Messaging Guidance: Streamlining Dreamers’ Access to Employment-Based Visas Using D-3 Waivers

To learn more about this relief policy, we encourage you to review our explainer on D-3 Waivers.

With the future of Deferred Action for Childhood Arrival (DACA) under threat in the courts and continuing stalemate in Congress, many Dreamers with and without DACA face high barriers and great uncertainty about their ability to participate and contribute to our nation’s workforce. Hundreds of thousands of DACA recipients are already employed across the U.S., and there are over 400,000 undocumented students enrolled in higher education, many of whom are multilingual, enriching the educational experiences of all students and helping to produce better members of an increasingly globalized workforce. Many of these Dreamers are pursuing careers in STEM, healthcare, and teaching, fields that face severe labor shortages.

An administrative action that streamlines access to employment-based visas for eligible DACA recipients and other Dreamers is a smart, strategic approach that enables these individuals to adjust their status and fill critical workforce needs while ensuring that U.S. employers and communities benefit from their contributions and talent.

- **On Streamlining Access to Employment-Based Visas**
  - Dreamers, who have grown up in the U.S. and have been educated in U.S. schools and universities, could be eligible for employment-based nonimmigrant visas that do not require temporary intent, such as H-1B visas.
  - However, because many Dreamers - both those with and without DACA - have accrued unlawful presence in the U.S., they are subject to 3-/10-year unlawful presence bars when they leave the U.S. as part of the employment-based visa process.
  - A streamlined process for Dreamers to receive a waiver from those bars (also known as a D-3 waiver) clarifies an important employment pathway, benefitting Dreamers, employers, and the U.S. workforce.
• **On Dreamers.** Dreamers are integral members of our communities, contributing to various sectors of society through their talents, skills, and dedication.
  - Streamlining access to these employment-based visa processes for Dreamers ensures that the country retains this talent rather than losing it to other nations.
  - Streamlined access to employment-based visas provides eligible Dreamers with stability and reduces the anxiety associated with uncertain immigration status.
  - It is in our nation’s interest to provide Dreamers with an opportunity to transition into longer term immigration status one by one until Congress passes some form of Dream legislation.
  - Dreamers will need to satisfy stringent criteria, demonstrating their qualifications and eligibility.

• **On Employers.** Employers in healthcare, technology, and STEM fields are facing significant labor shortages. Dreamers can help fill these gaps, ensuring that essential roles are staffed, and operational needs are met.
  - Dreamers fill critical roles in industries facing labor shortages, including healthcare, education, technology, and STEM fields, helping to address gaps in talent and expertise.
  - Dreamers can help fill critical roles in the healthcare industry, which is facing significant shortages.
  - The tech industry constantly seeks skilled professionals. Streamlined visa access for Dreamers can help meet the high demand for talent in software development, cybersecurity, and other tech fields.

• **On U.S. Workforce.** Streamlining access to nonimmigrant visas for Dreamers can help meet labor market demands, foster innovation, and economic growth.
  - We need the talents of the DACA workforce and other Dreamers.
  - By streamlining visa access, the U.S. can better compete globally for top talent, ensuring that Dreamers contribute their skills domestically rather than internationally.