

From: U.S. Citizenship and Immigration Services [mailto:uscis@public.govdelivery.com]
Sent: Friday, September 02, 2016 11:29 AM
To:
Subject: Fiscal Year 2017 Cap Set for CNMI-Only Transitional Workers

WASHINGTON— In response to statutory requirements, the Department of Homeland Security (DHS) will allow up to 12,998 nonimmigrants in fiscal year (FY) 2017 for the Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker (CW-1) program. DHS published the [notice](#) in today's Federal Register.

Under the CW-1 program, employers in the CNMI can apply for temporary permission to employ foreign nationals who are ineligible for any existing employment-based nonimmigrant category under the Immigration and Nationality Act. The CW program is in effect until Dec. 31, 2019. DHS reduced the FY 2017 CW-1 cap by one to meet the CNMI's existing labor market needs and provide opportunity for potential growth, while meeting a statutory requirement to reduce the cap each year. Because the cap was reached for FY 2016 on [May 5](#), DHS has decided to preserve the status quo, or current conditions, rather than aggressively reduce CW-1 numbers for FY 2017. We encourage CW-1 employers to file a petition for a CW-1 nonimmigrant worker as early as possible within 6 months of the proposed start date of employment. USCIS will reject a petition if it is filed more than 6 months in advance.

DHS reminds CNMI employers that the CW-1 program requires that the foreign worker be ineligible for any other employment-based nonimmigrant visa classification under U.S. immigration law, such as the H-2B classification for temporary or seasonal workers and the H-1B classification for workers in a specialty occupation. DHS urges CNMI employers to reevaluate whether their employees are eligible for any other existing employment-based nonimmigrant category, and if so, to use other U.S. nonimmigrant classifications when appropriate. For workers employed in the CNMI, there is no cap on H-2B or H-1B visas during the transition period ending Dec. 31, 2019. More information on these programs is available on the [H-2B page](#) and the [H-1B page](#).

Today's announcement does not affect the status of current CW-1 workers unless their employer files for an extension of their current authorized period of stay. Approved petitions with an employment start date between Oct. 1, 2016, and Sept. 30, 2017 will generally count towards the 12,998 cap. The cap applies only to CW-1 principals. It does not directly affect anyone currently holding CW-2 status, which is for spouses and minor children of CW-1 nonimmigrants. However, CW-2 nonimmigrants may be indirectly affected because their status depends upon that of the principal CW-1. For more information, please visit the [CNMI-Only Transitional Worker \(CW-1\) Cap](#) page or the [U.S. Immigration Law in the Commonwealth of the Northern Mariana Islands \(CNMI\) page](#).

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