



Employment-Based Visas for DACA Recipients and DREAMers

On June 18, 2024, the federal government announced new actions, making it easier for DACA recipients and undocumented college graduates to apply and qualify for an employment-based immigration visa. By making changes to existing guidelines related to the D-3 waiver, the Biden Administration has created a pathway for DACA recipients and undocumented college graduates to obtain temporary, and eventually, permanent immigration status.

Why is this necessary?

Employment-based visas are not common amongst DACA recipients and undocumented college graduates because typically, you must travel to a consulate abroad to receive an employment visa. If you are undocumented and you have accrued unlawful presence, or you entered the United States without permission, leaving the United States could trigger a bar that would prohibit you from coming back to the United States.

What does this mean for you?

If you are undocumented and you have graduated from college or are going to graduate college soon, you might be able to apply for an employment-based visa, if you find an employer, in your field, who is willing to sponsor you.

What is the D-3 waiver and how has it changed?

The D-3 waiver allows people with unlawful presence and unlawful entry to obtain employment-based visas by forgiving these violations and allowing them to re-enter the U.S. with valid status and work authorization. Before recent changes, the process was uncertain and required applicants to wait abroad for unpredictable periods. President Biden's actions clarify this process and update guidance to clearly state it is in the interest of the country to approve D-3 waivers for college graduates. Through these actions, it is expected waivers will be processed in a shorter amount of time but applicants must still apply from outside the United States.

What can I do right now?

If you are employed, we recommend you talk to someone at your department of Human Resources about starting the employment-based visa process, as it must be initiated by your employer.

If you are not working in your field or are unemployed, we recommend you look for jobs in your field that indicate the company is willing to sponsor you for an employment-based visa (this is often noted within the job posting).



To learn more visit the **Higher Ed Immigration Portal** at www.higheredimmigratinportal.org/lptw/



1-800-354-0365

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