SENATE, No. 843

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator NELLIE POU
District 35 (Bergen and Passaic)
Senator M. TERESA RUIZ
District 29 (Essex)

WITHDRAWN

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

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

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

1. The Legislature finds and declares that:

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

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

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

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

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

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

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

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

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

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

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

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

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

3. This act shall take effect immediately.

STATEMENT

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

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

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

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

The State Judiciary has already taken steps to allow undocumented immigrants to obtain law licenses, with Attorney General Gerbir Grewal swearing in the first "Dreamer" to become a lawyer in the State on January 24, 2018. Moreover, at least 10 other states have enacted laws to allow certain groups of non-citizens to obtain professional and occupational licenses.

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