



Policy Name	Foreign applicants and social security numbers		Policy Number	76-90.03
Section Title	Policy Implementation	Section Number	76-90	Former Policy No. 76-33
Approval Authority	Agency Director		Effective Date	5/2/2017
Responsible Executive	Chief Deputy Director		Revised Date	4/26/2017
Responsible Office	Director's Office		Last Reviewed	4/26/2017
Responsible Reviewer	Yeatts, Elaine			

Purpose:

The purpose of this Policy is to provide guidance on the processing of applications from foreign applicants who do not possess a permanent social security number or control number issued by the Virginia Department of Motor Vehicles.

Policy:

This policy addresses implementation of provisions in § 54.1-116 of the Code of Virginia relating to social security or control numbers and the authority for a board to issue a temporary license or authorization to practice.

Authority:

§ 54.1-116. Applicants to include social security numbers, or other identifying number; exemption.

A. Every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth pursuant to this title, and every applicant for renewal thereof, shall provide on the application either his social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. An initial application or renewal application which does not include either identifying number shall not be considered or acted upon by the issuing entity, and no refund of any fees paid with the application shall be granted.

B. Notwithstanding the provisions of subsection A, a health regulatory board of the Department of Health Professions may issue a temporary license or authorization to practice, effective for not longer than 90 days, to an otherwise qualified applicant for a license, certificate or registration who is a foreign national and

Procedures:



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A. Certain foreign applicants for licensure, certification or registration by the health regulatory boards encounter obstacles in the effort to obtain work visas, social security numbers, and the authorization required to pursue their professions in Virginia. An applicant reportedly cannot obtain a work authorization from the Immigration and Naturalization Service (INS) unless the applicant has a license, registration or certification to practice his/her profession.

B. Va Code § 54.1-116 requires an applicant for license, registration or certification by a health regulatory board to provide a social security number (or a control number issued by the Department of Motor Vehicles) on his/her application. Even the legislation passed in 2002 Session of the General Assembly that allows certain Canadian nurses to be licensed as Registered Nurses by endorsement requires a “proper application” to the Board, which is interpreted as requiring a social security number. *Va. Code § 54.1-3001(4)*.

C. The Social Security Administration, however, requires a foreign applicant for a social security number to have a work permit before it will issue a social security number.

D. To address this circular dilemma, § 54.1-116 was amended in 2003 to allow a health regulatory board of the Department of Health Professions to issue a temporary license or authorization to practice, effective for not longer than 90 days, to an *otherwise qualified applicant* for a license, certificate or registration who is a foreign national and cannot provide a social security number or control number at the time of application.

E. Process for Board staff:

- If application is received by a Board without a social security number (SSN) or DMV control number, and all other applicable Board regulations are met, a *temporary* license may be issued. A *temporary* license will expire ninety (90) days from issuance.
- If a *temporary* license is issued by a Board, it will be recorded as *temporary* with a 90-day expiration date, through the Department of Health Professions *License Lookup* system and in any other applicable licensing data base systems, as reported by a Board.
- Any *temporary* licenses issued by a Board will be flagged with a hold/alert, pending a SSN or DMV control number and may be released when all applicable Board regulations are met.
- If all applicable Board regulations are met and a SSN or DMV control number is verified, an application is deemed complete and a permanent license may be issued.