

**OPINION  
57-133**

January 7, 1957           (OPINION)

NURSING

RE: Certificate of Licensure - Foreign Citizen

This is in reply to your request for an opinion of this office in regard to the issuance of a certificate of licensure to practice as a professional nurse to a Canadian citizen.

You inform us in effect that a Canadian citizen having all pertinent qualifications excepting American citizenship is in the process of completing the course of study prescribed as a prerequisite to the taking of the state examination for issuance of such certificate, and apparently will desire to take such examination not for the purpose of practicing in the State of North Dakota but for the purpose of obtaining certification that would be recognized in the Dominion of Canada.

Section 43-1213 of the 1953 Supplement to the N.D.R.C. of 1943, requires in part that the applicant shall submit with the application to take the examination proof that she is a citizen of the United States or has declared her intention to become a citizen. Section 43-1218 of the 1953 Supplement to the N.D.R.C. requires in effect that an applicant desiring to obtain such certificate of licensure without taking examination be a citizen of the United States or has declared her intention to become a citizen. The only exception to such requirement is that prescribed by section 43-1219 of the 1953 Supplement to the N.D.R.C. of 1943 providing that: "The board, in case of an emergency, may issue a temporary permit to practice professional nursing in this state to an applicant who has all the required qualifications for nurse licensure except that a citizenship. The fee for such a permit shall be twenty dollars for the first year and it may be renewed for reason satisfactory to the board upon the payment of a fee of two dollars per year."

It is our opinion under the above cited statutes that the board would have authority to grant a regular certificate of licensure to a person not a citizen of the United States who has not declared her intention to become an American citizen. The certificate of eligibility enclosed with your letter does not constitute proof that the applicant is a citizen of the United States or that she has declared her intention to become a citizen. Under the exception to the general requirement contained in section 43-1219 of the 1953 Supplement to the N.D.R.C. of 1943 quoted above, it would be possible if an emergency exists to allow the applicant to take the examination for the purpose of obtaining such temporary permit, however, it seems at least doubtful that such temporary permit would necessarily be acceptable to the Canadian authorities. This, however, is a matter that should be taken up with the Canadian nurse licensing authorities.

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