

Economic Gains of Legalizing Occupational Licenses for DACA Recipients

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Abstract

Several states in the U.S. have loosened occupational licensing rules for Deferred Action for Childhood Arrivals (DACA) recipients. In this paper we summarize the state reforms which affect DACA recipients, estimate its economic impact, and discuss the political environment. We use the current empirical economics literature and a published DACA survey to project the economic gains of other states potentially relaxing their prohibition on occupational licenses for DACA recipients. The inability of DACA recipients to pursue jobs with licensing means some are unable to maximize their contribution to society. Through lost of wage premiums, we estimate that the prohibition of occupational licenses in 2022, for example, costs the states \$822 million. The discussion surrounding the denial of licensing jobs for these immigrants seems to have political and economic motives. We examine the justifications of the laws and the political affiliations of bill sponsors. Examining the political and economic impact allows us to better explain the variance of those laws across states as there may be trade-offs between sound economic policy and politically profitable policy regarding immigration.

Introduction

The United States began to experience labor shortages prior to the COVID-19 pandemic. According to the U.S. Bureau of Labor Statistics (BLS), the number of job openings exceeded the number of unemployed persons in March 2018. During the height of the pandemic, unemployment briefly went up, but then it dropped sharply. The post-pandemic sharp increase in the shortage has likely been from inflation rates outpacing wage growth, but that trend has been reversing since February 2023, according to BLS numbers. Increased wages will help ease the shortage, but a lower-cost way of meeting employer demands would be to increase the labor supply. To meet the demand, the U.S. can look to legal immigration and the reduction of occupational barriers.

Results from the 2022 American Community Survey indicate that 29,466,845 foreign-born residents in the U.S. are part of the labor force (US Census). This constitutes 17.2% of the entire U.S. labor force. As summarized in the American Immigration Council's 2023 report, "Immigrants support the United States economy in various ways, comprising 22.2% of entrepreneurs, 22.8% of STEM workers, and 15.2% of nurses" (American Immigration Council, 2023). However, immigrants face barriers to

work that natives do not. There are obvious visa hurdles, but immigrants also face stiffer challenges when obtaining an occupational license, which is a focus of this paper.

Occupational licensing (OL) is prevalent in the labor market, with approximately 21.6% of employed workers holding a license (Bureau of Labor Statistics, 2023). A worker in an occupation regulated by licensure must meet government-imposed standards to practice the trade. Each state defines its own standards for licensing; these may address education, testing, experience, age, fees, and other criteria. The stated purpose of occupational regulation is to ensure safety and quality of work. A license can be time-limited (such as being valid for only one year) and it may require ongoing professional development. This type of regulation has grown significantly over the past few decades in the U.S. (Kleiner & Krueger, 2013). Licensing is a labor barrier which everyone, including immigrants, might face.

Many immigrants work in jobs that don't maximize their productivity or potential, which can indicate artificial occupational barriers. For instance, Batalova and Fix (2022) reported that in 2019, the U.S. had 2,000,000 college-educated immigrants who were either in a job that did not require a college degree or they had no job. They also noted the barriers that immigrants face, including "English proficiency, limited social and professional networks, interrupted career trajectories, lack of legal status, and the complexities of the U.S. licensing requirements." Individual states cannot do much about many of these barriers except for one: occupational licensing. This is one reason why we think research on this topic is important.

In this paper we focus on the category of immigrants who are Deferred Action for Childhood Arrivals (DACA) recipients. The DACA program started during the Obama administration in June 2012. As outlined by the U.S. Citizenship and Immigration Services (USCIS), these arrivals must meet certain conditions, including being under the age of 31 as of 2012, arriving in the U.S. before age 16, committing no significant misdemeanor or felony, and pursuing or graduating from high school. DACA recipients must renew their deferred action status every two years to maintain it. Importantly, deferred action does not provide lawful status, and the DACA program has been surrounded by political discourse and debate since its creation. A 2021 injunction from the U.S. District Court in Texas led to a pause on new initial DACA requests (USCIS, 2023).

There were 544,690 active DACA recipients in the U.S. as of December 2023 (USCIS, 2023). Despite DACA permitting its recipients to legally work within the country, many licensing boards and other license-issuing bodies within various states do not allow DACA recipients to obtain an occupational license. This occurs due to the recipients being ineligible to receive most state and local benefits, such as in-state tuition and professional licenses, under federal law (Jacobs, 2023). Federal law 8 U.S.C. 1621 defines who is eligible to receive state and local public benefits, such as professional licenses, and this provision does not include DACA recipients. However, states can work around this by complying with §1621(d), which gives states the authority to extend eligibility to immigrants who are "not lawfully present" in the U.S.; this

is done by passing a law that affirmatively provides eligibility to state and local public benefits (Jacobs, 2023).

Occupational shortages in the U.S. have led to states developing policies, laws, and partnerships to make use of the skills their residents have, benefiting both native-born and foreign-trained professionals (Morse and Chanda, 2023). Approved in 2014 by Governor Jerry Brown, California's Senate Bill No. 1159 was the first piece of state legislation that prohibited denying occupational licensure to applicants based on their citizenship or immigration status (SB No. 1159, 2014). Arkansas enacted H.B. 1552 in 2020 to help alleviate the nursing shortage in the state (H.B. 1552, 2020). Arkansas then enacted H.B. 1735 in 2021 allowing DACA recipients to obtain occupational licenses (H.B. 1735, 2021). Maryland enacted Senate Bill 187 prohibiting health occupational boards from requiring an applicant to provide proof they are lawfully present as a condition for licensure, certification, or registration (S.B. 187, 2023). Various states have since taken similar initiatives with varying criteria that have impacted DACA recipients' ability to obtain a professional license.

Given the labor shortages and artificial barriers faced by immigrants from state policy, we find it prudent to study these laws and their economic impact. As a first step, we estimate the impact of state occupational licensing barriers for DACA recipients. Since this is a political issue, we also observe the political affiliations of those in favor and those against changes in the DACA rules.

Literature Review: Occupational Licensing, Barriers to Work, and DACA

The research on immigrants and occupational licensing is still relatively scarce, but results from available studies point to the same or similar conclusions. A study by Bobby Chung (2023) focused on the California reform passed in 2014 that allowed undocumented immigrants access to occupational licenses. He found that the law increased employment for undocumented workers, and it had no crowding-out effect on native U.S. workers. Xin Liang (2023) found increases of wages and schooling for those DACA recipients in states that granted occupational licensing. Note that her dataset has significant limitations in its synthetic control approach, which is why we do not use the magnitude of her results, but we do make note of her statistically significant finding.

A 2022 survey by Wong, et al. (2022) received 817 responses from DACA recipients from across the U.S. The authors found that DACA status, though limited as it is, was very beneficial to them. For instance, 40.6% of respondents got a job that aligned better with their qualifications, 47.4% got a job with better pay, 47.5% got their first job, and 40.6% got a job with improved working conditions. Also useful for our study is the finding that 13.7% of their respondents said they obtained a professional license. This group also found respondents' median annual earnings to be \$60,000.

An earlier survey of immigrant workers was conducted by Bergson-Shilcock & Witte (2015). They found that 34% of respondents applied for U.S. professional licensure, and those who obtained it were far more likely to be successful than those who had applied and been denied.

As noted in The National Conference of State Legislatures report (Morse and Chanda, 2023), immigrants are often overrepresented in the sectors that were negatively impacted by COVID-19, including healthcare and hospitality. As the United States faced the pandemic, nearly 202,500 DACA recipients worked in occupations at the forefront of the response: healthcare, education, and food-related industries (Svajlenka, 2021). The Department of Homeland Security (DHS) defined these three industries as “essential critical infrastructure workers” (Easterly, 2021). Among those recipients, roughly 29,000 worked as frontline healthcare workers, including nurses, psychiatric providers, home health aides, personal care aides, medical assistants, and dental assistants. Analyses of American Community Survey microdata by the Center for American Progress (CAP) indicate that an additional 12,700 DACA recipients worked in other critical roles in the healthcare industry as custodians, food preparers, and managers or administrators (Svajlenka, 2021). It was additionally reported that 14,900 DACA recipients worked as teachers, while 142,100 were employed in food-related occupations or industries.

Findings from those studies provide evidence that a reduction of artificial barriers for immigrant workers can (1) increase their employment; (2) provide higher wages; and (3) help the economy by improving the allocation of resources (i.e., using labor more efficiently). In addition to the benefits to these DACA recipients, consumers of their services will benefit from the reduction of licensing barriers.

When estimating the impact of allowing immigrants to work in the U.S., we must also take into consideration their effect on native-born employment. While Chung (2023) found no crowding-out effect on California with occupational licensing reform, we rely on the other literature to safely conclude that impact of reform on native U.S. workers will be negligible. A meta-analysis by Longhi, Nijkamp, and Poot (2006) of 165 estimates concluded that “...the idea of fixed aggregate employment in a given area, with the native-born handing over their jobs to the new immigrants, can be considered a fallacy.” A study by David Card (2005) focusing on U.S. immigration found that immigrants did not hurt native workers. A study by Carrasco, Jimeno, and Ortega (2008) focused on Spain and found no significant negative effect of immigration on either the employment rates or wages of native workers. A study by Kifle (2009) found that immigration positively affected the earnings of natives. Given these studies and similar ones, we do not have a concern that opening up licensed occupations to immigrants will take net jobs away from native workers.

Daca Recipients Meeting Labor Market Demands

As an example of states responding to labor shortages, Arkansas enacted H.B. 1552 in 2019 to help alleviate the nursing shortage in the state (Arkansas State Legislature, 2019). The following year, Arkansas passed legislation to allow DACA recipients access to any occupationally licensed field. In 2018, Indiana passed Act 419 to allow DACA recipients eligibility for professional licenses. When Representative Edward Clere, a sponsor of Act 419, was asked about the bill, he reported that it would help address labor shortages in fields such as nursing (Hurt, 2021).

In another recent example, in 2023, Maryland passed S.B. 187 and H.B. 454 to reduce barriers to work for DACA recipients. Senate Bill 187 and House Bill 454 were cross-filed together, and together they prohibited health occupational boards from requiring an applicant to provide proof they are lawfully present as a condition for licensure, certification, or registration (Maryland General Assembly, 2023). Maryland has begun various initiatives as they wish to create a “win-win environment” for immigrants and their business community by matching immigrants with jobs of their skill and educational level, which in turn help the business community meet its workforce needs (Maryland Department of Labor, Licensing, and Regulation, 2019). These examples indicate that states are aware that removing artificial barriers for immigrants can help address the labor shortage.

Daca Recipients’ Impact

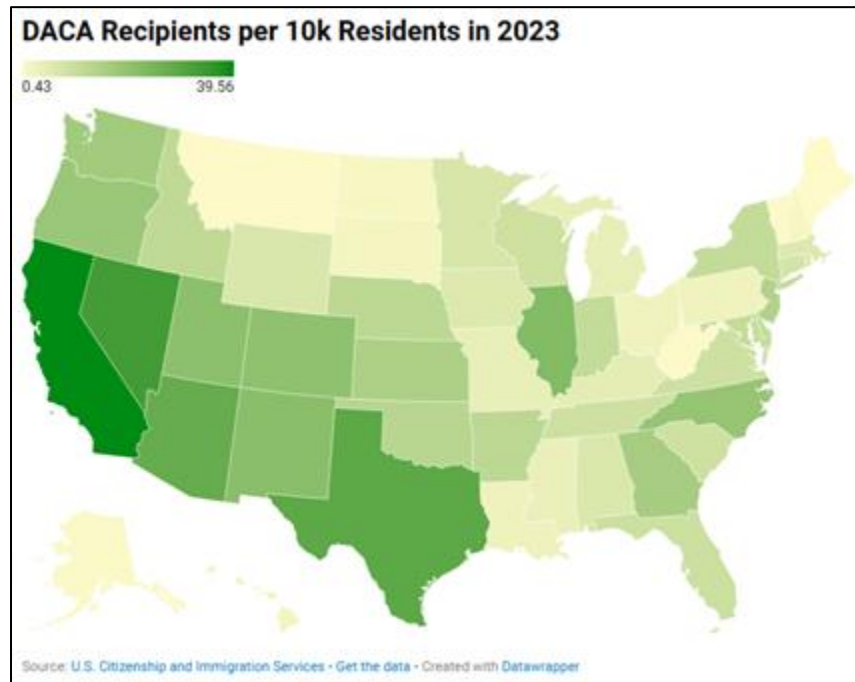
The impact of giving productive immigrants a chance to earn a living is significant. Svajlenka and Wolgin (2020) found that DACA recipients and their households collectively contributed \$5.6 billion in federal taxes and \$3.1 billion in state and local taxes annually, on a national scale. These numbers are in 2018 dollars and were derived from Svajlenka and Wolgin’s analysis of pooled 2016, 2017, and 2018, 1-year American Community Survey microdata (Svajlenka and Wolgin, 2020). After accounting for taxes, DACA recipients and their households possess a combined spending power of \$24 billion, which they reinvest into their communities. Furthermore, DACA recipients own 56,000 homes, paying a total of \$566.9 million in mortgage payments annually. The authors also found that DACA recipients contribute \$2.3 billion in rental payments each year.

In the event of DACA ending, California and Texas, which harbor the highest populations of DACA recipients, would endure the greatest job losses, estimated at 6,000 monthly in California and 5,000 in Texas (FWD.us analysis of 2019 ACS data, 2022). In Texas specifically, this translates to 400 healthcare workers and 300 teachers losing their jobs each month. Among other leading states for DACA recipients, Illinois would witness 1,000 monthly job losses, followed by 800 in both New York and Arizona, 700 each in Florida and North Carolina, 600 in Georgia, and 500 each in Washington and Colorado—significantly impacting DACA recipients’ families and broader communities (FWD.us analysis of 2019 ACS data, 2022). Given the 24-month DACA renewal period, job losses would persist and accumulate over those two years. By the time the last DACA recipient’s work permit expires, the United States would have forfeited more than half a million jobs, resulting in an annual economic loss of up to \$11.7 billion, or roughly \$1 billion monthly, in wages from previously employed DACA recipients (FWD.us analysis of 2019 ACS data, 2022). Given the number of immigrants affected by DACA, any change in status or artificial barriers can affect not just them as individuals but also the local economy and community that benefit from their productivity. In the event of the program ending, recipients and their families would be negatively impacted, along with states and the federal government.

Data and Analysis

As of September 30, 2023, there were 544,690 DACA recipients living in a state or territory of the U.S. (USCIS, 2023). The map in Figure 1 shows the number of DACA recipients per 10,000 residents in each state, with California, Nevada, Texas, Arizona, and Illinois having the highest concentration of DACA recipients. Maine, Vermont, Montana, West Virginia, and Alaska are reported as having the lowest.

Figure 1: Map of DACA Recipient Population by State per 10,000 Residents



To estimate the economic impact of licensing reform for DACA residents, we combined four sources:

1. Information from state legislature websites and the Higher Ed Immigration Portal to determine which states passed legislation to allow DACA recipients to obtain occupational licenses;
2. Information from the U.S. Citizenship and Immigration Services website, which provides an estimate of the number of DACA recipients in each state;
3. A survey of DACA residents in 2022 by Tom Wong, et al. (2023) in which DACA residents were asked whether they had an occupational license, and what their wages were; and
4. The economic literature on wage premiums for workers with occupational licenses. Specifically, we used the work of Kleiner and Krueger (2013) who estimated that licensing an occupation creates a wage premium of about 18%.

We started with the first and second sources for 2022 (where other data were available). Table 1 lists those states that allowed licensure, as well as the DACA population of each state.

Table 1: States That Do and Do Not Allow Licensing for DACA Recipients

States That Allowed Licensure as of 2022	DACA Population	States That Didn't Allow Licensure as of 2022	DACA Population	States That Didn't Allow Licensure as of 2022	DACA Population
Arkansas	4,090	Alabama	3,750	Missouri	2,760
California	168,120	Alaska	70	Montana	80
Colorado	13,080	Arizona	22,360	New Hampshire	250
Illinois	31,230	Connecticut	3,240	North Carolina	22,450
Indiana	8,280	Delaware	1,220	North Dakota	130
Nebraska	2,660	Florida	23,060	Ohio	3,600
Nevada	11,460	Georgia	19,310	Oklahoma	5,750
New Jersey	14,760	Hawaii	350	Pennsylvania	4,150
New Mexico	5,010	Idaho	2,550	Rhode Island	810
New York	24,260	Iowa	2,210	South Carolina	5,320
Oregon	8,610	Kansas	4,920	South Dakota	190
Tennessee	7,120	Kentucky	2,470	Texas	97,140
Total:	298,680	Louisiana	1,550	Utah	7,790
		Maine	60	Vermont	40
		Maryland	7,200	Virginia	8,570
		Massachusetts	4,950	Washington	14,600
		Michigan	4,770	West Virginia	110
		Minnesota	4,640	Wisconsin	450
		Mississippi	1,220	Wyoming	450
				Total	284,540

Using those data points, we estimated that $298,680 / (298,680 + 284,540) = 0.512$ or 51.2% of the DACA population resided in one of the 12 states that allowed DACA recipients to obtain occupational licenses. This means that 48.8% of the DACA population lived in states that did not allow full access to occupational licenses.

According to the survey by Wong, et al. (2023), 13.7% of the 817 DACA respondents said they had a professional license. If that survey represented the DACA population in 2022, then about 13.7% of the 583,220, or 79,901, of the DACA recipients had occupational licenses at that time.

We expected that almost all of the 79,901 respondents were in states that allowed occupational licenses. If that was the case, then $79,901 / 298,680 = 0.2675$ or 26.75% of the DACA recipients would have had a license in those states that allowed it.

Suppose that all states removed their prohibition on occupational licenses for DACA residents. What would the overall impact be? If 26.75% of DACA recipients had an occupational license, then $0.2675 * 583,220 = 156,011$ would have a license. That would be an increase of $156,011 - 79,901 = 76,110$ who would obtain a license.

For a conservative estimate, we will assume that the DACA residents all had jobs before getting a license. Therefore, a licensed job would only be desirable in terms of the wage premium. According to the survey by Wong, et al. (2023), the median wage of DACA recipients was \$60,000. Assuming an 18% wage premium as described by Kleiner and Krueger (2013), the wage premium per person would be $\$60,000 \times 0.18 = \$10,800$. If 76,110 DACA residents would receive that premium, then the economic gain per year of the additional licensed professionals would be $\$10,800 \times 76,110 = \$821,988,000$.

The approximately \$822 million-dollar gain from states removing the prohibition may be lower than the actual impact. Many people may not just gain a wage premium, but also employment from a revision of the rules. The study by Chung (2023) found that such relaxation of the rules increased employment in California. According to his estimates, we could increase our impact number by about 1%.

Political Environment

As summarized in Table 2, in recent years, a number of states have reduced or rolled back DACA-related restrictions to OL. Many of these changes occurred during the pandemic, and most were introduced with eyes on the needs of individual immigrants as well as the states. Across the U.S., however, most legislation remains unchanged and DACA recipients as well as other immigrants face the double burden of needing to prove themselves worthy of employment while simultaneously being unable to obtain licensure in the occupations for which they are most qualified.

Most changes to existing OL laws have been Democrat-sponsored, with a focus on reducing barriers and allowing most, if not all, interested and qualified individuals to obtain an occupational license. Republicans have typically favored “red tape” reductions but have been hesitant regarding issues of immigration, including those related to DACA. Overall, OL reform has received bipartisan support, with both the Obama White House (2015) and the Trump White House (2020) advocating for reform. The political environment around immigration is tense at the moment, but reasonable occupational rules seem to be a win-win for both parties.

Table 2: State Reforms, Justifications, and Political Affiliation(s) of Sponsor(s)

States that Allowed DACA OL as of 2023	Year the Legislation Passed	Reason Given for Legislation	Republican or Democrat Sponsored?
Arkansas	2021	HB 1735. Allowed occupational license with work permit.	Republican
California	2014	SB 1159. Allowed occupational license with Individual taxpayer identification number	Democrat
Colorado	2021	SB21-077. Removed lawful presence verification credentialing.	Democrat
Colorado	2022	HB22-1050. Provided assistance with health care licensing.	Democrat
Delaware	2023	SB 80. Codified that proof of citizenship and/or immigration status was not required on OL applications.	Democrat
Illinois	2015	SB0023. Eliminated requirement that lawyers must be citizens or express intent to become citizens in order to become licensed.	Democrat
Indiana	2018	SB419. Required proof of eligibility to work in the U.S.	Republican
Nebraska	2016	LB947. Introduced for the benefit of DACA residents and the state.	Democrat
Nevada	2015, 2019	A.27 - 2015; AB275 - 2019. Removed reference to U.S. citizenship in licensing applications and allowed for TIN rather than SSN to be used in applications.	Democrat
New Jersey	2020	S2455. Prohibited proof of lawful presence as requisite to obtaining OL.	Democrat
New Mexico	2020	SB137. Eliminated citizenship and immigration status as criteria for OL.	Democrat
New York	2016	Implemented by Board of Regents (not House or Senate) to quickly place workers in jobs.	Unknown
Oregon	2023	SB 849. Designed to address workforce shortages and allow internationally educated persons to lawfully enter the workforce.	Democrat
Tennessee	2022	HB2309, SB2464. Required that a person must be a U.S. citizen or legally allowed to work in the U.S. to get a license.	Democrat

Conclusion and Policy Implications

Some states allow DACA recipients to obtain occupational licenses; most do not. We estimated that the removal of occupational license laws could generate an annual economic benefit of \$822 million in the form of increased wages. This is a conservative estimate because we are ignoring the possible employment effect: removing the license barriers may increase employment for DACA recipients. In the wake of heavy immigration in recent years, our research shows that we benefit from lifting artificial burdens for those coming into this country to work and better themselves and their families. Opening the doors for honest labor will help immigrants as well as U.S. citizens, with many new arrivals filling positions in sectors facing a labor shortage. The literature also suggests that these immigrants will not negatively impact native workers.

While states may not have control over federal immigration law, they do have control over their occupational licensing rules. The results of this research and that of others demonstrate the benefits of removing occupational barriers for immigrants. DACA recipients typically have above-average credentials but are underemployed because of artificial barriers. States can simply pass a law that allows those immigrants to obtain an occupational license.

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