

ASSEMBLY, No. 1286

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Assemblyman Johnson

SYNOPSIS

Permits certain undocumented immigrants to obtain professional and occupational licenses in State.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning undocumented immigrants obtaining
2 professional licenses and supplementing Title 45 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 New Jersey has an interest to ensure that all its residents
10 contribute to the State, and that the residents' skills and talents are
11 utilized to the fullest extent.

12 Certain residents, who came to the United States and to New
13 Jersey as children, who have lived here for their entire lives, who
14 have attended school in the State, and who consider themselves to
15 be New Jerseyans, would like to obtain professional and
16 occupational licenses, but are constrained by federal and State law
17 because of their undocumented status.

18 These undocumented immigrants, many of whom are commonly
19 referred to as "Dreamers," have the talent, skills, ability, and
20 emotional connection to New Jersey to be productive members of
21 the workforce, but they cannot exercise their full potential because
22 of current law.

23 These individuals often complete extensive schooling in the
24 aspiration to work as doctors, nurses, attorneys, and other
25 professionals, but without the ability to obtain appropriate
26 licensure, their degrees have limited value.

27 The community would benefit from the services these
28 individuals could provide, and the State would benefit from the
29 income generated, if these individuals were able to work in their
30 desired professions and occupations.

31 The New Jersey Judiciary has already taken steps to allow
32 undocumented immigrants to obtain law licenses, with Attorney
33 General Gerbir Grewal swearing in the first "Dreamer" to become a
34 lawyer in the State on January 24, 2018.

35 It is therefore fitting and appropriate that the State of New Jersey
36 ensure that a person who is work-authorized is able to obtain a
37 professional or occupational license and pursue a fruitful and
38 rewarding career.

39

40 2. a. Notwithstanding any other provision of law, for the
41 purposes of obtaining a professional or occupational license,
42 certification, or registration, a person who submits (1) an unexpired
43 employment authorization document issued by the United States
44 Department of Homeland Security, Form I-766, and (2)
45 documentation issued by the United States Department of
46 Homeland Security, the United States Citizenship and Immigration
47 Services, or any other federal agency, such as one of the types of
48 Form I-797 used by the United States Citizenship and Immigration

1 Services, demonstrating that the person is described in
2 subparagraph (B)(ii) of paragraph (2) of subsection (c) of section
3 202 the federal “REAL ID Act of 2005,” Pub.L.109-13, and is
4 otherwise eligible to obtain a professional or occupational license,
5 certification, or registration. The person’s license, certification, or
6 registration shall be valid only for the period of time during which
7 the person’s employment authorization document is valid. Nothing
8 in this section shall affect the requirements to obtain a professional
9 or occupational license, certification, or registration that are
10 unrelated to the lawful presence requirements in this section.

11 b. Nothing in this section shall be construed to grant eligibility
12 for any public benefits other than obtaining a professional or
13 occupational license, certification, or registration.

14 c. Any person who has complied with the requirements of this
15 section shall have his or her employment authorization document
16 verified through the Systematic Alien Verification for Entitlements
17 Program operated by the United States Department of Homeland
18 Security or an equivalent designated by the United States
19 Department of Homeland Security.

20 d. This section is enacted pursuant to the authority provided in
21 subsection (d) of 8 U.S.C. s.1621, as the section existed on April
22 11, 2018.

23 e. The provisions of this act shall apply to any license,
24 certification, or registration issued by any entity designated in
25 section 2 of P.L.1978, c.73 (C.45:1-15), or by any principal
26 department of the Executive Branch of State government or any
27 entity within any department or any other entity hereafter created to
28 license or otherwise regulate a profession or occupation.

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30 3. This act shall take effect immediately.

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STATEMENT

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35 This bill would allow certain undocumented immigrants,
36 including those who came to the United States as minors and are
37 commonly referred to as “Dreamers,” to obtain professional and
38 occupational licenses. In order to be eligible to obtain a
39 professional or occupational license under this act, an individual
40 would have to meet the licensing qualification criteria for the
41 license sought by the dreamer, other than citizenship, immigrant or
42 lawful presence status in the United States.

43 Many individuals, who came to the United States and to New
44 Jersey as children, who have lived here for their entire lives, and
45 who feel connected to this State and this country, would like to
46 obtain professional licenses, but are constrained by federal and
47 State law because of their undocumented status.

1 These individuals have the talent, skills, and ability to be
2 productive members of the workforce, but they cannot exercise their
3 full potential because of current law. Moreover, these individuals
4 often complete extensive schooling in the aspiration to work as
5 doctors, nurses, attorneys, and other professionals, but without the
6 ability to obtain appropriate licensure, their degrees have limited
7 value.

8 The community would benefit from the services these
9 individuals could provide, and the State would benefit from the
10 income generated, if these individuals were able to work in their
11 desired professions and occupations.

12 The State Judiciary has already taken steps to allow
13 undocumented immigrants to obtain law licenses, with Attorney
14 General Gerbir Grewal swearing in the first “Dreamer” to become a
15 lawyer in the State on January 24, 2018. Moreover, at least ten
16 other states have enacted laws to allow certain groups of non-
17 citizens to obtain professional and occupational licenses.