



U.S. Citizenship and Immigration Services

USCIS Publishes CNMI Transitional Worker Final Rule

Released Sept. 7, 2011

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) published a [final rule](#) in today's Federal Register that establishes a Transitional Worker (CW) classification for workers in the Commonwealth of the Northern Mariana Islands (CNMI). The CW classification allows employers in the CNMI to hire nonimmigrant workers who are otherwise ineligible to work.

A foreign worker may be eligible for CW status if he or she is:

- Ineligible for a nonimmigrant or immigrant classification under the Immigration and Nationality Act (INA);
- Entering or staying in the CNMI to work as a needed foreign national worker to supplement the resident workforce;
- The beneficiary of a petition filed by a legitimate employer who is doing business in the CNMI;
- Not present in the United States, other than the CNMI;
- Lawfully present in the CNMI or, if not present, intending to enter the CNMI with a visa; and
- Admissible to the United States or is granted any necessary waiver of a ground of inadmissibility.

An employer may be eligible to petition for a CW worker if the employer:

- Is conducting a legitimate business, as defined in the final rule;
- Has considered all available U.S. workers for the position;
- Offers terms and conditions of employment consistent with the nature of the employer's business in the CNMI;
- Is complying with federal and CNMI employment requirements;
- Files a Form I-129CW, Petition for CNMI-Only Nonimmigrant Transitional Worker, and a CW-1 Classification Supplement with USCIS; and
- Submits the appropriate filing fees.

In most cases, employers may file for multiple beneficiaries on the same form. The filing fees needed to obtain CW status include:

- A \$325 fee for the Form I-129CW;
- A mandatory CNMI education funding fee of \$150 per beneficiary per year; and
- A biometric fee of \$85 if the worker is located in the CNMI.

A limited number of CW visas are available each fiscal year, based on the CNMI

AILA InfoNet Doc. No. 11090775. (Posted 09/07/11)

government's estimate of nonresident workers. The numerical limitation for fiscal year (FY) 2011 is 22,417 and for FY 2012 will be 22,416. The final rule mandates that the limitation must drop annually and that the Department of Homeland Security determine the fiscal-year limitation for CW workers for subsequent fiscal years beginning in FY 2013.

The CW visa classification is valid only in the CNMI and provides no basis for travel or work in any other part of the United States, except for nationals of the Philippines who may travel between the Philippines and the CNMI through the Guam airport. The final rule also provides for the grant of derivative CW status to spouses and minor children of CW workers.

USCIS is the agency within the Department of Homeland Security responsible for immigration benefits. For more information and announcements on immigration benefits specific to the CNMI, please visit the agency's CNMI Web page at www.uscis.gov/cnmi. For more information on USCIS and its programs, please visit www.uscis.gov or follow us on Twitter ([@uscis](https://twitter.com/uscis)), YouTube ([/uscis](https://www.youtube.com/uscis)) and the USCIS blog [The Beacon](http://www.uscis.gov/the-beacon).

Last updated:09/07/2011

[Plug-ins](#)