b></p>	<p>"[A]ll applicants are required to document their citizenship or immigration status. " --Florida Board of Bar Examiners FAQ</p> <p>**New bill Passed that allowed undocumented persons to become lawyers under certain circumstances: H.R. 755, § 454.021, 2014 Leg., Reg. Sess. (Fla. 2014).</p> <p>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</p>	<p>Florida Board of Bar Examiners FAQ</p>	<p><a href="https://www.floridabarexam.org/_85257bfe0055eb2c.nsf/52286ae9ad5d845185257c07005c3fe1/d65e1e8ca3f618eb85257c0d004e20be#2872">https://www.floridabarexam.org/_85257bfe0055eb2c.nsf/52286ae9ad5d845185257c07005c3fe1/d65e1e8ca3f618eb85257c0d004e20be#2872</a></p>	<p><a href="https://www.floridabarexam.org/web/websit.e.nsf/52286AE9AD5D845185257C07005C3FE1/A24D73798D500E6D85257C0B006FC042">https://www.floridabarexam.org/web/websit.e.nsf/52286AE9AD5D845185257C07005C3FE1/A24D73798D500E6D85257C0B006FC042</a></p>

	<p>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."</p> <p><a href="http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0454/Sections/0454.021.html">http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0454/Sections/0454.021.html</a></p>			
<b>Georgia</b>	<p>SSN is required on application form.</p> <p>"Applicants who are not U. S. citizens or do not have Permanent Resident status in the U. S. must print, complete, and submit the NonImmigrant Affidavit and required documentation along with the Fitness Application."</p> <p><a href="https://www.gabaradmissions.org/appinfo.action?id=2#citizenship">https://www.gabaradmissions.org/appinfo.action?id=2#citizenship</a></p>	Supreme Court of Georgia: Rules Governing Admission to the Practice of Law	<a href="https://www.gabaradmissions.org/rules-governing-admission">https://www.gabaradmissions.org/rules-governing-admission</a>	<a href="https://www.gabaradmissions.org/information-and-applications">https://www.gabaradmissions.org/information-and-applications</a>
<b>Hawaii</b>	<p>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.</p> <p><a href="http://cca.hawaii.gov/pvl/files/2013/08/hrs_pvl_436b.pdf">http://cca.hawaii.gov/pvl/files/2013/08/hrs_pvl_436b.pdf</a></p>	Rules of the Supreme Court of the State of Hawai'i	<a href="http://www.courts.state.hi.us/docs/court_rules/rules/rsch.pdf">http://www.courts.state.hi.us/docs/court_rules/rules/rsch.pdf</a>	<a href="http://www.courts.state.hi.us/docs/barapp/paper_bar_application_021313.pdf">http://www.courts.state.hi.us/docs/barapp/paper_bar_application_021313.pdf</a>
<b>Idaho</b>	<p>"Be lawfully admitted to this country."</p>	Idaho Bar Commission Rule 202	<a href="http://www.isb.idaho.gov/admissions/bar_exam/requirements.html">http://www.isb.idaho.gov/admissions/bar_exam/requirements.html</a>	<a href="http://www.isb.idaho.gov/admissions/bar_exam/application.html">http://www.isb.idaho.gov/admissions/bar_exam/application.html</a>

<b>Illinois</b>	Evidence of citizenship. Rule 712(c)(3) SSN and citizenship information requested on the application form. <a href="https://www.ilbaradmissions.org/browseapplication.action?id=1">https://www.ilbaradmissions.org/browseapplication.action?id=1</a>	Rule 712(c)(3)	<a href="http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule701">http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule701</a>	<a href="https://www.ilbaradmissions.org/browseapplication.action?id=1">https://www.ilbaradmissions.org/browseapplication.action?id=1</a>
<b>Indiana</b>	SSN required by the statute.	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>	<a href="https://myble.courts.in.gov/information-and-applications">https://myble.courts.in.gov/information-and-applications</a>
<b>Iowa</b>	"An applicant shall not be ineligible for registration because of age, citizenship, sex, race, religion, marital status or national origin although the application form may require citizenship information."  2015 Iowa Code/Title XV Judicial Branch and Judicial Procedures/Subtitle 2 Courts/ Chapter 602 Judicial Branch/ 602.10102 Qualifications for admission  Citizenship Requested on bar exam Application Form <a href="http://www.iowacourts.gov/wfData/files/ProfessionalRegulation/BarExam/Bar%20Application.pdf">http://www.iowacourts.gov/wfData/files/ProfessionalRegulation/BarExam/Bar%20Application.pdf</a>	2015 Iowa Code/Title XV Judicial Branch and Judicial Procedures/ Subtitle 2 Courts/ Chapter 602 Judicial Branch/ 602.10102 Qualifications for admission	<a href="https://www.legis.iowa.gov/publications/search/document?fq=id:745539&amp;pdid=714863&amp;q=602.10102#602.10102">https://www.legis.iowa.gov/publications/search/document?fq=id:745539&amp;pdid=714863&amp;q=602.10102#602.10102</a>	<a href="http://www.iowacourts.gov/wfData/files/ProfessionalRegulation/BarExam/Bar%20Application.pdf">http://www.iowacourts.gov/wfData/files/ProfessionalRegulation/BarExam/Bar%20Application.pdf</a>
<b>Kansas</b>	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.	Rule 705 of Rules Adopted by the Supreme Court	<a href="http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Admission+of+Attorneys&amp;r2=400">http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Admission+of+Attorneys&amp;r2=400</a>	<a href="http://www.kscourts.org/appellate-clerk/Board-of-Law-Examiners/PDF/ApplicationByWrittenExamination.pdf">http://www.kscourts.org/appellate-clerk/Board-of-Law-Examiners/PDF/ApplicationByWrittenExamination.pdf</a>
<b>Kentucky</b>	"[A]ll applicants are required to document their citizenship or immigration status." <a href="http://kyoba.boxlake.com/Views/public/Content.aspx?page_id=292">http://kyoba.boxlake.com/Views/public/Content.aspx?page_id=292</a>  SSN required on the application form.	SCR 2	<a href="http://kyoba.boxlake.com/Views/public/Content.aspx?page_id=211">http://kyoba.boxlake.com/Views/public/Content.aspx?page_id=211</a>	<a href="http://kyoba.boxlake.com/Views/public/Content.aspx?page_id=298">http://kyoba.boxlake.com/Views/public/Content.aspx?page_id=298</a>

<b>Louisiana</b>	"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."	Rule XVII LA Bar Admission Rules, Section 3(B)	<a href="http://www.lasc.org/rules/supreme/RuleXVII.asp">http://www.lasc.org/rules/supreme/RuleXVII.asp</a>	<a href="https://www.lascba.org/candidate/InstructFirstTime.cfm">https://www.lascba.org/candidate/InstructFirstTime.cfm</a>
<b>Maine</b>	Citizenship and immigration status required on the application.	Main Bar Admission Rule 5	<a href="http://www.mainebar-examiners.org/pages/PDF/MBarAdmissR0112.pdf">http://www.mainebar-examiners.org/pages/PDF/MBarAdmissR0112.pdf</a>	<a href="http://www.mainebar-examiners.org/pages/forms.html">http://www.mainebar-examiners.org/pages/forms.html</a>
<b>Maryland</b>	SSN is required on the application form.	Rules Governing Admission the Bar of Maryland	<a href="http://www.mdcourts.gov/ble/pdfs/baradmissionrules.pdf">http://www.mdcourts.gov/ble/pdfs/baradmissionrules.pdf</a>	<a href="https://jportal.mdcourts.gov/ebarapp/createAccount.do">https://jportal.mdcourts.gov/ebarapp/createAccount.do</a>
<b>Massachusetts</b>	SSN is required on the application form.	Rules of the Board of Bar Examiners	<a href="http://www.mass.gov/courts/docs/bbe/barrules.pdf">http://www.mass.gov/courts/docs/bbe/barrules.pdf</a>	<a href="http://www.mass.gov/courts/docs/forms/sjc/first-time-applicants.pdf">http://www.mass.gov/courts/docs/forms/sjc/first-time-applicants.pdf</a>
<b>Michigan</b>	X	Michigan Supreme Court, Board of Law Examiners: Rules, Statute, and Policy Statements	<a href="http://courts.mi.gov/Courts/MichiganSupremeCourt/BLE/Documents/BLE%20Rules,%20Statutes,%20and%20Policy%20Statements%20July%202014.pdf">http://courts.mi.gov/Courts/MichiganSupremeCourt/BLE/Documents/BLE%20Rules,%20Statutes,%20and%20Policy%20Statements%20July%202014.pdf</a>	<a href="http://courts.mi.gov/courts/michigansupremecourt/ble/pages/admission-to-the-bar.aspx">http://courts.mi.gov/courts/michigansupremecourt/ble/pages/admission-to-the-bar.aspx</a>
<b>Minnesota</b>	X	Minnesota State Board of Law Examiners, Rule 4	<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>	<a href="http://www.ble.state.mn.us/file/Bar%20Application%202014%20-0-%20fill%20in(6).pdf">http://www.ble.state.mn.us/file/Bar%20Application%202014%20-0-%20fill%20in(6).pdf</a>

<b>Mississippi</b>	X	Board of Bar Admission's Rules Governing Admission to the Mississippi Bar	<a href="http://courts.ms.gov/rules/msrulesofcourt/rules_admission_msbar.pdf">http://courts.ms.gov/rules/msrulesofcourt/rules_admission_msbar.pdf</a>	<a href="https://courts.ms.gov/baradmissions/baradmissions_applawstudent.html">https://courts.ms.gov/baradmissions/baradmissions_applawstudent.html</a>
<b>Missouri</b>	"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[.]"	Missouri Board of Law Examiners, Rule 8.03	<a href="https://www.mble.org/rules">https://www.mble.org/rules</a>	<a href="https://www.mble.org/browseapplication.action?id=1">https://www.mble.org/browseapplication.action?id=1</a>
<b>Montana</b>	X		<a href="http://c.ycdn.com/sites/www.montanabar.org/resource/resmgr/Admissions/Rules_for_Admission.pdf">http://c.ycdn.com/sites/www.montanabar.org/resource/resmgr/Admissions/Rules_for_Admission.pdf</a>	<a href="http://montanabar.site-ym.com/?page=AdmissionInfo">http://montanabar.site-ym.com/?page=AdmissionInfo</a>
<b>Nebraska</b>	Supreme Court Rules have no immigration status requirements but application form asks for immigration status and citizenship.	Supreme Court Rules §3-112/113	<a href="https://supremecourt.nebraska.gov/supremecourt-rules/ch3/art1">https://supremecourt.nebraska.gov/supremecourt-rules/ch3/art1</a>	<a href="https://supremecourt.nebraska.gov/sites/supremecourt.ne.gov/files/misc/attr-services/upl/EA_Nebraska.pdf">https://supremecourt.nebraska.gov/sites/supremecourt.ne.gov/files/misc/attr-services/upl/EA_Nebraska.pdf</a>
<b>Nevada</b>	X	Supreme Court Rule 51 and 52	<a href="http://www.leg.state.nv.us/courtrules/scr.html">http://www.leg.state.nv.us/courtrules/scr.html</a>	<a href="http://www.nvbar.org/content/admissions-online-application">http://www.nvbar.org/content/admissions-online-application</a>
<b>New Hampshire</b>	Supreme Court Rules have no immigration status requirements but application form asks for immigration status and citizenship.	Supreme Court Rule 42	<a href="http://www.courts.state.nh.us/rules/scr/scr-42.htm">http://www.courts.state.nh.us/rules/scr/scr-42.htm</a>	<a href="http://www.courts.state.nh.us/nhbar/petition.pdf">http://www.courts.state.nh.us/nhbar/petition.pdf</a>



<b>New Jersey</b>	Supreme Court Rules have no immigration status requirements but application form asks for immigration status and citizenship.	Rule 1:24/27/29	<a href="https://www.njbarexams.org/rules">https://www.njbarexams.org/rules</a>	<a href="https://www.njbarexams.org/information-and-applications">https://www.njbarexams.org/information-and-applications</a>
<b>New Mexico</b>	"[I]s 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."	Rule 15-103 (B)(7)	<a href="http://nmexam.org/wp-content/uploads/2015/11/NMRA2016_Ruleset15_unannotated.pdf">http://nmexam.org/wp-content/uploads/2015/11/NMRA2016_Ruleset15_unannotated.pdf</a>	<a href="http://nmexam.org/reciprocity/process-forms/">http://nmexam.org/reciprocity/process-forms/</a>
<b>New York</b>	Application asks for SSN and immigration status.  No Immigration status Requirements in Rules, but Cesar Vargas case: <a href="http://www.nytimes.com/2013/12/04/nyregion/for-immigrant-passing-the-bar-exam-wasnt-enough.html">http://www.nytimes.com/2013/12/04/nyregion/for-immigrant-passing-the-bar-exam-wasnt-enough.html</a> Vargas case update: Vargas application to practice law granted by the Supreme Court of the State of New York Appellate Division: Second Judicial Department	Rule of the Court 520.1-17	<a href="http://www.nybarexam.org/Rules/Rules.htm#520.1">http://www.nybarexam.org/Rules/Rules.htm#520.1</a>	<a href="https://www.nybarapply.org/intro.aspx">https://www.nybarapply.org/intro.aspx</a>  <a href="http://www.nybarexam.org/Admission/April2015/Part%20I_Application_04.21.15.pdf">http://www.nybarexam.org/Admission/April2015/Part%20I_Application_04.21.15.pdf</a>
<b>North Carolina</b>	X	Rules Governing the Admission to Practice Law in the State of North Carolina, Section .0500	<a href="http://ncble.org/wp-content/uploads/2015/09/rules.pdf">http://ncble.org/wp-content/uploads/2015/09/rules.pdf</a>	<a href="https://ncble.org/application-information/general-applications/instructions/">https://ncble.org/application-information/general-applications/instructions/</a>
<b>North Dakota</b>	X	North Dakota Admission to Practice Rules, Rule 1	<a href="http://www.ndcourts.gov/rules/Admission/frameset.htm">http://www.ndcourts.gov/rules/Admission/frameset.htm</a>	<a href="http://www.ndcourts.gov/court/committees/barbd/information.htm">http://www.ndcourts.gov/court/committees/barbd/information.htm</a>

<b>Ohio</b>	X	Rule I of the Rules for the Government of the Bar	<a href="http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf#Rule1">http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf#Rule1</a>	<a href="http://www.supremecourt.ohio.gov/AttySvc/admissions/application/default.asp">http://www.supremecourt.ohio.gov/AttySvc/admissions/application/default.asp</a>
<b>Oklahoma</b>	SSN required on the application form.	Rules Governing Admission to the Practice of Law in the State of Oklahoma	<a href="http://www.okbbe.com/docs/rules_governing_admission.pdf">http://www.okbbe.com/docs/rules_governing_admission.pdf</a>	<a href="http://www.okbbe.com/applications.aspx">http://www.okbbe.com/applications.aspx</a>
<b>Oregon</b>	SSN required on the application form.	Supreme Court of the State of Oregon Rule 3.05	<a href="http://www.osbar.org/_docs/rulesregs/admissions.pdf">http://www.osbar.org/_docs/rulesregs/admissions.pdf</a>	<a href="http://www.osbar.org/_docs/admissions/ExamApplication.pdf">http://www.osbar.org/_docs/admissions/ExamApplication.pdf</a>
<b>Pennsylvania</b>	Application form requires citizenship information and immigration status as well as appropriate documentation.	Rule 203/204/205	<a href="http://www.pabarexam.org/bar_admission_rules/geninfo.htm">http://www.pabarexam.org/bar_admission_rules/geninfo.htm</a>	<a href="http://www.pabarexam.org">http://www.pabarexam.org</a>
<b>Rhode Island</b>	"He/She is a citizen of the United States or legal resident, of good character[.]"	Supreme Court Rules: Article II, Rule 1(a)	<a href="https://www.courts.ri.gov/attorneyresources/baradmission/pdf/admissionbar-articleii.pdf">https://www.courts.ri.gov/attorneyresources/baradmission/pdf/admissionbar-articleii.pdf</a>	<a href="https://www.courts.ri.gov/AttorneyResources/baradmission/Pages/Admission%20on%20Examination.aspx">https://www.courts.ri.gov/AttorneyResources/baradmission/Pages/Admission%20on%20Examination.aspx</a>
<b>South Carolina</b>	"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."	Supreme Court Rule 402 (c)	<a href="http://www.judicial.state.sc.us/courtReg/displayRule.cfm?ruleID=402&amp;subRuleID=&amp;ruleType=APP">http://www.judicial.state.sc.us/courtReg/displayRule.cfm?ruleID=402&amp;subRuleID=&amp;ruleType=APP</a>	<a href="http://www.judicial.state.sc.us/bar/">http://www.judicial.state.sc.us/bar/</a>

<b>South Dakota</b>	X	Rules and Regulations for Admission to Practice Law in South Dakota, Rule 16-16-2	<a href="http://www.ujs.sd.gov/uploads/barexaminers/RReg.pdf">http://www.ujs.sd.gov/uploads/barexaminers/RReg.pdf</a>	<a href="http://www.ujs.sd.gov/Board_of_Bar_Examiners/">http://www.ujs.sd.gov/Board_of_Bar_Examiners/</a>
<b>Tennessee</b>	X	Supreme Court Rule 7, Article I, Section 1.03	<a href="http://tncourts.gov/rules/supreme-court/7">http://tncourts.gov/rules/supreme-court/7</a>	<a href="http://www.tsc.state.tn.us/courts/appellate-court-clerks-office/admission-practice-law">http://www.tsc.state.tn.us/courts/appellate-court-clerks-office/admission-practice-law</a>
<b>Texas</b>	"qualify 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"	Supreme Court Rule II	<a href="http://www.ble.state.tx.us/rules/newrules/currentrulebook.pdf">http://www.ble.state.tx.us/rules/newrules/currentrulebook.pdf</a>	<a href="http://www.ble.state.tx.us">http://www.ble.state.tx.us</a>
<b>Utah</b>	X	Rule 14-703	<a href="http://www.utahbar.org/admissions/rules-governing-bar-admissions/">http://www.utahbar.org/admissions/rules-governing-bar-admissions/</a>	<a href="http://www.utahbar.org/admissions/admissions-application-forms-and-instructions/">http://www.utahbar.org/admissions/admissions-application-forms-and-instructions/</a>
<b>Vermont</b>	"An applicant must be a citizen of the United States or an alien lawfully present in the United States[.]"	Supreme Court Rules Section 6 (f)	<a href="https://www.vermontjudiciary.org/LC/d-BBELibrary/BBERules.pdf">https://www.vermontjudiciary.org/LC/d-BBELibrary/BBERules.pdf</a>	<a href="https://www.vermontjudiciary.org/LC/d-BBELibrary/ExamApplication.pdf">https://www.vermontjudiciary.org/LC/d-BBELibrary/ExamApplication.pdf</a>
<b>Virginia</b>	Affidavit of immigration status is required for non-US citizens for the application.	Title 54.1 of the Code of Virginia of 1950, as amended	<a href="http://barexam.virginia.gov/pdf/VBBERules.pdf">http://barexam.virginia.gov/pdf/VBBERules.pdf</a>	<a href="http://barexam.virginia.gov/bar/barapps.html">http://barexam.virginia.gov/bar/barapps.html</a>
<b>Washington</b>	X	Court Rules	<a href="http://www.courts.wa.gov">http://www.courts.wa.gov</a>	<a href="https://admissions.wsba.org">https://admissions.wsba.org</a>

		APR 3	a.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr03	ba.org
<b>West Virginia</b>	X	Rules for Admission to the Practice of Law, Rule 2.0	<a href="http://www.courts.wv.gov/legal-community/rules-for-admission.html#rule2">http://www.courts.wv.gov/legal-community/rules-for-admission.html#rule2</a>	<a href="http://www.courts.wv.gov/legal-community/Bd-of-Law/bar-application.html">http://www.courts.wv.gov/legal-community/Bd-of-Law/bar-application.html</a>
<b>Wisconsin</b>	Application form requires SSN, citizenship and immigration status.	SCR 40.02	<a href="http://www.wicourts.gov/sc/scrules/DisplayDocument.pdf?content=pdf&amp;seqNo=85218">http://www.wicourts.gov/sc/scrules/DisplayDocument.pdf?content=pdf&amp;seqNo=85218</a>	<a href="http://wicourts.gov/formdisplay/BE-001.pdf?formNumber=BE-001&amp;formType=Form&amp;formatId=2&amp;language=en">http://wicourts.gov/formdisplay/BE-001.pdf?formNumber=BE-001&amp;formType=Form&amp;formatId=2&amp;language=en</a>
<b>Wyoming</b>	X	WYO Stat Ann Section 33-5-105; Rules and Procedures Governing Admission to the Practice of Law, Section IV	<a href="https://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title33/T33CH5.htm">https://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title33/T33CH5.htm</a> , <a href="http://www.courts.state.wy.us/WSC/CourtRule?RuleNumber=72#615">http://www.courts.state.wy.us/WSC/CourtRule?RuleNumber=72#615</a>	<a href="https://www.wyomingbar.org/admissions/frequently-asked-questions/">https://www.wyomingbar.org/admissions/frequently-asked-questions/</a>
<b>Washington D.C.</b>	X	Rule 46	<a href="http://www.dccourts.gov/internet/documents/rule46b_admission_by_examination_rev.pdf">http://www.dccourts.gov/internet/documents/rule46b_admission_by_examination_rev.pdf</a>	<a href="http://www.dccourts.gov/internet/appellate/admincommittee/main.jsf">http://www.dccourts.gov/internet/appellate/admincommittee/main.jsf</a>



**Educator:**

<b>State</b>	<b>Educator/Teacher License</b>	<b>Statute</b>	<b>Source</b>	<b>Application Form</b>
<b>Alabama</b>	"...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..."	Title 31, Chapter 13 of the Code of Alabama 1975	<a href="http://www.alsde.edu/sec/comm/Pages/Verify.aspx">http://www.alsde.edu/sec/comm/Pages/Verify.aspx</a>	<a href="https://ats1.searchsoft.net/ats/app_login.shtml?COMPANY_ID=00008500">https://ats1.searchsoft.net/ats/app_login.shtml?COMPANY_ID=00008500</a>
<b>Alaska</b>	SSN is required on the application form.	4 AAC 12.305	<a href="http://www.legis.state.ak.us/basis/aac.aspx#4.12.300">http://www.legis.state.ak.us/basis/aac.aspx#4.12.300</a>	<a href="https://education.alaska.gov/TeacherCertification/forms/initial.pdf">https://education.alaska.gov/TeacherCertification/forms/initial.pdf</a>
<b>Arizona</b>	X	Arizona Revised Statutes and Administrative Code	<a href="http://www.azed.gov/educator-certification/certificate-requirement/">http://www.azed.gov/educator-certification/certificate-requirement/</a>	<a href="http://www.azed.gov/educator-certification/files/2013/11/application-for-certification-checklist-11-18-2013.pdf?201505.05">http://www.azed.gov/educator-certification/files/2013/11/application-for-certification-checklist-11-18-2013.pdf?201505.05</a>
<b>Arkansas</b>	"The Office of Educator Licensure shall issue a two-year Provisional License to an applicant who holds an out-of-country license or its equivalent and who: . . . Is not a United States citizen and provides evidence satisfactory to the Department that the applicant meets the criteria of an exception under U.S.C. § 1261 for the state to issue a professional license[.]"	Arkansas Department of Education Emergency Rules Governing Educator Licensure, 2-1.07.2	<a href="http://www.arkansas.gov/public/userfiles/Legal/Legal-Current%20Rules/ADE317_Educator_Licensure_EMERGENCY_RULE_SBOE_2015_02_12_Approved.pdf">http://www.arkansas.gov/public/userfiles/Legal/Legal-Current%20Rules/ADE317_Educator_Licensure_EMERGENCY_RULE_SBOE_2015_02_12_Approved.pdf</a>	<a href="http://www.arkansased.gov/public/userfiles/HR_and_Educator_Effectiveness/HR_Educator_Licensure/Educator_License_Application_revised_071113.pdf">http://www.arkansased.gov/public/userfiles/HR_and_Educator_Effectiveness/HR_Educator_Licensure/Educator_License_Application_revised_071113.pdf</a>
<b>California</b>	The statute does not specify legal status requirements, but the application asks for either a SSN or Individual Tax ID Number.	5 CCR § 80413	<a href="https://govt.westlaw.com/calregs/Document/ICFB34780D48711DEBC02831C6D6C108E?viewType=FullText&amp;originationContext=documentto">https://govt.westlaw.com/calregs/Document/ICFB34780D48711DEBC02831C6D6C108E?viewType=FullText&amp;originationContext=documentto</a>	<a href="http://www.ctc.ca.gov/credentials/leaflets/414.pdf">http://www.ctc.ca.gov/credentials/leaflets/414.pdf</a>

			c&transitionType=CategoryPageItem&contextData=(sc.Default)	
<b>Colorado</b>	<p>HB 06S-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 <a href="http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2006b/sl_9.htm">http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2006b/sl_9.htm</a></p> <p>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." <a href="https://www.cde.state.co.us/cdeprof/verification_lawful_presence">https://www.cde.state.co.us/cdeprof/verification_lawful_presence</a></p>	<p>Colorado Educator Licensing Act of 1991, 2.03(3)</p> <p>Section 1. 24-34-107 (1), Colorado Revised Statutes</p>	<p><a href="http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6250&amp;fileName=1%20CCR%20301-37">http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6250&amp;fileName=1%20CCR%20301-37</a></p> <p><a href="http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2006b/sl_9.htm">http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2006b/sl_9.htm</a></p>	<p><a href="https://www.cde.state.co.us/cdeprof/checklist-initialteacher">https://www.cde.state.co.us/cdeprof/checklist-initialteacher</a></p>
<b>Connecticut</b>	The application requests a SSN.	Regulation of State Board of Education, Sec. 10-145d-400 to 619	<a href="http://www.sde.ct.gov/sde/lib/sde/PDF/Cert/regulations/regulations.pdf">http://www.sde.ct.gov/sde/lib/sde/PDF/Cert/regulations/regulations.pdf</a>	<a href="http://www.sde.ct.gov/sde/lib/sde/PDF/Cert/certform/ed_170.pdf">http://www.sde.ct.gov/sde/lib/sde/PDF/Cert/certform/ed_170.pdf</a>
<b>Delaware</b>	The application requests a SSN.	14 Del.C. §1210	<a href="http://regulations.delaware.gov/AdminCode/title14/1500/1510.shtml#TopOfPage">http://regulations.delaware.gov/AdminCode/title14/1500/1510.shtml#TopOfPage</a>	<a href="https://deeds.doe.k12.de.us/certificate/deeds_ia_instruct.aspx">https://deeds.doe.k12.de.us/certificate/deeds_ia_instruct.aspx</a>

<b>Florida</b>	<p>"(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."</p>	<p>Fla. Stat. § 1012.56(11)(a)-(b)</p>	<p><a href="http://www.flsenate.gov/Laws/Statutes/2013/1012.56">http://www.flsenate.gov/Laws/Statutes/2013/1012.56</a></p>	<p><a href="http://www.fldoe.org/teaching/certification/on-line-application-status-lookup-site.shtml">http://www.fldoe.org/teaching/certification/on-line-application-status-lookup-site.shtml</a></p>
<b>Georgia</b>	<p>"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."</p>	<p>O.C.G.A. 50-36-1</p>	<p><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></p>	<p><a href="http://www.gapsc.com/Certification/Downloads/Initial_Certification_Application.pdf">http://www.gapsc.com/Certification/Downloads/Initial_Certification_Application.pdf</a></p>
<b>Hawaii</b>	<p>CHAPTER 436B-10(6) PROFESSIONAL AND VOCATIONAL LICENSING ACT requires "Proof 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. <a href="http://cca.hawaii.gov/pvl/files/2013/08/hrs_pvl_436b.pdf">http://cca.hawaii.gov/pvl/files/2013/08/hrs_pvl_436b.pdf</a></p>	<p>Hawaii Revised Statute 302A-801 – 302A-808</p>	<p><a href="http://www.htsb.org/wp-content/uploads/2012/10/Revised_Statute.pdf">http://www.htsb.org/wp-content/uploads/2012/10/Revised_Statute.pdf</a></p>	<p><a href="http://www.htsb.org/licensing-permits/licensing-permits-overview/">http://www.htsb.org/licensing-permits/licensing-permits-overview/</a></p>
<b>Idaho</b>	<p>X</p>	<p>IDAPA 08.02.02</p>	<p><a href="http://adminrules.idaho.gov/rules/current/08/0202.pdf">http://adminrules.idaho.gov/rules/current/08/0202.pdf</a></p>	<p><a href="http://sde.idaho.gov/cert-psc/cert/">http://sde.idaho.gov/cert-psc/cert/</a></p>



<b>Illinois</b>	X	23 ILLINOIS ADMINISTRATIVE CODE 25	<a href="http://www.isbe.net/rules/archive/pdfs/25ark.pdf">http://www.isbe.net/rules/archive/pdfs/25ark.pdf</a>	<a href="http://www.isbe.net/ELIS/default.htm">http://www.isbe.net/ELIS/default.htm</a>
<b>Indiana</b>	X	IC 20-28	<a href="http://iga.in.gov/legislative/laws/2014/ic/titles/020/articles/028/">http://iga.in.gov/legislative/laws/2014/ic/titles/020/articles/028/</a>	<a href="http://www.doe.in.gov/licensing/state-preparatory-program">http://www.doe.in.gov/licensing/state-preparatory-program</a>
<b>Iowa</b>	SSN and citizenship/immigration status questions on the application form.	Iowa Code - 2015, Title VII, Chapter 272C	<a href="https://www.legis.iowa.gov/law/iowaCode/sections?codeChapter=272C&amp;year=2015">https://www.legis.iowa.gov/law/iowaCode/sections?codeChapter=272C&amp;year=2015</a>	<a href="http://www.boee.iowa.gov/forms/liciowainst.pdf">http://www.boee.iowa.gov/forms/liciowainst.pdf</a>
<b>Kansas</b>	SSN required on the application form.	K.S.A. 72-1388	<a href="http://www.kslegislature.org/li_2014/b2013_14/statute/072_000_0000_chapter/072_013_0000_article/072_013_0088_section/072_013_0088_k/">http://www.kslegislature.org/li_2014/b2013_14/statute/072_000_0000_chapter/072_013_0000_article/072_013_0088_section/072_013_0088_k/</a>	<a href="http://www.ksde.org/Agency/DivisionofLearningServices/TeacherLicensureandAccreditation/Licensure/LicenseApplication.aspx">http://www.ksde.org/Agency/DivisionofLearningServices/TeacherLicensureandAccreditation/Licensure/LicenseApplication.aspx</a>
<b>Kentucky</b>	SSN required on the application form.	16 KAR 2:010	<a href="http://www.lrc.state.ky.us/kar/016/002/010.htm">http://www.lrc.state.ky.us/kar/016/002/010.htm</a>	<a href="http://kyepsb.net/documents/Cert/CA-1.pdf">http://kyepsb.net/documents/Cert/CA-1.pdf</a>
<b>Louisiana</b>	SSN required on the application form.	Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel	<a href="https://www.teachlouisiana.net/Teachers.aspx?PageID=650">https://www.teachlouisiana.net/Teachers.aspx?PageID=650</a>	<a href="https://www.teachlouisiana.net/Teachers.aspx?PageID=12311129">https://www.teachlouisiana.net/Teachers.aspx?PageID=12311129</a>
<b>Maine</b>	SSN required on the application form.	MRS Title 20-A, Chapter 501	<a href="http://www.mainelegislature.org/legis/statutes/20-a/title20-">http://www.mainelegislature.org/legis/statutes/20-a/title20-</a>	<a href="http://www.maine.gov/doe/cert/initial/application/index.html">http://www.maine.gov/doe/cert/initial/application/index.html</a>

			Ach501sec0.html	
<b>Maryland</b>	Last four digits of SSN required on the application form.	Code of Maryland Regulations 13A.12.02.02	<a href="http://www.dsd.state.md.us/COMAR/getfile.aspx?file=13a.12.02.02.htm">http://www.dsd.state.md.us/COMAR/getfile.aspx?file=13a.12.02.02.htm</a>	<a href="http://www.marylandpublicschools.org/msde/divisions/certification/certification_branch/certification_info/apply/overview.html">http://www.marylandpublicschools.org/msde/divisions/certification/certification_branch/certification_info/apply/overview.html</a>
<b>Massachusetts</b>	SSN is required on the application form.	603 CMR 7.04(c), 7.09, or 7.11	<a href="http://www.doe.mass.edu/lawsregs/603cmr7.html?section=02">http://www.doe.mass.edu/lawsregs/603cmr7.html?section=02</a>	<a href="http://www.mass.gov/edu/docs/ease/educator-effectiveness/licensing/pk12-application-package.pdf">http://www.mass.gov/edu/docs/ease/educator-effectiveness/licensing/pk12-application-package.pdf</a>
<b>Michigan</b>	X	THE REVISED SCHOOL CODE (EXCERPT) Act 451 of 1976, Section 380.1531	<a href="http://www.legislature.mi.gov/(S(21suqy0otg3f1yp2pcgis2j4))/mileg.aspx?page=getObject&amp;objectName=mcl-380-1531">http://www.legislature.mi.gov/(S(21suqy0otg3f1yp2pcgis2j4))/mileg.aspx?page=getObject&amp;objectName=mcl-380-1531</a>	<a href="https://www.michigan.gov/documents/mde/Facts_About_Teacher_Certification_In_Michigan_230612_7.pdf">https://www.michigan.gov/documents/mde/Facts_About_Teacher_Certification_In_Michigan_230612_7.pdf</a>
<b>Minnesota</b>	X	Minnesota Administrative Rules, 8710.0300	<a href="https://www.revisor.mn.gov/rules/?id=8710.0300">https://www.revisor.mn.gov/rules/?id=8710.0300</a>	<a href="http://education.state.mn.us/MDE/EdExc/Licen/">http://education.state.mn.us/MDE/EdExc/Licen/</a>

<p><b>Mississippi</b></p>	<p>"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.</p> <p>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."</p>	<p>Miss. Code Ann. § 37-3-2</p>	<p><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></p>	<p><a href="http://www.mde.k12.ms.us/docs/educator-licensure/paper-licensure-application.pdf?sfvrsn=0">http://www.mde.k12.ms.us/docs/educator-licensure/paper-licensure-application.pdf?sfvrsn=0</a></p>
<p><b>Missouri</b></p>	<p>SSN required within application materials.</p>	<p>5 CSR 20-400.150</p>	<p><a href="http://s1.sos.mo.gov/cmsimages/adrules/csr/previous/5csr/5csr0614/5c20-400.pdf">http://s1.sos.mo.gov/cmsimages/adrules/csr/previous/5csr/5csr0614/5c20-400.pdf</a></p>	<p><a href="https://dese.mo.gov/educator-quality/certification/teacher">https://dese.mo.gov/educator-quality/certification/teacher</a></p>

<b>Montana</b>	X	ARM Rule: 10.57.201	<a href="http://www.mtrules.org/gateway/RuleNo.asp?RN=10%2E57%2E201">http://www.mtrules.org/gateway/RuleNo.asp?RN=10%2E57%2E201</a>	<a href="http://www.opi.mt.gov/cert/Materials/class2Standard.html">http://www.opi.mt.gov/cert/Materials/class2Standard.html</a>
<b>Nebraska</b>	SSN is required on the application form.	Nebraska Admin Code, Title 92, Chapter 21, 005	<a href="http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Education_Dept_of/Title-92/Chapter-21.pdf">http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Education_Dept_of/Title-92/Chapter-21.pdf</a>	<a href="http://www.education.ne.gov/tcert/pdfs/Application.pdf">http://www.education.ne.gov/tcert/pdfs/Application.pdf</a>
<b>Nevada</b>	<p>"1.Except as otherwise provided in this section and NRS 391.070, it is unlawful for:</p> <p>(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 for naturalization, or who is not a lawful permanent resident of the United States."</p> <p>NRS 391.070 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.</p>	NRS 391.060	<a href="http://leg.state.nv.us/NRS/NRS-391.html#NRS391Sec060">http://leg.state.nv.us/NRS/NRS-391.html#NRS391Sec060</a>	<a href="http://www.doe.nv.gov/Educator_Licensure/Applications_Forms/">http://www.doe.nv.gov/Educator_Licensure/Applications_Forms/</a>
<b>New Hampshire</b>	X	Administrative Rules for Education, CHAPTER Ed 500	<a href="http://www.gencourt.state.nh.us/rules/state_agencies/ed500.htm">http://www.gencourt.state.nh.us/rules/state_agencies/ed500.htm</a>	<a href="http://education.nh.gov/certification/">http://education.nh.gov/certification/</a>

<p><b>New Jersey</b></p>	<p>"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."</p>	<p>N.J.S.18A:26-1</p>	<p><a href="ftp://www.njleg.state.nj.us/20022003/PL02/9_.PDF">ftp://www.njleg.state.nj.us/20022003/PL02/9_.PDF</a></p>	<p><a href="http://www.state.nj.us/education/educators/license/tcis/">http://www.state.nj.us/education/educators/license/tcis/</a></p>
<p><b>New Mexico</b></p>	<p>SSN is required on the application form.</p>	<p>6.61.1 - 12 NMAC</p>	<p><a href="http://164.64.110.239/nmac/_title06/T06C061.htm">http://164.64.110.239/nmac/_title06/T06C061.htm</a></p>	<p><a href="http://www.ped.state.nm.us/ped/LicensureDocs/Initial%20Application%20121510.pdf">http://www.ped.state.nm.us/ped/LicensureDocs/Initial%20Application%20121510.pdf</a></p>

<p><b>New York</b></p>	<p>No person shall be employed or authorized to teach in the public schools of the state who is: [...] . [Until Nov 30, 2017] Not a citizen. The provisions of this subdivision shall not apply, however, to an alien teacher now or hereafter employed, provided such teacher shall make due application to become a citizen and thereafter within the time prescribed by law shall become a citizen. The provisions of this subdivision shall not apply, after July first, nineteen hundred sixty-seven, to an alien teacher employed pursuant to regulations adopted by the commissioner of education permitting such employment. The citizenship requirements of this subdivision shall not apply to an alien teacher now or hereafter employed whose immigration status is that of a lawful permanent resident of the United States and who would otherwise be eligible to serve as a teacher, or to apply for or receive permanent certification as a teacher, but for the foregoing requirements of this subdivision.. 3. [Eff Nov 30, 2017] Not a citizen. The provisions of this subdivision shall not apply, however, to an alien teacher now or hereafter employed, provided such teacher shall make due application to become a citizen and thereafter within the time prescribed by law shall become a citizen. The provisions of this subdivision shall not apply, after July first, nineteen hundred sixty-seven, to an alien teacher employed pursuant to regulations adopted by the commissioner of education permitting such employment.</p>	<p>EDN Title 4, Article 61, § 3001</p>	<p><a href="http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:">http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:</a></p>	<p><a href="http://www.highered.nysed.gov/tcert/certificate/apply.html">http://www.highered.nysed.gov/tcert/certificate/apply.html</a></p>
<p><b>North Carolina</b></p>	<p>SSN required on the application form.</p>	<p>Chapter 115C</p>	<p><a href="http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_115c.html">http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_115c.html</a></p>	<p><a href="http://www.ncpublicschools.org/licensure/steps/">http://www.ncpublicschools.org/licensure/steps/</a></p>
<p><b>North Dakota</b></p>	<p>X</p>	<p>ND Administrative Code, CHAPTER</p>	<p><a href="http://www.legis.nd.gov/information/acdata/pdf/67.1-02-02.pdf?20150628161">http://www.legis.nd.gov/information/acdata/pdf/67.1-02-02.pdf?20150628161</a></p>	<p><a href="http://www.ncpublicschools.org/licensure/">http://www.ncpublicschools.org/licensure/</a></p>

		67.1-02-02	726	
<b>Ohio</b>	X	Ohio Administrative Code, Chapter 3301-24	<a href="http://codes.ohio.gov/oac/3301-24">http://codes.ohio.gov/oac/3301-24</a>	<a href="http://education.ohio.gov/Topics/Teaching/Educator-Licensure/Apply-for-Certificate-License">http://education.ohio.gov/Topics/Teaching/Educator-Licensure/Apply-for-Certificate-License</a>
<b>Oklahoma</b>	SSN required on the application form.	OAR 210:20-9-91	<a href="http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&amp;Frame=Main&amp;Src=_75tnm2shfcdnm8pb4dthj0chedp pmbq8dtmmak31cti jujrgcln50ob7ckj42tbkdt374obdcli00_">http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&amp;Frame=Main&amp;Src=_75tnm2shfcdnm8pb4dthj0chedp pmbq8dtmmak31cti jujrgcln50ob7ckj42tbkdt374obdcli00_</a>	<a href="http://sde.ok.gov/sde/sites/ok.gov/sde/files/documents/files/OSDE_App_for_OK_School_Certification.pdf">http://sde.ok.gov/sde/sites/ok.gov/sde/files/documents/files/OSDE_App_for_OK_School_Certification.pdf</a>
<b>Oregon</b>	SSN is required on the application form.	OAR 584-050-0002	<a href="http://arcweb.sos.state.or.us/pages/rules/ors_500/oar_584/584_050.html">http://arcweb.sos.state.or.us/pages/rules/ors_500/oar_584/584_050.html</a>	<a href="http://www.oregon.gov/tspc/Pages/index.aspx">http://www.oregon.gov/tspc/Pages/index.aspx</a>
<b>Pennsylvania</b>	"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	24 P.S. § 12-1202	<a href="http://www.pacode.com/secure/data/022/chapter49/chap49toc.html">http://www.pacode.com/secure/data/022/chapter49/chap49toc.html</a>  <a href="http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&amp;yr=1949&amp;sessInd=0&amp;smt">http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&amp;yr=1949&amp;sessInd=0&amp;smt</a>	<a href="http://www.education.pa.gov/Teachers%20-%20Administrators/Certifications/Pages/default.aspx#.Vs-CWMdlv-Z">http://www.education.pa.gov/Teachers%20-%20Administrators/Certifications/Pages/default.aspx#.Vs-CWMdlv-Z</a>  <a href="https://www.mypdeapp.pa.gov/sitemindera">https://www.mypdeapp.pa.gov/sitemindera</a>

	<p>languages.</p> <p>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."</p>		<p>hLwInd=0&amp;act=14&amp;chpt=12&amp;sctn=2&amp;subscn=0</p>	<p>gent/forms/login.fcc?TYPE=33554433&amp;REALMOID=06-35084476-a714-4c93-8da5-3f7e353efb0e&amp;GUID=&amp;SMAUTHREASON=0&amp;METHOD=GET&amp;SMAGENTNAME=-SM-HEPg%2f7E02qVAHfhAf0KHHnD1%2bZqzwGnnGbQpSZ8e34sL9NNPRjj7QaqHsn3GeVaU&amp;TARGET=-SM-https%3a%2f%2fwww%2emydeapps%2epa%2egov%2fLogin%2fwfLogin%2easpx</p>
<b>Rhode Island</b>	<p>SSN is required on the application form.</p>	<p>State of Rhode Island General Laws § 16-11-1 to 7</p>	<p>http://www.ride.ri.gov/Portals/0/Uploads/Documents/Teachers-and-Administrators-Excellent-Educators/Educator-Certification/Cert-main-page/CertificationRedesign-Regulations-PromulgatedVersion.pdf</p>	<p>http://www.ride.ri.gov/Portals/0/Uploads/Documents/Teachers-and-Administrators-Excellent-Educators/Educator-Certification/Cert-main-page/RI-Certification-AppForm.pdf</p>



<b>South Carolina</b>	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	<a href="http://www.scstatehouse.gov/code/t59c025.php">http://www.scstatehouse.gov/code/t59c025.php</a>	<a href="http://ed.sc.gov/educators/certification/forms/forms/pdf-application-for-educator-certification-or-student-teaching-clearance/">http://ed.sc.gov/educators/certification-forms/forms/pdf-application-for-educator-certification-or-student-teaching-clearance/</a>
<b>South Dakota</b>	SSN is required on the application form.	SD Admin Rules, Article 24:15	<a href="http://legis.sd.gov/Rules/DisplayRule.aspx?Rule=24:15&amp;cookieCheck=true">http://legis.sd.gov/Rules/DisplayRule.aspx?Rule=24:15&amp;cookieCheck=true</a>	<a href="https://apps.sd.gov/DE04Public/TeacherCertification/SDDOEOnlineApplications.aspx">https://apps.sd.gov/DE04Public/TeacherCertification/SDDOEOnlineApplications.aspx</a>
<b>Tennessee</b>	SSN is required on the application form.	Rules of the State Board of Education Chapter 0520-02-03	<a href="https://www.tn.gov/assets/entities/sbe/attachments/7-24-15-III-C-TeacherLicensureEmergencyRuleAttachmentCleanVersion.pdf">https://www.tn.gov/assets/entities/sbe/attachments/7-24-15-III-C-TeacherLicensureEmergencyRuleAttachmentCleanVersion.pdf</a>	<a href="http://www.tn.gov/education/article/apply-for-a-new-teacher-license">http://www.tn.gov/education/article/apply-for-a-new-teacher-license</a>
<b>Texas</b>	X	Texas Admin Code §230.11/13	<a href="http://texreg.sos.state.tx.us/public/readtac\$ext.ViewTAC?tac_view=5&amp;ti=19&amp;pt=7&amp;ch=230&amp;sch=B&amp;rl=Y">http://texreg.sos.state.tx.us/public/readtac\$ext.ViewTAC?tac_view=5&amp;ti=19&amp;pt=7&amp;ch=230&amp;sch=B&amp;rl=Y</a>	<a href="https://secure.sbec.state.tx.us/SBECOnline/login.asp">https://secure.sbec.state.tx.us/SBECOnline/login.asp</a>
<b>Utah</b>	Application form requires SSN and contains a question about citizenship and whether visa allows employment.	Utah Admin Code Rule R277-502	<a href="http://www.rules.utah.gov/publicat/code/r277/r277-502.htm#T4">http://www.rules.utah.gov/publicat/code/r277/r277-502.htm#T4</a>	<a href="http://www.schools.utah.gov/cert/Alternative-Routes-to-Licensure/Application/ARLApplicationForm.aspx">http://www.schools.utah.gov/cert/Alternative-Routes-to-Licensure/Application/ARLApplicationForm.aspx</a>

<b>Vermont</b>	SSN is required on the application form.	Vermont Statutes § 1696	<a href="http://legislature.vermont.gov/statutes/chapter/16/051">http://legislature.vermont.gov/statutes/chapter/16/051</a>	<a href="https://alis.edlicensing.vermont.gov/InitialUserRegistration.aspx">https://alis.edlicensing.vermont.gov/InitialUserRegistration.aspx</a>
<b>Virginia</b>	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[.]"	8VAC20-22-40	<a href="http://law.lis.virginia.gov/admincode/title8/agency20/chapter22/section40/">http://law.lis.virginia.gov/admincode/title8/agency20/chapter22/section40/</a>	<a href="http://www.doe.virginia.gov/teaching/licensure/application.pdf">http://www.doe.virginia.gov/teaching/licensure/application.pdf</a>
<b>Washington</b>	X	WAC 181-79A-150	<a href="http://app.leg.wa.gov/WAC/default.aspx?cite=181-79A-150">http://app.leg.wa.gov/WAC/default.aspx?cite=181-79A-150</a>	<a href="http://www.k12.wa.us/certification/Certapp/Instructions.pdf">http://www.k12.wa.us/certification/Certapp/Instructions.pdf</a>
<b>West Virginia</b>	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..."	126CSR136-9	<a href="http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=26277&amp;Format=PDF">http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=26277&amp;Format=PDF</a>	<a href="https://wvde.state.wv.us/certification/forms/documents/Form20T.pdf">https://wvde.state.wv.us/certification/forms/documents/Form20T.pdf</a>
<b>Wisconsin</b>	X	Wisconsin Admin Code, Chapter PI 34	<a href="http://docs.legis.wisconsin.gov/code/admin_code/pi/34/V/17">http://docs.legis.wisconsin.gov/code/admin_code/pi/34/V/17</a>	<a href="http://tepd1.dpi.wi.gov/licensing/elo-initial-wi-teacher-tips">http://tepd1.dpi.wi.gov/licensing/elo-initial-wi-teacher-tips</a>
<b>Wyoming</b>	Application includes SSN request and question regarding eligibility to work in the US.	Wyoming Code, 21-2-802	<a href="https://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title21/Title21.htm">https://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title21/Title21.htm</a>	<a href="http://ptsb.state.wy.us/LinkClick.aspx?fileticket=fC-MAa_FKn0%3d&amp;tabid=94">http://ptsb.state.wy.us/LinkClick.aspx?fileticket=fC-MAa_FKn0%3d&amp;tabid=94</a>
<b>Washington D.C.</b>	X	Chapter 28A.405 RCW	<a href="http://app.leg.wa.gov/rcw/default.aspx?cite=28A.405&amp;full=true">http://app.leg.wa.gov/rcw/default.aspx?cite=28A.405&amp;full=true</a>	<a href="http://osse.dc.gov/service/teacher-licensure">http://osse.dc.gov/service/teacher-licensure</a>

**Appendix II: EXAMPLES OF STATE OCCUPATIONAL LICENSING LAWS REQUIRING CERTAIN IMMIGRATION STATUS**

<b>Occupation</b>	<b>State</b>	<b>Law</b>	<b>Citizenship/Alienage requirement</b>
Athletic Trainer	Nevada	NEV. REV. STAT. § 640B.310	(b) Be a citizen of the United States or lawfully entitled to remain and work in the United States;
Auctioneer	West Virginia	W. VA. CODE § 19-2C-5	(e) That he or she is a citizen of the United States;
Breeder (game animals or game birds)	Delaware	DEL. CODE ANN. tit. 7, § 543	[S]hall be issued only to citizens of the United States
Broker	Massachusetts	MASS. GEN. LAWS ANN. ch. 112, § 87TT	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
Commercial Fisher	South Carolina	S.C. CODE ANN. § 50-9-30(A)(6)(a)	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 hundred sixty-five consecutive days or more immediately preceding the date of application;

Court Reporter	Utah	UTAH CODE ANN. § 58-74-302	(b) [B]e a citizen of the United States;
Day Care Center Operator	Arizona	ARIZ. REV. STAT. ANN. § 36-889	[S]hall be a citizen of the [U]nited [S]tates who is a resident of this state, or a legal resident alien who is a resident of this state.
Dentistry or Dental Hygiene	South Dakota	S.D. CODIFIED LAWS § 36-6A-44	(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.
Employment and Temporary Work Agencies	Arkansas	ARK. CODE ANN. § 11-11-210	(a) To be eligible for application for an employment counselor's license, the applicant shall be: (1) A citizen of the United States;
Employment and Temporary Work Agencies	Minnesota	MINN. STAT. § 184.26	An applicant for an employment agency's license shall be a citizen of the United States or resident alien
Employment and Temporary Work Agencies	West Virginia	W. VA. CODE ANN. § 21-2-8	License to operate as an employment agent shall be issued only to citizens of the United States.
Engineer & Engineer-in-training	District of Columbia	D.C. CODE § 47-2886.08	(2)(A) To register as a professional engineer any person of good character and repute who is a citizen of the

United States (4) [A]ny 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

Funeral Home Director	Alabama	ALA. CODE § 34-13-72	(1) Is a citizen of the United States or legally present in this state.
Funeral Home Director	Massachusetts	MASS. GEN. LAWS ANN. ch. 112, § 83	[A] citizen of the United States
Funeral Home Director	New Jersey	N.J. STAT. ANN. 45:7-50	(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;
Funeral Home Director	New York	N.Y. PUB. HEALTH LAW § 3421 (McKinney)	(2)(a) [I]s a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;
Funeral Home Director	Oklahoma	OKLA. STAT. tit. 59, § 396.3	(B) [A] citizen or permanent resident of the United States
Funeral Home Director	Pennsylvania	63 PA. STAT. ANN. § 479.3	(b) Each applicant shall be a citizen of the United States
Funeral Home Director	Rhode Island	R.I. GEN. LAWS § 5-33.2-6	(2) Be a citizen of the United States or have lawful entry into the country;
Funeral Home Director	South Dakota	S.D. CODIFIED LAWS § 36-19-21	[Must] be a citizen of the United States or a resident

of South Dakota

Funeral Home Director	Tennessee	TENN. CODE ANN. § 62-5-305	(b)(2) Is a citizen of the United States
Funeral Home Director	West Virginia	W. VA. CODE ANN. § 30-6-8	(a)(3) Is a citizen of the United States or is eligible for employment in the United States;
Homeopathic Medicine	Nevada	NEV. REV. STAT. ANN. § 630A.230	(2)(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
Licensed Practical Nurse	Indiana	IND. CODE ANN. § 25-23-1-4	(a)(1) [B]e a citizen of the United States;
Long-term Care Administrator	Kentucky	KY. REV. STAT. ANN. § 216A.080	(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;
Manager of Collection Agency	New Mexico	N.M. STAT. ANN. § 61-18A-11	(A) [B]e a citizen of the United States;
Marine Pilot	Alaska	ALASKA STAT. ANN. § 08.62.100	(a)(1) [I]s a citizen of the United States;
Marital and Family Therapist	Missouri	MO. ANN. STAT. § 337.715	(1)(5) is a United States citizen or has status as a legal resident alien
Massage Therapist	Texas	TEX. OCC. CODE ANN. § 455.202	(b)(1) a United States citizen or a legal permanent resident with a valid work permit;
Massage Therapist	Georgia	GA. CODE ANN. § 43-24A-8	(b)(3) a citizen of the United States or a permanent resident of the United States;
Massage Therapist	New York	N.Y. EDUC. LAW § 7804	(5) Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for

			permanent residence in the United States;
Medication Attendant in Licensed Nursing Homes	Louisiana	LA. REV. STAT. ANN. § 37:1026.7	(1) Be a citizen of the United States, a United States national, or an alien lawfully admitted for permanent residency in the United States.
Midwife	New York	N.Y. EDUC. LAW § 6955	(6) [B]e a United States citizen or an alien lawfully admitted for permanent residence in the United States.
Nursing Home Administrator	Pennsylvania	63 PA. STAT. ANN. § 1106	(a) a citizen of the United States, or that he has duly declared his intention of becoming a citizen of the United States.
Occupational Therapist	Alabama	ALA. CODE § 34-39-8	[S]hall 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
Occupational Therapist	Alaska	ALASKA STAT. ANN. § 08.84.032	(a)(4) [H]ave met applicable requirements under the federal Immigration and Nationality Act (8 U.S.C. 1101 et seq.), unless a United States citizen;
Operator of a Steam Generator	New Jersey	N.J. STAT. ANN. § 34:7-2	An applicant must be a citizen of the United States or have officially declared his intention of becoming a citizen.
Optician	Nevada	NEV. REV. STAT. ANN. § 637.127	(1)(c) Is a citizen of the United States or is lawfully entitled to remain and work

in the United States;

Optometrist	New Mexico	N.M. STAT. ANN. § 61-2-8	(D) [I]s a citizen of the United States or has taken out his first naturalization papers;
Optometrist	Guam	10 GUAM CODE ANN. § 12506	(d) [I]s a citizen of the United States or is a permanent resident of the United States;
Optometrist	New Jersey	N.J. STAT. ANN. § 45:12-7	[A] [C]itizen of the United States, or has declared his intention to become such a citizen
Osteopathic Physician or Surgeon	Arizona	ARIZ. REV. STAT. ANN. § 32-1822	(A)(2) Is a citizen of the United States or a resident alien.
Pharmacist	Nebraska	NEB. REV. STAT. § 38-2853	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.
Pharmacist	Illinois	225 ILL. COMP. STAT. ANN. 85/6	(1) [T]hat he or she is a United States citizen or legally admitted alien;
Pharmacist	Pennsylvania	63 PA. STAT. ANN. § 390-3	(1) citizen of the United States;



Physical Therapist	Alabama	ALA. CODE § 34-24-211	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.
Physical Therapist	Louisiana	LA. REV. STAT. ANN. 37:2409	(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.
Physical Therapist	West Virginia	W. VA. CODE § 30-20-11	(a)(6) Is a citizen of the United States or is eligible for employment in the United States;
Physical Therapist	Guam	10 GUAM CODE ANN. § 121506	(2) [B]e a United States citizen or legal alien;
Podiatry	Nevada	NEV. REV. STAT. ANN. § 635.082	(2)(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
Polygraph Examiner	South Carolina	S.C. CODE ANN. § 40-53-70	(2) [I]s a citizen of the United States;
Polygraph Examiner	Alabama	ALA. CODE § 34-25-24	(2) He is a citizen of the United States;
Port Watchman	New Jersey	N.J. STAT. ANN. § 32:23-40	(c) The citizenship of the applicant and, if he is a naturalized citizen of the United States, the court and date of his naturalization;
Poultry Technician	Pennsylvania	63 PA. STAT. ANN. § 642	a citizen of the United States, or has legally declared his intention to

become such.

Practical Nurse	Pennsylvania	63 PA. STAT. ANN. § 655	is a citizen of the United States or has legally declared intention to become such.
Private Detective	Pennsylvania	22 PA. STAT. ANN. §14	(a) The application shall state that he is a citizen of the United States.
Private Investigator	South Carolina	S.C. CODE ANN. § 40-18-70	(E)(3) [I]s a citizen of the United States;
Private Investigator	Louisiana	LA. REV. STAT. ANN. § 37:3507	(A)(2) Is a citizen of the United States or a resident alien holding proper documentation to work in the United States.
Private Investigator	Tennessee	TENN. CODE ANN. § 62-26-207	(a)(2) Be a citizen of the United States or a resident alien;
Private Protection Service License	Tennessee	TENN. CODE ANN. § 62-35-106	(2) Be a citizen of the United States or a resident alien;
Private Security Guard	Virgin Island	V.I. CODE ANN. tit. 23, § 1308	(b)(3) Grounds for denial of licence shall be [I]ack of United States citizenship, permanent resident status
Psychologist	Tennessee	TENN. CODE ANN. § 63-11-207	(a)(3)(B) Is a citizen of the United States;
Real Estate Agent or Broker	Alabama	ALA. CODE § 34-27-32	(a)(4) Is a citizen of the United States or is an alien with permanent resident status.
Real Estate Agent or Broker	Hawaii	HAW. REV. STAT. § 467-9.5	(a)(1) A United States citizen, a United States national, or an alien authorized to work in the United States

Real Estate Agent or Broker	Massachusetts	MASS. GEN. LAWS ANN. ch. 112 § 87TT	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.
Real Estate Agent or Broker	Rhode Island	R.I. GEN. LAWS § 5-20.5-3	(c) [B]e a citizen or legal resident of the United States
Real Estate Agent or Broker	South Dakota	S.D. CODIFIED LAWS § 36-21A-30	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.
Real Estate Agent or Broker	Texas	TEX. OCC. CODE ANN. § 1101.354	(1)(B) [B]e a citizen of the United States or a lawfully admitted alien;
Real Estate Agent or Broker	Virgin Islands	V.I. CODE ANN. tit. 27, § 423	(b)(2) [A] citizen of the United States or a permanent resident alien
Real Estate Broker	Guam	21 GUAM CODE ANN. § 104202	The Commissioner shall not grant an original real estate broker's license to any person who is not a citizen of the United States.
Registered Nurse	Indiana	IND. CODE ANN. § 25-23-1-4	(a)(1) [B]e a citizen of the United States;

Ticket Resaler	Pennsylvania	4 PA. STAT. ANN. § 203	(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.
Veterinarian	Tennessee	TENN. CODE ANN. § 63-12-112	(b)(4) Is a citizen of the United States or Canada or legally entitled to live within the United States;
Veterinarian	Nevada	NEV. REV. STAT. ANN. § 638.100	(2)(d) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
Veterinarian	West Virginia	W. VA. CODE ANN. § 30-10-8	(a)(5) Be a citizen of the United States or be eligible for employment in the United States;
Veterinary technician	Arkansas	ARK. CODE ANN. § 17-101-306	(c)(1)(A) A citizen of the United States or an applicant for citizenship;
Video Lottery Operator's License	West Virginia	W. VA. CODE ANN. § 29-22B-503	(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;
Water Well Contractor's License	Illinois	225 ILL. COMP. STAT. ANN. 345/9	(b) [I]s a citizen of the United States or has declared his intention to become a citizen of the United States

Jennesa Calvo-Friedman, Note: The uncertain terrain of state occupational licensing laws for noncitizens: a preemption analysis, 102 Geo. L.J. 1597, 1638 (2014) [Appendix 2]

