



Returning with a D3 Waiver: Immediate Next Steps & How to Plan for the Future

This guidance is intended for people who have traveled and returned to the United States with a temporary work visa and a D3 waiver of unlawful presence. Congratulations, you are now in lawful status in the United States!

Even though it took a lot of time and energy to get past the finish line on the D3 waiver, you can't stop here. It is important to understand what your status means and start planning the next steps of your immigration journey.

All cases are different, and there is some newer guidance, so you should talk to an experienced immigration lawyer now that you are back. Here are some questions you should ask:

1. What should I do right away?

You should present the visa stamp you received at the U.S. consulate or embassy abroad to the attorney who represented you or your employer. They can review the visa classification, D3 annotation, and your [I-94 entry record](#) to ensure the classification and end date are correct.

You should also reach out to your employer to complete an I-9 form, ensuring you are lawfully employed under your temporary visa status.

Notify the attorney in advance of any changes to the job details outlined in your visa petition, such as hours, salary, title, or work location. If you plan to switch jobs or take on a second job, it is essential to consult with the attorney beforehand.

Before any future international travel, discuss your plans with the attorney to address potential issues related to unlawful presence. Future international travel could trigger a new 3- or 10-year bar for unlawful presence, which may significantly complicate your green card application.

2. What else should we talk about longer term?

You should discuss with an attorney a plan for applying for a green card in the future. The temporary visa is an important step forward, but the long term goal is a green card (lawful



permanent residency). The attorney can evaluate unlawful presence bars for green card purposes, including newer United States Citizenship and Immigration Services (USCIS) guidance on travel with advance parole. Former DACA recipients who traveled on advance parole to their temporary visa interview are encouraged to argue to USCIS that they did not trigger a 3- or 10-year bar for their green card application, even if a D3 waiver was required¹ for their temporary visa.

An attorney can also help you and your employer understand what is needed - for example, if the green card will take a few years, you will need to renew your temporary visa while waiting.

If your attorney has not worked with DACA or D3 waivers before, you can share [this article](#), and note that the Path2Papers team is available to help mentor attorneys on this process.

¹ The Department of State Foreign Affairs Manual seems to require both a departure and a return to the United States with advance parole. USCIS, however, does not seem to require a return on advance parole. See 9 FAM 302.11-3(B)(2)(d); USCIS, Unlawful Presence and Inadmissibility, <https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility> (last updated Sep. 5, 2024).

