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Transition to U.S. Immigration Law Begins in the CNMI

(Friday, November 27, 2009)

[contacts for this news release](#)

Washington — The U.S. Department of Homeland Security (DHS) today announced that at 12:01 a.m. (CNMI local time/GMT +10.) tomorrow, Nov. 28, the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) will be replaced by the Immigration and Nationality Act (INA) and other U.S. immigration laws. The definition of “United States” in the INA simultaneously will be amended to include the CNMI—providing new privileges and easing restrictions to CNMI residents wishing to live and work in the United States.

Although U.S. immigration law applies to the CNMI beginning tomorrow, the CNMI will undergo a transition period with temporary measures ending Dec. 31, 2014, to allow for an orderly transition and give individuals time to identify an appropriate visa classification under the INA.

On May 8, 2008, the Consolidated Natural Resources Act of 2008 (CNRA) was signed, extending certain provisions of U.S. immigration law to CNMI for the first time in history. Tomorrow’s transition marks a major step in a series of DHS initiatives undertaken since the CNRA’s signing to address the legal and operational needs for a smooth transition.

Five important rules to facilitate the transition were published in the Federal Register in 2009 to address key changes under the CNRA—including a CNMI-Guam Visa Waiver Program interim rule; an E-2 Nonimmigrant Status for Aliens in the CNMI with Long-Term Investor Status proposed rule; a CNMI Transitional Worker Classification interim rule; and an Application of Immigration Regulations to the CNMI “conforming amendments” interim rule:

- On Jan. 16, U.S. Customs and Border Protection (CBP) published an interim final rule on the Guam-CNMI Visa Waiver Program extending the period of admission from 15 to 45 days, expanding the geographic area from Guam-only to Guam and the CNMI, and modifying the list of eligible countries and geographic areas.
- On March 10, U.S. Citizenship and Immigration Services (USCIS) officially opened its Application Support Center (ASC) at TSL Plaza in Saipan to provide biometric services—including fingerprint capture, photos and signatures—along with additional services, including naturalization and adjustment of status interviews, as well as opportunities for the general public to obtain answers to their immigration questions.
- On Sept. 14, USCIS published a proposed rule that would create a CNMI-specific nonimmigrant investor visa classification—the “E-2 CNMI Investor” status—allowing eligible CNMI investors to remain in the CNMI for the duration of the transition period under E-2 CNMI Investor status, and to exit and enter the CNMI with valid E-2 CNMI Investor visas.
- On Oct. 27, USCIS published an interim final rule creating a Transitional Worker visa classification in the CNMI during the transition period—allowing alien workers currently ineligible for other classifications under INA and who perform services or labor for an employer in CNMI to receive nonimmigrant visa classification. However, on Nov. 25, 2009 a federal district court issued an order prohibiting DHS from implementing this interim final rule. As a result, the transitional worker visa classification is unavailable to CNMI employers,



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workers and their families until further notice. This court order does not affect any aspect of the transition to federal immigration law other than the specific transitional worker program that was the subject of this interim final rule.

- On Oct. 27, USCIS and the Department of Justice's Executive Office for Immigration Review also published an interim final rule to revise the wording of immigration regulations in order to implement new law applying to the CNMI.

Recognizing that some unique situations would result as the CNMI transitions to U.S. immigration laws, the Secretary of Homeland Security may grant parole to applicants for admission on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

Parole authority will be used in two specific situations in the CNMI: eligible Chinese and Russian nationals visiting for business or pleasure will be eligible for CBP-administered parole into the CNMI on a case-by-case basis; and certain impacted aliens—notably CNMI permanent residents and various categories of immediate relatives—will be eligible for USCIS-administered parole on a case-by-case basis.

The CNRA also contains two provisions that specifically impact the U.S. Territory of Guam: elimination of the current Guam Visa Waiver Program and creation of a new Guam-CNMI Visa Waiver Program, under which eligible nationals of program countries and geographic areas may be authorized to visit Guam and/or the CNMI for up to 45 days; and elimination of the statutory cap on the number of H nonimmigrant worker petitions that can be filed by employers in Guam and the CNMI.

Changes will be seen at the airports in the CNMI beginning tomorrow, when CBP will begin inspecting all passengers arriving on flights from outside the United States. CNMI authorities will continue to conduct customs inspections.

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For more information, visit www.dhs.gov. ([DHS.gov](http://www.dhs.gov))

Guam-CNMI Visa Waiver Information

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