

February 11, 2016

Senator Les Seiler
District #33 State Capitol
P.O. Box 94604
Lincoln, NE 68509-4604

RE: LB 947

Dear Senator Seiler and members of the Judiciary Committee:

LB 947, introduced by Senator Mello, will amend Nebraska statutes to allow individuals with Deferred Action for Childhood Arrivals (DACA) status to obtain professional and commercial licenses. While DHHS has no position on this bill at this time, we would like to bring the following issues to the committee's attention regarding licensure and public benefits issues.

Deferred action is a determination made by the U.S. Department of Homeland Security (DHS) to defer deportation action for an individual as an act of prosecutorial discretion. Under the DACA policy, certain individuals who have come to the United States as children and meet certain guidelines may request consideration of deferred action for a period of two years, subject to renewal. Applicants who are granted deferred action are eligible to receive employment authorization from DHS.

In order to be issued a professional license under the Nebraska Uniform Credentialing Act, an applicant must be (1) a United States citizen; (2) an alien lawfully admitted into the United States; or (3) a nonimmigrant lawfully present in the United States. Individuals who are granted deferred action under the DACA policy do not specifically meet any of these categories. Because DACA individuals are not "aliens lawfully admitted into the United States" or "nonimmigrants who are lawfully present," they do not meet the requirements for a professional license under the Nebraska Uniform Credentialing Act.

Under LB 947, applicants for a professional or commercial license who are not U.S. citizens nor qualified aliens would be eligible for a professional license if they submit certain documentation and meet the eligibility requirements for a credential. LB 947 does not amend § 38-129 of the Nebraska Uniform Credentialing Act. In order to be consistent with the language of the proposed bill, and to ensure that DHHS could implement the change, it is recommended to also amend § 38-129 to include a fourth category of eligibility under the Uniform Credentialing Act for an individual

who submits an unexpired employment authorization document issued by DHS and documentation demonstrating that the individual has approved deferred action status.

In addition, DHHS is looking carefully at Section 2 of this bill to make sure that public benefits (i.e. SNAP) will not be expanded to cover this population and produce a large fiscal obligation to the Department.

I greatly appreciate the opportunity to share the above technical recommendations and look forward to working with the Committee in continuing the Department's mission of helping people live better lives.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney N. Phillips", with a long horizontal line extending to the right.

Courtney N. Phillips, MPA
Chief Executive Officer
Department of Health and Human Services

cc: Senator Heath Mello