



C4A Resource Guide: Local Governments Supporting Affirmative Relief Policies

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How to use this Guide

This guide can be used to help local governments support local residents in benefiting from the Biden Administration's new actions on immigration that were announced in June 2024. Cities for Action has outlined universal strategies and policy-specific strategies for local governments to consider as they build their own response efforts.

Context

On Monday, June 18, 2024, the [Biden Administration announced new actions](#) that will benefit long-term immigrants in the United States, including certain noncitizen spouses and children of U.S. citizens, and Deferred Action for Childhood Arrivals (DACA) recipients, and Dreamers who are unable to apply for DACA. **The two policies included in this announcement are: (1) to more efficiently facilitate certain employment-based nonimmigrant visas for eligible individuals (D-3 waivers), and 2) the new Keeping Families Together Parole in Place (PIP) program for eligible spouses and children of U.S. citizens.** These announcements are the most significant positive policy changes for immigrant families since the DACA program was first implemented in 2012 and have the potential to impact millions of individuals who have lived in the U.S. for many years. Prior to the announcement, the D-3 waiver process was slow, confusing, and unpredictable, and now it will be faster, easier, and safer for more eligible individuals to benefit from the provision. The D-3 waiver may also provide a pathway to a green card for DACA recipients or temporary lawful status for other eligible individuals who are undocumented. The PIP program offers a pathway to lawful permanent residency, strengthens family unity in mixed-status households, and has the potential to maximize the economic contributions of noncitizens who could ultimately be granted U.S. citizenship.



Universal Strategies

- Partner with relevant community partners to educate residents about eligibility guidelines and the application process, and share information on how they can access trusted legal services.
 - Fraud and Immigration Scam Prevention:
 - As a first line of defense against frauds and scams, ensure the entire local community has access to accurate multilingual resources on these policies so they are aware of what they entail and can detect fraudulent actors who are promising an easier or faster application process. Multilingual resources can include explainers, eligibility checklists, and process overviews.
 - In these multilingual resources, be sure to include information on who to contact if an individual suspects they have encountered a fraudulent actor so the locality can investigate the matter further and potentially prevent further fraud and scam attempts.
- Support legal service providers specializing in employment-based immigration cases through the expansion or establishment of legal services funds. In addition to local government funding, consider a philanthropic strategy to raise legal service funds that would expand the resources and capacity of legal services providers.
- Collaborate with nonprofits, attorneys, legal service providers, and other community-based organizations to host informational sessions, eligibility screening sessions, document collection drives, and legal services clinics.
 - Informational sessions: *Sharing general information about these policies and fraud/immigration scam prevention tips, and guidance on who to contact for further assistance.*
 - Eligibility screening sessions: *Conducting eligibility screenings to determine if a hopeful applicant is eligible for these new affirmative relief policies, or if there are other pathways they may be able to pursue.*
 - Document collection drives: *Supporting hopeful applicants by reviewing required application documents, identifying any documentation gaps the applicant may have, and advising them on how to secure any missing documentation.*
 - Legal services clinics: *Assisting hopeful applicants in completing and submitting applications.*
- Consider local government resources and capacity that can be donated for the events listed above, including: space, laptops, printers, wifi, stationary, and multilingual support staff.

- Partner with other local government offices and departments that may have programs or initiatives that overlap with these new policies to see how they may expand and strengthen those efforts.
- Engage immigrant communities impacted by these policies to inform program delivery and improve service strategies. This may be accomplished at the onset by involving the community in program design, and by surveying the community after they receive service or at the conclusion of the program as part of a comprehensive program assessment.

Easing the Non-immigrant Visa Process for U.S. College Graduates (D-3 Waivers)

The Biden Administration's announcement will result in the streamlining of the 212(d)(3) or "D-3 waiver" process for Dreamers, DACA recipients, and foreign-born college graduates of an accredited U.S. institution of higher education who have job offers in fields related to their degrees. The D-3 waiver will waive certain immigration bars, including those that resulted from having lived undocumented in the U.S. for many years. Receiving this waiver will allow undocumented individuals to overcome certain immigration barriers that keep them from obtaining an employment-based visa. Until this announcement, individuals applied for the waiver after leaving the U.S., with no guarantee of approval and without an accurate expectation of processing times. As a result of the Biden Administration's announcement, consular offices abroad will expedite the D-3 waiver process, ultimately making the D-3 waiver application process faster, easier, and safer for eligible individuals. Once an individual's D-3 waiver is approved at a consular office outside the U.S., they can obtain an employment-based visa, such as the H-1 visa and return to the U.S.

Strategies for Local Governments

- Dreamers, DACA recipients, and foreign-born college graduates of an accredited U.S. institution of higher education cannot apply for the D-3 waiver without a job offer fields related to their degrees and commitments from their employers to sponsor them. Local governments can help build an infrastructure to facilitate access to employment-based visas and support hopeful applicants.
 - Connect with local universities, nonprofit entities, nonprofit research organizations, and government research organizations that are exempt from the H-1B visa fiscal year cap to make the case for sponsoring individuals, educate them about the enhanced D-3 waiver process, and discuss their potential plans related to visa sponsorship.
 - **NOTE:** The Presidents' Alliance on Higher Education and Immigration is seeking partnerships with universities to provide free legal screenings and consultations to their DACA recipient employees. If your local university



partners are interested in this opportunity, please connect them to Miriam Feldblum (miriam@presidentsalliance.org) and Anita Gupta (anita@presidentsalliance.org)

- Connect with other employers to make the case for sponsoring individuals, and share information on the ways they can support employees who are DACA recipients and the visa sponsorship process.
 - **3rd Party Resource:** [Resources for Employers](#) (Source: Various sources compiled by the Higher Education Immigration Portal)
 - **3rd Party Resource:** [Sponsoring DACA Recipients and Other Dreamers for Employment-Based Visas: How Higher Education Institutions Can support their Employees and Alumni](#) (Source: University of California, Cornell Law School, Path2Papers, and the Presidents' Alliance on Higher Education and Immigration)

The Keeping Families Together Parole in Place (PIP) Program

The Biden Administration announcement established a new process to consider, on a case-by-case basis, requests for certain noncitizen spouses and children of U.S. citizens living in the U.S. for parole. This new policy is expected to benefit an estimated 500,000 spouses and 50,000 children of U.S. citizens. If eligible, these noncitizens will be able to apply for lawful permanent residence without leaving the country, and will be given parole for a period of 3 years during which they will be able to work and apply for a green card

State-of-play update: *On August 23, 2024, the state of Texas along with 15 other states filed a lawsuit to halt the PIP process. On August 26, 2024, a federal court in Texas ordered USCIS to stop approving applications. On September 11, 2024, the Fifth Circuit Court of Appeals ordered that all proceedings in the District Court be halted while the Fifth Circuit resolves a separate matter related to the case. On October 4, 2024, the Fifth Circuit Court of Appeals ruled on the related matter and extended the administrative stay halting application approvals until November 8, 2024. The District Court also held a bench trial for the case on November 5, 2024. On Thursday November 7th, the U.S. District Court for the Eastern District of Texas **made a decision to end the Parole-in-Place program for undocumented spouses and children of U.S. citizens.** The program went into effect in early August and was temporarily paused following litigation by several republican-led states. During that time, USCIS continued to accept applications, schedule and process biometrics appointments, but will not be able to approve any applications. The program was intended to allow those who were married to U.S. citizens to remain in the country as they attempt to complete the Green Card process.*



*This decision follows a lawsuit filed by the Texas Attorney General claiming the Biden Administration did not have a legal basis to extend this parole status to those who are undocumented. **It still remains to be seen whether the Biden Administration would appeal the decision in the lame duck session.** We will continue to monitor any further developments and keep you informed on the administration's reaction and stated priorities.*

Strategies for Local Governments

- Consider leveraging relationships with schools, school districts, libraries and other local entities that tend to be community hubs for mixed status families. These relationships can be leveraged to share information about the PIP program and to host various events to support hopeful applicants.
- Help immigrant communities understand how their contact with the criminal legal system can affect their eligibility for the PIP program.
 - **3rd Party Resource:** [FAQ: Eligibility for the “Keeping Families Together” Parole-In-Place Process if You or Your family Member Has Had Contact with the Criminal Legal System](#) (Source: Immigrant Defense Project)