



Peg Rivers  
New York State Education Department  
89 Washington Avenue  
Albany, New York 12234

Dear Peg Rivers:

The New York City Mayor's Office of Immigrant Affairs ("MOIA"), Department of Education ("DOE"), Department of Health and Mental Hygiene ("DOHMH"), Mayor's Office of Workforce Development ("WKDEV"), and Young Men's Initiative ("YMI") submit the following in response to the Board of Regents' request for comment on the proposed amendments to sections 59.4 and 80-1.3 of Title 8 of the NYCRR (the Regulations of the Commissioner of Education) regarding "Citizenship Requirements for Professional Licensure and Certification in Teaching and Educational Leadership Service."

We support the proposed amendments, as they will:

- Increase the number and diversity of people engaged in vital professions such as education and health care in New York City and New York State;
- Increase economic opportunity for New York immigrants who are otherwise eligible and qualified to work in the relevant professions; and
- Support economic vitality in New York City and New York State.

### ***Background***

New York is home to one of the largest immigrant populations in the country. The vitality and well-being of our state is closely linked to the vitality and well-being of our foreign-born residents. Many cities in New York have recognized the crucial role of immigrants. New York City, for example, has led unprecedented investments in immigrant integration, including IDNYC, a municipal ID program for all New Yorkers, regardless of immigration status, and ActionNYC, a citywide community-based immigration legal services program that provides free and safe legal support for every immigrant New Yorker

The proposed amendments will expand access to professional licenses and teaching certification and educational leadership service to an important population of New York immigrants: those who have been granted relief under the Deferred Action for Childhood Arrivals (DACA) program, a federal executive policy established in 2012 that allows some immigrants who entered the United States as children to remain and work in the United States if they meet certain educational requirements.<sup>1</sup> As of March 2015, over 45,000 New Yorkers have been granted DACA.<sup>2</sup> The number of DACA recipients in

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<sup>1</sup> U.S. Citizenship and Immigration Services, Consideration of Deferred Action for Childhood Arrivals (DACA), <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>.

<sup>2</sup> Number of I-821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2015 (March 31), *available at* [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Naturalization%20Data/I821d\\_performancedata\\_fy2015\\_qtr2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Naturalization%20Data/I821d_performancedata_fy2015_qtr2.pdf).

New York may grow significantly if the Supreme Court permits implementation of an expansion of the DACA program announced by the President in 2014.<sup>3</sup>

Often referred to as “DREAMers,” DACA recipients have extensive ties to our communities and are part of the social, economic, and civic fabric of New York. For this reason, MOIA, DOE, DOHMH, WKDEV, and YMI enthusiastically support the proposed amendments and the steps that the Board of Regents have taken to permit these immigrants and others similarly situated to apply for and receive professional licenses and certification in teaching and educational leadership service.<sup>4</sup>

### ***Increasing the number and diversity of licensed professionals***

The proposed amendments will increase the number and diversity of people engaged in vital professions, including education and health care, in New York City and across the State of New York.

State labor projections indicate increasing demand for many of the professions regulated by the Board of Regents in the coming years. The demand for people in medical occupations, for example, is expected to grow by over 27 percent for physical therapists, and by over 25 percent for nurse practitioners by 2022.<sup>5</sup> The proposed amendments make no changes to qualifications for these licenses other than by expanding access to otherwise eligible work-authorized immigrants. By opening these professions to more individuals who meet the education and other qualifications required, the proposed amendments will help fill an urgent and growing need.

Additionally, the proposed amendments will help support efforts to increase diversity in the professions and better reflect the diversity of New York’s population. For example, recognizing that students benefit from being taught by teachers with similar life experiences, YMI has made it a goal to put an additional 1,000 men of color on course to become teachers in NYC public schools in collaboration with the NYC Department of Education, City University of New York, the Center for Economic Opportunity, and Teach for America.<sup>6</sup> It is important for children’s education that the diversity of New York City is reflected in the City’s classrooms. The proposed amendments will help the City meet the goal of recruiting more diverse educators.

### ***Increasing economic opportunity for immigrants***

The proposed amendments will also increase economic opportunity for New York immigrants, particularly for those who have been extended DACA relief.

Opening up these professions to DACA recipients will have a positive impact on the wages and economic well-being of a population that is already deeply integrated in our communities. Because of DACA’s education requirement, many DACA recipients have earned or are earning a higher education

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<sup>3</sup> A challenge to the expansion of the DACA program and the creation of a new program known as DAPA – Deferred Action for Parents of Americans and Lawful Permanent Residents – is pending before the Supreme Court. According to researchers, approximately 250,000 people in New York State are eligible for relief under expanded DACA and DAPA.

<sup>4</sup> Similarly situated immigrants include immigrants who have been granted Temporary Protected Status by the federal government, as well as those who are eligible for expanded DACA and DAPA should those programs be permitted to move forward.

<sup>5</sup> New York State Department of Labor, Long-Term Occupational Employment Projections: 2012-2022, *available at* <https://www.labor.ny.gov/stats/lproj.shtm>.

<sup>6</sup> NYC Young Men’s Initiative, NYC Men Teach, <http://www1.nyc.gov/site/yimi/teach/nyc-men-teach.page>.

degree in the U.S. Indeed, one study of DACA recipients nationwide found that over 16 percent of DACA recipients are currently pursuing an advanced degree.<sup>7</sup>

The proposed amendments will permit covered immigrants to fully utilize their education and training. Estimates that account for differences in education, training, and experience show that licensing results in up to 15 percent higher wages for licensed workers versus unlicensed workers.<sup>8</sup> Professional licensing also provides the possibility of career advancement and stability. Some DACA recipients have already taken steps toward licensing by taking advanced coursework or by enrolling in programs meant to culminate in a license.<sup>9</sup> These proposed amendments will allow them to realize their investment in their futures – gaining entry into professions for which they are already prepared, and allowing them to increase both their earnings and their potential to advance in their careers.

### ***Economic benefits to New York State***

Finally, the proposed amendments will support the economic vitality of New York State and its cities.

Immigrants, including DACA recipients, are already crucial contributors to New York's economy. Researchers have demonstrated that federal programs like DACA stimulate job growth and create new tax revenue for local and state governments through higher earnings.<sup>10</sup> Because the proposed amendments are likely to increase wages for DACA recipients and other similarly situated immigrants, New York State and localities within the state will also benefit.<sup>11</sup> As noted above, estimates show that licensing results in up to 15 percent higher wages for licensed workers versus unlicensed workers.<sup>12</sup> For this reason, this rule could result in tens of millions of dollars in increased earnings for DACA recipients in New York City alone.<sup>13</sup>

Allowing otherwise qualified and eligible New York immigrants to apply for and receive professional licenses and teaching certification will have a profound effect on the lives of many New Yorkers. We applaud the Board of Regents for taking this important step to empower and support individuals in establishing a meaningful career.

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<sup>7</sup> Results of Tom K. Wong, National Immigration Law Center, and Center for American Progress National Survey (2015), *available at* [https://cdn.americanprogress.org/wp-content/uploads/2015/07/DACA-Wong\\_NILC\\_CAP-Codebook-PDF.pdf](https://cdn.americanprogress.org/wp-content/uploads/2015/07/DACA-Wong_NILC_CAP-Codebook-PDF.pdf).

<sup>8</sup> Department of the Treasury Office of Economic Policy, the Council of Economic Advisers & the Department of Labor, *Occupational Licensing: A Framework for Policymakers 14* (2015), *available at* [https://www.whitehouse.gov/sites/default/files/docs/licensing\\_report\\_final\\_nonembargo.pdf](https://www.whitehouse.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf).

<sup>9</sup> DACA at Year Three: Challenges and Opportunities in Accessing Higher Education and Employment 15-16 (2016) (discussing the barriers faced by DACA recipients who met requirements to apply for a professional license but could not due to state law or regulations), *available at* <http://www.americanimmigrationcouncil.org/special-reports/DACA-at-Year-Three-Challenges-and-Opportunities>.

<sup>10</sup> Raul Hinojosa-Ojeda, *From the Shadows to the Mainstream: Estimating the Economic Impact of Presidential Administrative Action and Comprehensive Immigration Reform 18* (2014), *available at* [http://www.naid.ucla.edu/uploads/4/2/1/9/4219226/ucla\\_naid\\_center\\_report\\_-\\_estimating\\_the\\_economic\\_impact\\_of\\_presidential\\_administrative\\_action\\_and\\_comprehensive\\_immigration\\_reform.pdf](http://www.naid.ucla.edu/uploads/4/2/1/9/4219226/ucla_naid_center_report_-_estimating_the_economic_impact_of_presidential_administrative_action_and_comprehensive_immigration_reform.pdf).

<sup>11</sup> *Id.* at 4-5 (discussing how an increase in wages would benefit state tax revenues).

<sup>12</sup> Department of the Treasury Office of Economic Policy, the Council of Economic Advisers & the Department of Labor, *Occupational Licensing: A Framework for Policymakers 14* (2015), *available at* [https://www.whitehouse.gov/sites/default/files/docs/licensing\\_report\\_final\\_nonembargo.pdf](https://www.whitehouse.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf).

<sup>13</sup> Based on MOIA analysis of 2013 ACS Census data.

MOIA, DOE, DOHMH, WKDEV, and YMI appreciate the opportunity to comment on this issue, and we look forward to a continuing dialogue with the Board of Regents on this and related issues.

Sincerely,



Nisha Agarwal  
Commissioner  
NYC Mayor's Office of Immigrant Affairs



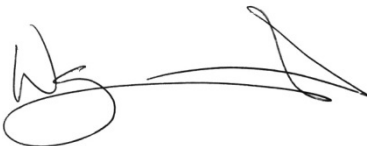
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