



**Secretary of State  
Office of Professional Regulation**

**Occupational Regulation and Migrant Professionals in Vermont:  
Reducing Barriers for Qualified Immigrants**



**In accordance with Act 114 (2018), Sec. 10:**

*The Director of the Office of Professional Regulation, in consultation with the State Refugee Coordinator, shall examine means of reducing unnecessary barriers to professional licensure for qualified immigrants to Vermont from foreign countries. On or before January 15, 2019, the Director shall submit to the House and Senate Committees on Government Operations a report of his or her findings and any recommendations for legislative action.*

**Submitted to the House and Senate Committees on Government Operations**

**January, 2019**

*This report finds that Vermont is comparatively free of gratuitous citizenship requirements and English-proficiency mandates that commonly obstruct immigrant access to the professional licensure, yet Vermont's professional-licensing programs remain frustratingly binary, often blinding regulators to the substantial professional training of new Americans for want of perfect alignment with standards designed around the idiosyncrasies of United States preparatory systems. Recommended reforms include leveraging apprenticeship as an alternative path to licensure or credential supplementation, policing requirements imposed by third-party intermediaries such as test providers, empowering licensing authorities to issue limited and conditional licenses to facilitate the completion of required practical experience, and developing bridge programs through which substantially qualified immigrants can harmonize foreign training with State requirements while working in partnership with licensed mentors.*

## Introduction

Immigrants to the United States often struggle to make full use of professional skills developed and recognized in their countries of origin. This issue stems from the lack of equivalent foreign education competency standards. In other words, occupational regulatory agencies often lack means to reliably assess the qualifications of foreign-educated professionals. Consequently, immigrant professionals are frequently *underemployed*, i.e., stranded in occupations and roles which do not call upon valuable professional knowledge and technical skills already in their possession. Immigrants prevented by occupational and professional licensing requirements from engaging in the professions for which they trained may represent a significant untapped source of professional talent. And uncertainty about eligibility for licensure may deter talented immigrants from settling in Vermont with confidence that they will be able to fulfill their full potential.

Nationally, immigrants make up 13.5% of the population and 17% of the workforce.<sup>1</sup> Not only are immigrants more likely to be working age than native born citizens, but immigrants comprise a disproportionate number of science, technology, engineering, and math (STEM) workers. For example, in the health care professions 40% of medical scientists, 28% of physicians and surgeons, and 15% of all registered nurses, are foreign-born.<sup>2</sup>

However, there are as many as 2 million immigrants in the United States who are underemployed. This results in a loss of \$40 billion in potential income and \$10 billion in federal, state, and local tax revenue.<sup>3</sup> The barriers to professional licensure for foreign educated individuals include but are not limited to a lack of US work experience (a common licensure requirement), a lack of recognition for foreign work experience, and a lack of recognition for foreign credentials.<sup>4</sup>

The purpose of this report is to examine means of reducing unnecessary barriers to professional licensure for qualified immigrants to Vermont from foreign countries. We attempt to identify legislatively-actionable recommendations to increase foreign-educated professionals' access to regulated professions in Vermont. Based on the experience of the Office of Professional Regulation, in consultation with the State Refugee Coordinator, we identify broad principles through which to ensure that ongoing licensing reform efforts, which to date have focused on

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<sup>1</sup> Szilvia Altorjai and Jeanne Batalova, "Immigrant Health-Care Workers in the United States" (Washington, D.C.: Migration Policy Institute, June 28, 2017) <https://www.migrationpolicy.org/article/immigrant-health-care-workers-united-states>

<sup>2</sup> *Id.*

<sup>3</sup> Madaleine Sumption, Tackling Brain Waste: Strategies to Improve the Recognition of Immigrants Foreign Qualifications (Washington, D.C.: Migration Policy Institute, 2013), <https://www.migrationpolicy.org/research/tackling-brain-wastestrategies-improve-recognition-immigrants-foreign-qualifications>

<sup>4</sup> Amanda Bergson-Shilcock and James Witte, Steps to Success: Integrating Immigrant Professionals in the U.S. (New York City, New York: World Education Services, IMPRINT, 2015) [imprintproject.org/stepstosuccess](http://imprintproject.org/stepstosuccess)

interstate mobility and access to persons of limited means, also consider the deeper challenge of international mobility.

## History

State licensing law is but one input into the complex challenges confronting immigrants seeking to bring their professional skills to bear in an unfamiliar labor market with unfamiliar regulatory systems. A broad look at Vermont's regulatory posture vis-à-vis immigrant professionals shows much to be proud of and yet ample room to improve.

Historically, Vermont has been the beneficiary of uncommonly clear legislative policy on occupational and professional licensing—codified at Title 26, chapter 57 since 1977—which decisively favors openness, inclusion, and marketplace competition:

*It is the policy of the State of Vermont that regulation be imposed upon a profession or occupation solely for the purpose of protecting the public. The General Assembly believes that all individuals should be permitted to enter into a profession or occupation unless there is a demonstrated need for the State to protect the interests of the public by restricting entry into the profession or occupation ... If such a need is identified, the form of regulation adopted by the State shall be the least restrictive form of regulation necessary to protect the public interest. If regulation is imposed, the profession or occupation may be subject to review by the Office of Professional Regulation and the General Assembly to ensure the continuing need for and appropriateness of such regulation.*  
--26 V.S.A. § 3101.

Fidelity to these principles for more than a generation has served the State well, resulting in comparatively more reasonable, rational, and restrained occupational licensing in Vermont than in less fortunate states. Whether or not immigrants were a conscious focus of the authors of chapter 57, immigrants seeking to integrate their skills into Vermont's workforce have been a subset of the chapter's many beneficiaries.

But nationally, and to some degree still in Vermont, professional and occupational licensing has remained fertile ground for restrictive professional fiefdoms. By 2011, Vermont's Secretary of State, Governor, and legislative leaders recognized the need to streamline occupational licensing and began a patient, multi-pronged, tri-partisan effort to make the State more open to incoming professional licensees, as well as to young people entering the professional workforce.

Those efforts got a significant boost from two federal-level events in 2015. First, the United States Supreme court struck a major blow against self-interested licensing restrictions by stripping boards of market participants of state-action immunity when their actions are not actively supervised by the State and consistent with clearly-articulated State policy.<sup>5</sup> Second, just months after the Supreme Court's landmark decision on licensing, the Obama White House's Council of Economic

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<sup>5</sup> *N. Carolina State Bd. of Dental Examiners v. F.T.C.*, 135 S. Ct. 1101, 1104, 191 L. Ed. 2d 35 (2015). Available at [https://www.supremecourt.gov/opinions/14pdf/13-534\\_19m2.pdf](https://www.supremecourt.gov/opinions/14pdf/13-534_19m2.pdf).

Advisers published a white paper aggressively challenging the wisdom of decades of unchecked growth in restrictive licensing policies.<sup>6</sup> Said the authors in summary:

*There is evidence that licensing requirements raise the price of goods and services, restrict employment opportunities, and make it more difficult for workers to take their skills across State lines. Too often, policymakers do not carefully weigh these costs and benefits when making decisions about whether or how to regulate a profession through licensing. In some cases, alternative forms of occupational regulation, such as State certification, may offer a better balance between consumer protections and flexibility for workers.<sup>7</sup>*

Section 10 of Act 114 (2018), the Vermont legislation that called for this report, represents a rational next step in licensing reform, challenging us to examine critically the effects of licensing restrictions not only upon mobility and opportunity across State lines, but also across national borders. As the State confronts demographic and economic challenges arising from rural depopulation and an aging and shrinking workforce, the liberty interest of people to fulfill their human potential by plying their trades for the benefit of those who wish to engage them converges with an economic imperative to make Vermont as welcoming as possible to talented immigrants and the skills they bring to Vermont with them. Licensing policy is a special forum in which the goals of social justice and economic development ride the same track, in the same direction.

### **Vermont Immigrant Demographics**

In 2016, over 28,000 Vermont residents, or roughly 4% of the State population, were born abroad.<sup>8</sup> Over half of all immigrants in Vermont are naturalized citizens, and nearly 41,000 Vermonters are native born citizens with at least one foreign-born parent.<sup>9</sup> Approximately 59% of all immigrants to Vermont are female, and 7% of all Vermont's immigrants are children.<sup>10</sup>

Canada is the largest single contributor of immigrants to Vermont (20%). Leading regional sources of immigrants to Vermont are Europe (29.7%), Asia (29.4%), Africa (10.3%) and Latin America (9.4%).<sup>11</sup>

Immigrants in Vermont are nearly 10% more likely to be working age, 14% more likely to work, and 56% more likely to have a graduate degree, than native born residents.<sup>12</sup> Vermont foreign-born residents comprise 6% of STEM positions despite only representing 3.9% of the State population.<sup>13</sup> Similarly, immigrants also represent a disproportionate number of workers in

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<sup>6</sup> *Occupational Licensing: A Framework for Policymakers*, July 2015; Department of the Treasury Office of Economic Policy, Council of Economic Advisers, and Department of Labor; available at [https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing\\_report\\_final\\_nonembargo.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf).

<sup>7</sup> *Id.*, p. 3.

<sup>8</sup> Migration Policy Institute, Vermont State Demographic Data: <https://www.migrationpolicy.org/data/state-profiles/state/demographics/VT>

<sup>9</sup> American Immigration Council “Immigrants in Vermont” [Analysis of data from the 2016 Current Population Survey by the American Immigration Council, using IPUMS-CPS. Sarah Flood, Miriam King, Steven Ruggles, and J. Robert Warren, Integrated Public Use Microdata Series, Current Population Survey: Version 5.0 [dataset] (Minneapolis, MN: University of Minnesota, 2017)].

<sup>10</sup> *Ibid.*

<sup>11</sup> Migration Policy Institute, Vermont State Demographic Data. Accessed 12/31/2018: <https://www.migrationpolicy.org/data/state-profiles/state/demographics/VT>

<sup>12</sup> The Contributions of New Americans in Vermont. *New American Economy*. August, 2016: 6-7.

<sup>13</sup> *Ibid.* 12.

industries such as agriculture, manufacturing, retail, healthcare/social assistance, hospitality, and dining.<sup>14</sup>

In 2014 the majority of Vermont H-1B Visas were granted to computer systems analysts, software developers, and accountants/auditors.<sup>15</sup>

## **Professional Regulation in Vermont**

In Vermont, most occupational and professional licensing programs are administered by the Office of Professional Regulation (OPR), a division of the Office of the Secretary of State. OPR was created by the General Assembly to establish an umbrella regulatory structure, unifying administrative and adjudicative processes applicable to almost fifty diverse regulatory programs—from accountancy, to dentistry, to engineering, to nursing, to wastewater system designers.<sup>16</sup>

OPR is not the State’s exclusive licensing authority. The Department of Public Safety licenses tradespeople such as electricians and plumbers, as well as professionals in safety-sensitive areas such as elevator and chimney work. The Agency of Education licenses teachers and school administrators. The Board of Medical Practice within the Vermont Department of Health is responsible for licensing medical doctors, podiatrists, physician assistants, and anesthesia assistants. The Department for Children and Families licenses child-care providers. Readers interested in a more detailed overview of occupational and professional regulation in Vermont should consult the 310-page Professional Regulation Report submitted to the General Assembly in January 2017.<sup>17</sup>

Our direct insight into immigrants within the licensing base is poor. Few or no Vermont licensing authorities collect national-origin or immigration data with license applications, and the attempt of it, however benign in intent, likely would meet with justified opposition.

OPR’s umbrella structure offers unique opportunities to perceive and to correct undue barriers to entry into the marketplace for professional services. Individual, profession-specific chapters are contained within Title 26. These are fitted into administrative and legal premises of general application set out in Title 3. Consequently, goals applicable across professional categories, such as improving access to professional licensure for immigrants or service members, often can be advanced with discrete amendments to Title 3, the effects of which are distributed across almost fifty individual chapters of Title 26 without necessarily disturbing the text of each.

Recent regulatory legislation has endeavored to improve access for foreign-trained professionals. For example, the dental profession was, until 2017, open only to graduates of dental colleges accredited by the American Dental Association. With 2017, No. 144 (Adj. Sess.), § 14, the General Assembly opened Vermont to graduates of “a program of foreign dental training and a postgraduate program accredited by the [ADA].” By entrusting known specialty programs to screen their own students on admission for general dentistry knowledge, the measure dramatically

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<sup>14</sup> Migration Policy Institute, Vermont State Workforce Data. Accessed 12/31/2018: <https://www.migrationpolicy.org/data/state-profiles/state/workforce/VT>

<sup>15</sup> The Contributions of New Americans in Vermont. *New American Economy*. August, 2016: 18.

<sup>16</sup> A list of OPR regulatory programs can be found at [www.sec.state.vt.us/professional-regulation/list-of-professions](http://www.sec.state.vt.us/professional-regulation/list-of-professions).

<sup>17</sup> Available at <https://legislature.vermont.gov/assets/Legislative-Reports/ACT-156-Professional-Regulation-Survey-archive.pdf>.

improves Vermont’s attractiveness to needed dental specialists who obtained their primary training outside the United States. Section 18 of the same Act facilitated licensure by endorsement of nurses licensed in another state, regardless of where they completed their primary nursing training.

## **Immigrant-Professional Legislation in Other States**

Given that occupational regulation varies by both State and profession, there is no simple universal approach to increasing immigrant access to licensure. A brief survey of active legislation on point in other states reveals efforts consistent with the recommendations in this report. Common themes include striking citizenship requirements and promoting means of transitional licensing for individuals with non-conforming foreign training:

### Language Barriers:

- CA SB.315 (2018) – Requires the California Massage Therapy Council to offer and make available all publicly available written and electronic materials provided to certificate holders and applicants, in languages other than English that the council determines will be used by a substantial number of non-English speakers in contact with the council.<sup>18</sup>

### Access for Non-citizens:

- CA SB.1159 (2014) – Prohibits any entity within the department from denying licensure to an applicant based on his or her citizenship status or immigration status (except as specified within the bill).<sup>19</sup>
- IL SB.23 (2015) No person can be prohibited from an attorney’s license because of their citizen status.<sup>20</sup> Similar laws in IN,<sup>21</sup> NE,<sup>22</sup> WY.<sup>23</sup>
- IL SB.3109 (2018) Allows any applicant for professional licensure to use their individual tax payer identification number in place of their SSN. Provides that no applicant shall be denied a license solely based on his or her immigration status or citizenship status.<sup>24</sup>
- IL HB.5927 (2018) Amends the Illinois Plumbing License Law. Removes language providing that an applicant for a plumber's license shall provide evidence indicating that he or she is a citizen of the United States or has declared his or her intention to become a citizen. Effective immediately.<sup>25</sup>
- MS - HB.708 (2018) Allows foreign educated counselors to be licensed if they meet education/exam and work authorization requirements.<sup>26</sup>

### Use of Competency Exams:

- MO - SB.716 & 754 (2014) Establishes an “assistant physician” credential for individuals who have passed the US Medical Licensing Examination but have not yet completed the post-graduate residency.<sup>27</sup>

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<sup>18</sup> [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB315](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB315) (accessed 01/08/2019)

<sup>19</sup> [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB1159](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1159) (accessed 01/08/2019)

<sup>20</sup> <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0419> (accessed 01/08/2019)

<sup>21</sup> <http://iga.in.gov/legislative/2018/bills/senate/419> (accessed 01/08/2019)

<sup>22</sup> [https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=28651](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=28651) (accessed 01/08/2019)

<sup>23</sup> <https://www.wyoleg.gov/2015/Enroll/HB0214.pdf> (accessed 01/08/2019)

<sup>24</sup> <https://legiscan.com/IL/text/SB3109/2017> (accessed 01/08/2019)

<sup>25</sup> <https://legiscan.com/IL/bill/HB5927/2017> (accessed 01/08/2019)

<sup>26</sup> <https://legiscan.com/MS/bill/HB708/2018> (accessed 01/08/2019)

<sup>27</sup> <https://pr.mo.gov/assistantphysicians.asp> (accessed 01/08/2019)

- UT – SB.131 (2015) Occupational therapist/assistant with foreign education that is not substantially equal may still be granted a license if they pass the applicable exam.<sup>28</sup>

#### Use of Transitional Practice:

- GA HB.956 (2018) allows foreign trained veterinarians to work under the supervision of a licensed veterinarian if the individual is in the process of obtaining appropriate certifications.<sup>29</sup>

#### Departure from Domestic-degree Requirements:

- SD - HB.1045 (2015) allows any foreign trained or other graduate from a dental program not accredited by the American Dental Association to apply for a dentist license. South Dakota board of dentistry must establish if education meets equivalent standards.

### **Recommendations for Vermont**

We make the following recommendations to reduce unnecessary barriers to professional licensure for immigrants to Vermont:

#### Attend to Canada.

When we think of immigrants, we tend to imagine newcomers from a distant place. That tendency can mislead: Canada is the single largest contributor of immigrants to Vermont. Canada also has a well-deserved reputation for excellent educational systems, sound regulatory policy, and openness to the outside world—the latter characteristic making Canada not only a source of domestic Canadian talent, but also a conduit for immigrant professionals born outside North America. To the extent there is low-hanging fruit in the effort to make Vermont more welcoming to immigrant professionals, Canada is the tree under which to stand, and Vermont is geographically underneath it.

We recommend that the Legislature direct the Office of Professional Regulation and the Agency of Education to identify direct license equivalents to credentials issued by Canadian federal and provincial licensing bodies. This will not be possible in all fields, but it is possible in many, and to date, we are not aware that it has been attempted.

To the extent Vermont can develop no-questions-asked license equivalents to Canadian credentials, the State can achieve substantial competitive advantage among states seeking to attract qualified immigrant professionals. Where a Canadian credential may require supplementation to match Vermont licensing criteria, we can and should provide a clear bridge-to-licensure program to match.

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<sup>28</sup> <https://le.utah.gov/~2015/bills/static/SB0131.html> (accessed 01/08/2019)

<sup>29</sup> <http://www.legis.ga.gov/Legislation/20172018/173935.pdf> (accessed 01/08/2019)

Remember that smart immigrant licensing policy begins with smart licensing policy.

Consistent with chapter 57 of Title 26, we encourage the General Assembly to remember that occupational and professional licensing is inherently coercive and should therefore be employed only where justified by a genuine need to protect the public health, safety, and welfare from harms arising from unregulated practice. The decision to require a license represents an assertion by the State that, though A wishes to perform a professional service, and though B wishes to hire A to perform that service, the State knows better: the transaction both parties desire will be illegal until and unless A obtains a permission slip from the government. In some cases, that coercion is justified. But in too many cases, licensing is popular with the licensed because it restricts competition and advantages incumbents.

A massage therapist with years of practice in Montreal or Manilla may come to Montpelier and open up shop without ever seeing, hearing from, or paying a penny to a Vermont licensing authority. This is not because Vermont runs a special, fast-track system to license immigrant massage therapists, but because the General Assembly had the wisdom not to regulate massage therapy, a profession where far more injury claims against insurance arise from slips in the parking lot than malpractice on the table. In other words, the best thing Vermont can do to avoid placing unnecessary barriers in the way of immigrant professionals specifically is to refrain from placing unnecessary barriers in the way of professionals generally. We will never have to *reform* that which never formed.

Avoid arbitrary citizenship requirements.

Unlike the laws of some other states, Vermont licensing laws and regulations generally do not condition eligibility upon citizenship. In fact, the word *citizen* appears as a credential prerequisite at only one location in Title 26: An applicant for a notarial commission must “be a citizen or permanent legal resident of the United States.” 26 V.S.A. § 5341(b)(2). The requirement finds some rational basis in the need to ensure notaries and the records they keep remain in the territory years into the future. And few or no people in Vermont derive their primary means of livelihood from the professional performance of notarial acts. A review of the Code of Vermont Rules reveals that agencies have followed the Legislature’s lead in judicious avoidance of the citizenship requirements for licensure.

Oddly, United States citizenship is expressly required of members of the Board of Nursing and the Standards Board for Professional Educators. *See*, 26 V.S.A. § 1573(c) & 16 V.S.A. § 1693(b)(1). Those board-membership restrictions seem hard to justify, and they probably should be done without, but neither can be said to substantially impede immigrant entry into the professions. In respect to citizenship requirements for licensure, Vermont appears to be in a good place, and we recommend only that policymakers keep it that way.

Establish uniform credential-verification procedures.

Licensing laws and regulations tend to rely upon known, domestic academic credentials. The practice is necessary and makes sense: we know what the Council on Social Work Education is and what it requires, and we know nothing of the sort about social-work programs in Europe or

Asia. We should ensure that the text of our laws and regulations are clear and consistent, yet flexible enough to recognize the world beyond our national borders. In so many cases, addition of the words “or a substantially equivalent program” would untie the hands of regulators to examine the substantive preparation of an applicant.

Some licensing authorities, like the Board of Nursing, expressly incorporate credential-verification procedures in their licensing rules. But most do not. We recommend that the General Assembly, in consultation with the Office of Professional Regulation, leverage the Office’s umbrella regulatory structure to deploy a uniform, Title 3 statute on the use of credential verification services and the legal effects of an assignment of equivalence.

#### Question English-language proficiency requirements.

We should apply chapter-57 principles strictly to demand that any English-proficiency requirement be justified by a need to protect the public health, safety, and welfare. Licensing, which is meant to stand as official verification that an individual possesses the training, education, and experience to perform an important professional role competently, is in many cases a peculiar stage at which to assess language proficiency. After all, each licensee, before ever commencing work, presumably will encounter an interviewer or potential client who is quite capable of determining without governmental assistance whether the two can communicate well enough to get along.

Even in the health sciences, where failures of communication can have grave consequences, employers, peers, and patients are in a superior position to the State in terms of assessing the relative costs and benefits of proficiency in English versus proficiency in another language. The “other” language could be the one most used by the population served by an immigrant professional. A Spanish-proficient nurse, working with a Spanish-speaking patient population, could be considerably safer in some contexts than a peer fluent only in English. We find express English-proficiency requirements for medical doctors, physical therapists, and practical nurses educated in a language other than English. *See* 26 V.S.A. §§ 1391(a), 2101(a)(3), & 1627(4). As with citizenship requirements, Vermont appears to be in a reasonable posture relative to English-language requirements. We see little need for statutory reform in this area, but risks remain that delegates may impose language requirements State actors do not intend, about which more below.

#### Scrutinize third-party examination providers and other intermediaries.

The State rarely promulgates its own examinations for occupational and professional licensing. Our law may call upon the Director of Professional Regulation or a regulatory board to “examine applicants for licensure,” but nothing so literal happens in practice; instead, the Director or board identifies a non-governmental exam provider and announces that the provider’s exam will be the exam recognized as satisfying requirements for a particular license. This is very efficient, and in a State of our size, it is often a practical and psychometric necessity. But reliance on a third-party exam provider—often one affiliated with a professional association—places that provider in a gatekeeping role that can be exploited to cram down requirements the State never intended

and may not understand are being applied, and many operate to the detriment of immigrant professionals.

OPR recently discovered that the provider on which it relied for cosmetology examination refused to translate its exam, refused to allow a translator in the exam room, and zealously enforced an English-only requirement in respect even to the labels on cosmetic products and devices used by examinees. This meant the provider, not the State, decided that English-language proficiency was prerequisite to licensure as a cosmetologist. The provider explained its rule as necessary to protect the public, but the explanation takes nothing. In a forced choice between hair-dye instructions your stylist can understand and hair-dye instructions you can understand while caped and sitting in a chair, go with the bottle the stylist can read.

To be sure, there exist some professional roles in which English-language proficiency is a legitimate and necessary criterion for licensure. The State should decide which those are. Too often, we are delegating the decision to non-governmental actors. This observation is by no means limited to language requirements—we mention those again under this heading because they fall hard on immigrants. Licensing authorities should review *all* substantive requirements imposed by third-party exam administrators and intermediaries, to ensure those requirements are necessary and consistent with State law and policy.

#### Leverage apprenticeship.

Apprenticeship is an underappreciated solution to many of the challenges confronting immigrant professionals. With the aggressive growth of graduate education and attendant credential inflation secondary to federal student-loan guarantees, many paths to professional licensure through apprenticeship fell into disuse. They should be revived, and many are being revived. In barbering, cosmetology, esthetics, manicuring, funeral service, and opticianry, OPR has received legislative authorization to expand and modernize apprenticeship and is undertaking significant rulemaking and apprenticeship program development, with support from a United States Department of Labor grant.

For an immigrant with substantial foreign training that doesn't quite fit, apprenticeship can be a godsend, offering flexibility that meets the apprentice where he is, with time-to-completion determined by demonstration of competency rather than fixed supervised-practice hours. A well-structured apprenticeship can offer the benefits of formal education and practical training together. An immigrant with substantial in-field training in his country of origin should be able to race through one, demonstrating skills he already attained in his country of origin, and giving necessary assurances to regulators who may not be able to obtain or understand his foreign educational credentials. To such an immigrant, apprenticeship stands more as an extended exam than *de novo* schooling. An immigrant with marginal in-field training, on the other hand, may find that apprenticeship serves a schooling function that offers a degree of peer-to-peer networking and social integration rarely available in a formal graduate or professional program. We recommend that the General Assembly preserve and expand apprenticeship as a path to licensure wherever possible, while zealously guarding against unjustified formalization efforts of which the academy and professional societies can be too fond.

### Establish uniform translation procedures.

The Vermont judiciary and Agency of Human Services are subject to clear procedures for the provision of translated documents and live translation for non-English speakers. The licensing apparatus has not kept pace. The General Assembly should consider means of making language-line interpreters available to facilitate interactions with licensing authorities.

### Invest in clear public communications.

For a state seeking to become more welcoming to immigrants, perception is reality. Our hard work making Vermont a viable home for professionals from elsewhere means nothing if it goes unnoticed by its intended beneficiaries.

The requirements bearing on a single professional credential often are derived from multiple statutory chapters and administrative rules. The umbrella structure praised at the beginning of this report necessarily has a dark side: some licensing rules are in Title 3; they modify others in Title 26; and those are fleshed out in the Code of Vermont Rules. We can and should make the three-stop trip as reader-friendly as possible, but aspirations for a world of plain language have their limits. Lawyers and legislators use complex language for a reason: it covers contingencies and avoids repetition. Use caution telling them to stop. Instead, we should look outside the laws and regulations themselves and endeavor to work with community groups and experts in public communication to ensure that we summarize concisely the requirements that matter the most, to the most applicants, most of the time, and then we should post those summaries in a location that is easy to find. Usually, that location will be the website of the relevant licensing authority.

Finally, the General Assembly and administrative agencies should foster closer relationships with immigrant community organizations. Consultation with the State Refugee Coordinator reminds us that *de jure* barriers are not the only barriers to immigrant participation in the professional workforce. Social trust and confidence in dealing with Vermont institutions is vital. Licensing authorities can make internships and bridge programs available, but they cannot reach out into the world to match interns with mentors and supervisors. To make these regulatory reforms work, we must improve outreach to and between organizations, community networks, employing institutions, and work sites.

### Authorize non-disciplinary conditional, limited, or transitional licensing.

Immigrants to Vermont may come from anywhere in the world. Although we have suggested above that Canada may be a special case where the establishment of direct licensing equivalences is both possible and advisable, Vermont licensing authorities cannot possibly survey all professional credentials on earth for Vermont equivalents. Inevitably, we will be confronted by the immigrant professional about whom we know much—i.e., that he or she has substantial training in a field licensed here—but not enough to establish preparation for full licensure. When this occurs, licensing can be clumsily binary: we can issue a license to be a dentist free-and-clear, or we can withhold the license and permit the applicant to do nothing in the field. There is no established mechanism to deal with the applicant who has much but not enough.

The solution is to empower program executives and boards to prescribe bridge programs that bring training outside the jurisdiction into alignment with Vermont licensing requirements. We might not be comfortable with the training of an immigrant nurse based upon what is available from the non-existent registrar in the war-torn country from which he hails, but if we can introduce the nurse to Vermont practice under supervision, and then authorize him to take the national exam required of all registered nurses, we can accrue proxies from which competence may be assured and a standard license responsibly issued. We recommend that the enumerated powers and duties of the Director of Professional Regulation and other permanent State officials who oversee occupational and professional licensing programs be amended to achieve this end.

## **Conclusion**

We can improve access to Vermont's licensed workforce while still enforcing fair, consistent, restrained, and public-safety-driven professional-licensing standards. To do so, we must develop paths to professional licensure that do not rely exclusively upon completion of domestic training. Historically, license qualification for immigrants has been an all-or-nothing proposition, where the substantial training of an immigrant may be invisible to the eyes of the licensing law for want of perfect alignment with standards developed around United States training models. We can do better by codifying standards for credential verification and saying what legal effect an assignment of equivalence has; by using apprenticeship as an alternative or as a supplement to incomplete or unverifiable foreign training; and by empowering licensing authorities to transition substantially-but-incompletely-qualified aspirants to professional licensure into the workforce with limited licenses.