

USCIS Response to Coronavirus 2019 (COVID-19)



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USCIS Policy Update on CW-1 Departure Requirement

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U.S. Citizenship and Immigration Services is modifying its policy on implementing the requirement that aliens leave the United States for at least 30 days after two renewals of their CNMI-Only Transitional Worker (CW-1) visa classification.

Effective immediately, USCIS will only consider CW-1 petitions approved on or after June 18, 2020, when we apply the requirement that certain CW-1 nonimmigrant workers depart the Commonwealth of the Northern Mariana Islands (CNMI) for a period of at least 30 continuous days. For example, any alien approved on or after June 18, 2020, for a one-year CW-1 validity period beginning Oct. 1, 2020, will be eligible for two more consecutive petition validity periods after the first period of validity expires on Sept. 30, 2021. Previously, USCIS counted all consecutive petition validity periods, even those approved prior to June 18, 2020, when determining which CW-1 nonimmigrant workers are subject to the temporary departure requirement.

Background

USCIS is making this change in response to stakeholder feedback and disruptions caused by the coronavirus (COVID-19) pandemic. Although DHS stated in the IFR that the Workforce Act is “best read” to include pre-enactment renewals, DHS also believes this is not the only permissible reading of the Workforce Act or the interim final rule. Through this announcement, DHS will implement the temporary departure requirement in a manner that best protects the interests of CW-1 employers and workers who may be affected by potential travel disruptions and delays beyond their control. This change also minimizes the likely negative impact on other U.S. businesses and prevents further damage to the CNMI economy.

On May 14, 2020, the Department of Homeland Security published an interim final rule (IFR) implementing the Northern Mariana Islands U.S. Workforce Act of 2018. The Workforce Act required DHS to promulgate an IFR to amend its regulations governing the CW-1 program to implement the statutory changes provided by the Workforce Act. The IFR took effect on June 18, 2020.

The Workforce Act required that following expiration of the second CW-1 renewal period, an alien may not again be eligible for CW-1 status until after the alien has remained outside of the United States for a

continuous period of at least 30 days before the submission of a renewal petition on their behalf. CW-1 long-term workers, as defined in the IFR, are exempted from the departure requirement.

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