

## Professional / Occupational Licensing & Business Registration Requirements for Undocumented Immigrants

### **Important Disclaimers:**

- *This information is based on outreach to the state's specific licensing boards from April to July 2023 and is subject to change. To get up to date information on licensure application requirements, individuals should verify this information with the licensing board.*
- *This information does not constitute legal advice. For individualized legal advice, consult with an attorney.*
- *If you qualify for professional licensure (refer to chart on page 2) and do not have work authorization, you cannot work as an employee. You may be able to use your license as an independent contractor or business owner.*
- *Federal law prohibits states from issuing professional licenses to immigrants who are not lawfully present in the U.S. unless the state passes a law expressly providing eligibility for professional licensure. You can check the law for your state at this link: <https://www.higheredimmigrationportal.org/states>*

## Licensure Checklist

### **Before relying on the below information, take these steps:**

1. Contact the state licensing board and ask for the latest guidance on whether the following are needed to obtain licensure:
  - a. Lawful status, a social security number (SSN), and/or individual taxpayer identification number (ITIN).
  - b. Clinical hours that require lawful status, an SSN, and/or ITIN.
  - c. A background/fingerprint check that requires lawful status, an SSN, and/or ITIN. *Note: the board will likely not know this information and direct you to a separate agency or third party vendor that manages this process.*
2. If you do not have an SSN or ITIN, learn how to apply for an ITIN via TheDream.US' ITIN website at [thedream.us/itin](https://thedream.us/itin). An ITIN may allow you to apply for licensure (refer to chart on page 2).

## Kentucky Professional License Requirements

Professional License	Available with SSN & Lawful Presence*	Available with ITIN	Available without SSN or ITIN
Nurse	Yes	Unknown	Unknown
Physician's Assistant	Unknown	Unknown	Unknown
Counselor	Unknown	Unknown	Unknown
Psychologist	Yes	No	No
Medical/Clinical Lab Technician	Yes (not regulated by state)	Yes (not regulated by state)	Yes (not regulated by state)
Dentist / Hygienist	Yes	Yes	Yes
Educator	Yes	No	No
Attorney	Unknown	Unknown	Unknown
Accountant	Yes, with proof residing legally in U.S.	No	No
Social Worker	Yes	No	No
Professional Engineer	Yes	No	No

\*For purposes of this guide, lawful presence is defined under [8 CFR § 1.3](#), which includes DACA and TPS holders.

## Business Registration Requirements

### In all U.S. states:

- Legal Structure: Individuals with an SSN or ITIN can:
  - (1) legally register a business (i.e., LLC, corporation, partnership) in any state; or
  - (2) operate as a sole proprietor without registering their business
- Federal Taxes: All sole proprietors and businesses must pay taxes on business income to the federal government through the U.S. Internal Revenue Service (IRS) with an SSN, ITIN, or EIN. Note: To get an EIN, you must have an SSN or an ITIN.
- State Taxes: Most states, **including Kentucky**, require individuals and corporations to pay state taxes on business income.
  - Note: Most states accept an SSN, ITIN, or EIN to register for state business taxes. A select few, however, require SSNs to register for state business taxes. The state of **Kentucky** does not require SSNs to register for state business taxes.

### To register for Kentucky state business taxes, business owners:

- **Who do not have an SSN** can submit an ITIN to register as the Responsible Party for a sole proprietorship or registered business (i.e., LLC, corporation, partnership)
- **Who have a registered business** (i.e., LLC, corporation, partnership) can register without an EIN by filling out the paper application (10A100) and sending it to [DOR.Registration@ky.gov](mailto:DOR.Registration@ky.gov).