

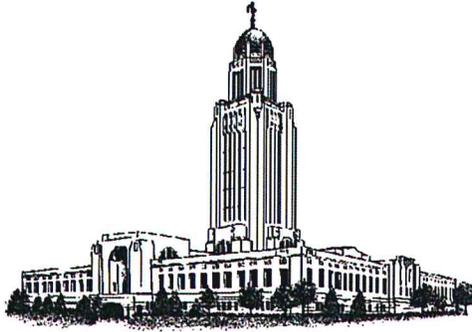
# Nebraska State Legislature

SENATOR HEATH MELLO

District 5

Legislative Address:  
State Capitol  
PO Box 94604  
Lincoln, Nebraska 68509-4604  
(402) 471-2710

5315 B Street  
Omaha, Nebraska 68106  
(402) 612-9569  
hmello@leg.ne.gov



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April 15, 2016

Colleagues,

Thank you for your hard work this legislative session in addressing critical workforce and economic development challenges facing our great state.

One of those challenges facing our state is our ability to stop talented and skilled workers from leaving Nebraska for career opportunities in neighboring states. With the passage of LB 947, Nebraska now joins a number of other states in allowing lawfully present immigrants to apply for professional and commercial licenses. However with the recent misleading statements by Governor Ricketts on this workforce development proposal, I feel compelled to set the record straight with you and the general public.

As I said when introducing LB 947, this proposal is a necessary piece of legislation to address workforce challenges in our state, at a time when the number one priority is finding more workers.

LB 947 does not make any changes to any existing immigration process, which is established at the federal level. This new law applies to persons *who are following the federal rule of law* and have been granted lawful presence by the federal government. LB 947 ensures Nebraskans who already have obtained work-authorization from the federal government are able to obtain professional and commercial licenses to fully contribute their skills and talents to our communities.

I continue to be impressed with those who are in the United States via student visas and other means, including the two gentlemen who spoke at the Governor's press conference. LB 947 changes nothing about how they are treated in their path to citizenship, and there is no "line" that this bill allows anyone to cut to the front of to apply for a license. In fact, the two individuals who obtained nonimmigrant visas, provided they had work authorization, would actually have been eligible to obtain their professional licenses sooner under LB 947 than under current Nebraska law.

Governor Ricketts has asserted that LB 947 would allow "asylum seekers" to obtain professional licenses in Nebraska. What Governor Ricketts doesn't say is that it is only after an asylum seeker has an approved, federal government-issued work authorization permit, that they can then apply for a commercial or professional license provided under LB 947.

To provide more context, before an "asylum seeker" may obtain the required federal government-issued work authorization permit, the asylum seeker must undergo biometric screening, which includes a wide swath of state, national, and international security databases (e.g., U.S. Department of Homeland Security, Department of State, Central Intelligence Agency, Federal Bureau of Investigation, Department of Defense, and National Center for Counter-Terrorism).

Furthermore, in order to even apply for the federal government-issued work authorization permit, 150 days have to have passed after an asylum application has been filed with the United States Citizenship and Immigration Services and the case must remain pending. Only after 180 days have passed is an “asylum applicant” eligible to be granted employment authorization.

Governor Ricketts also has noted his concern for those individuals who may be in Nebraska under “Temporary Protected Status.” As Governor Ricketts correctly states, these are individuals who are fleeing potentially dangerous situations.

Exactly like the “asylum seekers”, individuals who have been granted “temporary protected status” must first obtain an approved, federal government-issued work authorization permit before they can they apply for a commercial or professional license provided under LB 947.

It is also very important to note that the federal government sets expiration dates for work authorization for each “temporary protected status” designated country. Once work authorization has expired, the provisions of LB 947 will no longer allow an individual to receive or renew commercial or professional licensure.

Finally, Governor Ricketts has exclaimed that the provisions of LB 947 cover those individuals living in the United States under the Deferred Action for Parents of Americans (DAPA).

As Governor Ricketts surely knows, DAPA has been enjoined (or suspended) by the federal courts and therefore no individuals are currently able to obtain federal work authorization under this program.

To reiterate the case made during the legislative debate on LB 947, without receiving the approved, federal government-issued work authorization permit; the provisions of LB 947 do not apply to DAPA or any other class of immigrants under the federal REAL ID Act of 2005.

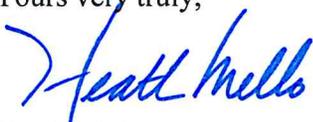
To put it plainly, without being granted both lawful presence, a federal government-issued work authorization permit, and being able to fit within one of a few narrowly defined federal categories, a person would not be eligible to apply for professional or commercial licenses under LB 947.

I sincerely hope this information clarifies the misinformation that was distributed about what LB 947 does and does not do.

With the strong support LB 947 received from the state’s business community, the Nebraska Cattlemen, Omaha Mayor Jean Stothert, the Nebraska Catholic Conference, and others, it is imperative we move past the political rhetoric and focus on keeping skilled and talented people in Nebraska.

If you have any further questions about LB 947 or anything outlined in this letter, please do not hesitate to contact me. Thank you all in advance for your consideration.

Yours very truly,



Heath Mello  
State Senator  
District 5