



## **Backgrounder: Jurisdictions Permitting LPR Hiring**

Police departments and sheriff's offices across the United States [continue to struggle](#) to find qualified candidates to serve as officers. While most jurisdictions require that law enforcement officer candidates be U.S. citizens, a growing number have removed citizenship as a requirement for candidates, allowing departments to consider lawful permanent residents (LPRs) and even [Dreamers](#), young people without legal status brought to the United States as children.

As a follow-up to the Law Enforcement Immigration Task Force's (LEITF) 2017 paper "[Filling the Ranks](#)," this backgrounder provides an overview of jurisdictions which now permit the consideration and hiring of non-citizens to serve as officers in police departments and sheriff's offices.

Federal law [permits](#) preferences in hiring for public positions that favor citizens over LPRs. While there are limits on such preferences, citizenship requirements for many government positions, as well as private-sector positions where the employer interfaces with federal, state, or local governments are generally [permissible](#) where a state or local law, ordinance, regulation or policy formally provides for such requirements. Accordingly, because most states have such laws, the majority of law enforcement agencies [require](#) hires to be U.S. citizens.

This backgrounder discusses states and localities that are in the minority and have taken steps to permit the hiring of noncitizens as law enforcement officers.

### *States with no citizenship requirements*

Only a handful of states have no citizenship requirements for law enforcement positions. Rather than an explicit provision of state law permitting the hiring of noncitizens, most simply omit U.S. citizenship from the list of requirements to hold a job as a law enforcement officer. However, even within these states, cities and individual law enforcement agencies have the ability to mandate their own citizenship requirements, provide they do so in a formal ordinance or policy. This section summarizes the states with no citizenship requirements, as well as the requirements of major cities within the state.

- [Colorado](#) has no citizenship requirement for law enforcement officer positions. The cities of Aurora, CO and Boulder, CO do not maintain a citizenship requirement either, but applicants must at least be lawful permanent residents. Denver, CO and El Paso, CO, however, instituted their own citizenship requirements for applicants seeking law enforcement jobs. However, Denver's citizenship requirement is in its city charter, but only applies to the city's police and fire departments, and not the Denver Sheriff's Department. After [legal action](#) from the U.S. Department of Justice in 2016 for turning



away non-citizen applicants in the absence of a formal citizenship requirement, the Denver Sheriff's Department now hires non-citizen applicants.

- [Vermont](#) has no citizenship requirement, but Burlington, VT requires that applicants be at least lawful permanent residents.
- [West Virginia](#) has no citizenship requirement, but Huntington, WV has established its own citizenship requirement.

In simply omitting the U.S. citizenship requirement from the list of requirements, Colorado, Vermont and West Virginia indicate that law enforcement departments can hire anyone who is work authorized. However, as evidenced, major cities within these states still continue to impose their own requirements, ranging from allowing LPRs to limiting hiring only to U.S. citizens.

#### *States with explicit legal work authorization requirements*

Two states lack citizenship requirements, but specifically state that applicants must have legal work authorization: Louisiana and Maine. Although work authorization is required in states like Colorado, Vermont and West Virginia, Louisiana and Maine explicitly require work authorization in lieu of a citizenship requirement. This section summarizes the states with a legal work authorization requirement, as well as the requirements of major cities within the state.

- [Louisiana](#) requires that applicants be legally authorized to work in the U.S. While New Orleans, LA adheres to this standard, Baton Rouge, LA added an additional requirement in stating that applicants must be U.S. citizens.
- [Maine](#) requires that applicants be legally authorized to work in the U.S. However, in [Lewiston](#), ME, applicants must be U.S. citizens or in the process of becoming citizens.

In essence, these states permit noncitizens with work permits to apply to become police officers, not only LPRs. Similar to the major cities in the states that simply omit citizenship requirements, the two second biggest cities within both states imposed their own citizenship requirements.

#### *State with unrestricted employment requirement*

There is one state that does not require U.S. citizenship for law enforcement officers, but specifically states that applicants must be eligible for unrestricted employment – Hawaii.

- [Hawaii](#) requires that applicants be at least a permanent resident of the U.S. or eligible under federal law for unrestricted employment in the U.S. In a similar way, in Honolulu, applicants must have legal authorization to work in the U.S. However, in Kauai,



applicants must be U.S. citizens, lawful permanent residents, or non-citizen U.S. nationals (such as individuals born in American Samoa or Swains Island).

Hawaii's requirement for unrestricted employment differs from other states' requirements, representing a looser standard than states requiring applicants to be LPRs and a more stringent standard than those who require work authorization. There are two types of [unrestricted employment](#). In permanent unrestricted employment, employment is [authorized](#) without restriction as to location or type of employment and is available to U.S. citizens, U.S. permanent residents, asylees and refugees. In temporary unrestricted employment, individuals [must](#) have an Employment Authorization Document (EAD) from the USCIS, such as non-citizens awaiting adjustment of status, F-1 students, and TPS holders. As such, this language includes Dreamers, who can be granted EADs. However, this language excludes [temporary restricted employment](#), in which individuals can only be employed by a specific employer and are subject to restrictions indicated as a condition of their admission. This includes [individuals](#) with F-1, J-1, H-1, O-1, P-1, or TN visa statuses.

#### *States with Lawful Permanent Resident (LPR) requirements*

Several states do not have U.S. citizenship requirements, but require that applicants be LPRs. This section summarizes the states with various LPR requirements, ranging from resident alien status to lawful resident status. Dreamers and other legal workers without green cards are not eligible to apply to serve as law enforcement officers in these jurisdictions.

- [California](#) requires that applicants be U.S. citizens or permanent resident aliens who are eligible for and have applied for citizenship. Citizenship status must be conferred within three years of applying for citizenship.
- [North Dakota](#) requires that applicants be U.S. citizens or LPRs.
- [Oklahoma](#) requires that applicants be U.S. citizens or LPRs. However, in Oklahoma City and Tulsa, applicants must be U.S. citizens.
- [Washington requires](#) applicants to be U.S. citizens or LPRs.

California, North Dakota and Oklahoma require that law enforcement officers be citizens or LPRs. This language seemingly excludes Dreamers, unlike the states that merely require legal work authorization.

- As of 2021, [Utah](#) requires that applicants be U.S. citizens or eligible noncitizens, including those law that are lawful residents, have been in the United States for at least five years, and have legal authorization to work.

On March 16, 2021, a Utah bill allowing noncitizens to become police officers was [signed](#) into law, making Utah the most recent state to alter eligibility for law enforcement hiring. Notably,



the bill was amended to remove a requirement that a legal resident be a “permanent” legal resident, in order to [extend](#) eligibility for law enforcement employment to Dreamers. However, due to the [uncertain legal status of Dreamers](#), Dreamers do not appear to be covered by the text of the enactment.

#### *States with military service requirements*

There are also states that limit non-citizen law enforcement applicants to LPRs with military service. This section summarizes these states.

- Maryland generally maintains a citizenship requirement for law enforcement positions. However, after the passage of the Freedom to Serve Act ([SB853](#)) in 2019, permanent lawful residents that have been honorably discharged from the U.S. military are also eligible to be considered for law enforcement officer positions.
- Tennessee generally maintains a citizenship requirement for law enforcement applicants, but it, too, has an exception for LPRs with honorable discharges from the U.S. military. The Tennessee legislature [amended](#) its laws in 2015 to create this exception following advocacy by the Nashville police chief.

Extending eligibility to honorably discharged LPRs is a commonsense step supporting the notion that anyone who served in the U.S. military to protect the country should be allowed to serve in law enforcement to protect the community. The relatively recent Maryland and Tennessee bills to alter law enforcement eligibility are a [good first step](#) for other states considering lifting their citizenship requirement and expanding the pool to other qualified applicants.

#### *States with general citizenship requirements, but where some cities have found workarounds to consider LPRs and others*

Some cities in states with citizenship requirements have begun looking for workarounds to permit the hiring of noncitizen law enforcement officers.

- Alaska has a citizenship requirement, but [Juneau](#), also considers LPR applicants.
- Illinois has a citizenship requirement, but the [Chicago Police Department](#) considers all candidates with employment authorization, including Dreamers.
- Ohio has a citizenship requirement, but [Cincinnati](#) considers applicants with work authorization and a valid driver’s license.



### *State with unclear requirements*

The status of a statewide citizenship requirement in Massachusetts is [surprisingly unsettled](#), as the state’s civil service rules seem to provide conflicting guidance.

The [Massachusetts State Police](#) and many jurisdictions, including [Boston](#), maintain citizenship requirements, while other local departments have periodically hired non-citizens. For instance, in the 1990s, the Lowell police department [hired](#) six Cambodian police recruits to patrol the increasing Cambodian refugee population.

Because law enforcement officers in Massachusetts must qualify for a License to Carry a Firearm, the [state law](#) requirement generally limiting<sup>1</sup> licenses to citizens and LPRs operates as a de facto requirement that law enforcement officers in the Commonwealth must be either U.S. citizens or LPRs.

### *State with a waiver*

While Virginia does have a U.S. citizenship requirement, it also maintains a waiver to the requirement. For instance, police chiefs are [allowed](#) to waive the requirement “for a good cause.”

### *States with proposals or legislation to remove citizenship requirements*

Several states are currently considering legislative and administrative proposals to remove citizenship requirements for law enforcement officer positions.

For instance, in New Hampshire, Cheshire County Sheriff Eli Rivera [proposed](#) allowing LPRs to become police officers if they have lived in the country for two years. They would then have to become naturalized citizens within one year of eligibility, and if they did not cooperate, they would be terminated. Similarly, any permanent resident denied citizenship would be fired.

Similarly, after then-King County Sheriff John Urquart [proposed](#) allowing LPRs to become police officers, [bills](#) SB6319 and HB2543 were introduced to the Washington State Legislature. These bills would alter citizenship requirements for law enforcement officers and firefighters, thus providing LPRs with eligibility for such positions. While the bills were [reintroduced](#) and retained in present status in the 2016 1<sup>st</sup> Special Session, no further action was taken.

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<sup>1</sup> A License to Carry a Firearm may only be issued to a non-resident, non-citizen for the purpose of firearms competition, not for employment or other purposes. See “Application for Non-Resident Temporary License to Carry Firearms,” Massachusetts Department of Criminal Justice Information Services – Firearms Records Bureau, <https://www.mass.gov/doc/non-resident-temporary-license-to-carry-firearms/download>.



In 2019, a bipartisan bill ([HB1091](#)) was introduced in the Texas Legislature that would allow LPRs that had been honorably discharged from the U.S. military to become police officers. The bill was passed out of the House but not the Senate. Houston Mayor Sylvester Turner wrote a [statement](#) in support of this bill, urging its passage in 2021.

In 2021, a bipartisan bill ([AB176](#)) permitting noncitizens with valid employment authorization to serve in law enforcement was introduced in the Wisconsin Legislature. The bill, which is also intended to permit the hiring of Dreamers as law enforcement officers, had previously been introduced in 2020. It has been referred to the Committee on Criminal Justice and Public Safety.