

1 **2019 Membership Assembly**
2 **Dialogue Forum Topic #2**
3 **Deferred Action for Childhood Arrivals (DACA) Recipients Eligibility**
4 **to take the NCLEX**

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6 **FRIDAY, JUNE 21**
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13 **Overview:** In June 2012, President Obama established the Deferred Action for Childhood
14 Arrivals (DACA) program. This program provides deportation relief for eligible immigrant
15 individuals who came to the United States when they were young children. An estimated
16 800,000 children of undocumented immigrants are DACA recipients. The challenge for nursing
17 students, who are also DACA recipients, is that they may be ineligible to take the NCLEX
18 depending on state board of nursing regulations. The purpose of this Dialogue Forum to
19 consider approaches to allow eligible DACA recipient nursing students to take the NCLEX exams
20 in all 50 states of the United States.
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22 **Background:** DACA recipients are an untapped potential for the nursing workforce and
23 workforce diversity. According to the U.S. Citizenship and Immigration Services (USCIS), there
24 are currently 800,000 DACA recipients in the United States. It is not known what is the number
25 of DACA recipients who are students in undergraduate nursing programs. A recent study by the
26 Association of American Medical Colleges reported that nearly 100 DACA recipients are current
27 medical students providing some insight into the desire of DACA recipients to seek a healthcare
28 career. It is estimated that 55 percent of DACA recipients are employed and 62 percent are not
29 working and are in school. The demographics of DACA recipients reflect strong bilingual skills,
30 racial/ethnic diversity, and typically lower socioeconomic upbringing.
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32 The nursing profession has long focused on the need to increase the diversity of the nursing
33 workforce as an essential strategy to strengthen the cultural and linguistic competence of the
34 profession. The needs of an increasingly diverse U.S. population grow with the changing
35 complexity of the health care system and decreasing access to healthcare. Increasing the
36 diversity of the nursing workforce is a priority for many major organizations such as the
37 Department of Health and Human Services, Health Resources and Services Administration
38 (HRSA), the National Academy of Medicine, and the National Quality Forum. Based on HRSA
39 projections, the estimated supply of Hispanic registered nurses in 2030 will be eight percent,
40 representing a two percent increase from six percent in 2014. However, the demand for
41 Hispanic nurses will grow to 22 percent reflecting a clear deficit of the number of Hispanic
42 nurses in the workforce. An 83 percent growth of Hispanic RNs is needed to meet future
43 demand. The percentage of Hispanic nurses must double to meet the needs of the population.

44 Outcomes associated with a more diverse health workforce include increased patient
45 satisfaction, improved communication, and greater healthcare access.

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47 DACA students have many barriers to their education, including ineligibility for scholarships,
48 student loans, and licensure. For nursing, this includes eligibility barriers to taking NCLEX.
49 Presently, access to take the NCLEX for DACA nursing students is limited by state law, with only
50 eight states allowing DACA students to take the NCLEX. This can have an impact on individuals,
51 families, and communities. It is known that DACA students are aspirational and follow social
52 transitions like U.S. born youth including high school education, employment, and/or college
53 degrees. DACA students face additional barriers such as low socioeconomic status, housing,
54 education, and employment. For the benefit of patients and the profession, it is essential to
55 remove barriers for DACA students who pursue nursing degrees. In many cases, DACA students
56 themselves overcome the barriers, but NCLEX eligibility is a particularly difficult barrier. One
57 very troubling aspect of this problem is the lack of disclosure prior to starting nursing school.
58 Potential DACA recipient applicants may easily mistake the offer of admission to a nursing
59 program to carry over to their eligibility take the licensure exam.

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61 Eight to ten states have addressed the professional licensure issue one way or another by
62 including pathways for DACA students to apply for licensure by permitting DACA students to
63 apply with authorization from USCIS or Individual Taxpayer Identification Number (ITIN).
64 Michigan's approach is through the Michigan State Office of New Americans, who partnered
65 with the nonprofit organization, Upwardly Global, and the Department of Licensing and
66 Regulatory Affairs (LARA) to provide professional licensing guides for up to 44 professions.

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68 Potential challenges and areas of concern:

- 69 1. DACA students are taking seats in nursing programs that could be given to U.S. citizens.
 - 70 a. Each student is admitted with the same requirements and not given preferential
71 admission
- 72 2. DACA students do not speak English well and they need special attention in nursing
73 programs which also makes it difficult for them to pass the NCLEX
 - 74 a. Our focus is on allowing those who have successfully completed a program of
75 nursing to take the NCLEX
- 76 3. How can we get through the barriers of legislation in our states to allow not only nursing
77 but all health care students to be eligible to sit for their licensure exams?
 - 78 a. Partnerships are key. In Nebraska, 2016 CDL (trucking licensure) was passed to
79 allow all professional licensure exams available for DACA recipients. This opened
80 a pathway for nursing students who were also DACA recipients.
- 81 4. What resources can the National Association of Hispanic Nurses (NAHN) provide for to
82 help pass this legislation at a state level?
 - 83 a. NAHN has 44 chapters across the country with members who are willing to assist
- 84 5. How have other health care disciplines dealt with this?
 - 85 a. Medicine tracks medical students and delivers information to the DACA students
86 about the barriers, dentistry, lawyers, and teachers have fought for legislation
87 independently.

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89 **Summary:** Whether DACA students can take the NCLEX is determined on a state-by-state basis.
90 The limitation is based on citizenship status and state board of nursing rules. Standardizing the
91 ability for all DACA recipient nursing students to take the NCLEX is a matter of social justice and
92 can advance nursing's goal toward a more diverse workforce. The goal is to create a consistent
93 approach across all state boards of nursing that allows DACA nursing students to take the
94 NCLEX.

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96 **Recommendations:**

- 97 1. Advocate for state legislation that will open eligibility requirements to allow DACA
98 nursing students to take NCLEX in all states without barriers.
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- 100 2. If a DACA recipient nursing student is not eligible to take the NCLEX in a state, the
101 nursing education programs in that state should be required disclose this information to
102 all DACA recipient students.

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