



## CNMI Long-Term Resident Status Engagement Frequently Asked Question (FAQs)

On July 2, 2020, U.S. Citizenship and Immigration Services (USCIS) held a stakeholder engagement to provide information on CNMI long-term resident status. Below are the questions from that engagement.

**Q1. There are several categories of aliens that may apply for CNMI long-term resident status, including certain individuals who were previously CNMI permanent residents under CNMI immigration law. We need further clarification on who CNMI permanent residents were.**

A1. CNMI permanent residents are aliens who on Nov. 27, 2009, were permanent residents of the CNMI. These aliens should be able to present their permanent resident card issued by the CNMI government.

**Q2. Are those guest workers who resided in the CNMI under commonwealth immigration law for at least five years before May 8, 2008, and who are presently residents under CW-1 status, considered CNMI permanent residents?**

A2. No.

**Q3. How does USCIS interpret Sec 2 (B)(i) together with (iii)? Must an applicant be lawfully present either on one of the two dates (Dec. 21, 2019, and June 25, 2019) or continuously and lawfully present through June 25, 2019?**

A3. The applicant needs to be continuously and lawfully present from Nov. 28, 2009, through June 25, 2019. This is like the “continuous residence” requirement where he or she must reside lawfully in the CNMI, but not have to be physically present in the CNMI on every day of that time period. However, the applicant must also be physically present in the CNMI on either Dec. 31, 2018, or June 25, 2019. There is no requirement to be physically present on both of those dates.

**Q4. Is it true that only “parole and EAD holders” are qualified to apply for CNMI long-term resident status?**

A4. No. The eligible classes for CNMI long-term resident status are:

- Certain “stateless” aliens;
- Immediate relatives of “stateless” aliens;
- CNMI permanent residents under CNMI immigration law;
- Immediate relatives of CNMI permanent residents;
- Immediate relatives of U.S. citizens; and
- Certain in-home caregivers.

**Q5. One of the categories of aliens that may apply for CNMI long-term resident status are “immediate relatives of U.S. citizens: Individuals who, on Nov. 27, 2011, were either a spouse, child or parent of a U.S. citizen, and continue to have such family relationship with the citizen.” Would this mean that a parent of a U.S. citizen child born after Nov. 27, 2011, will not be eligible, even if the parent has been lawfully and continuously working in the CNMI for more than 15 years and was never affected by the cap?**

A5. Yes, the statute requires the parent/child relationship to have existed on Nov. 27, 2011, and continue to exist until the date they filed the Form I-955.

**Q6. There are alien workers who have been in the CNMI earlier than 2009, and who have been issued umbrella permits and legally working under CW-1 status up to now, but do not have U.S. citizen child(ren). Are they qualified to apply for CNMI long-term resident status?**

A6. There is no requirement to have a U.S. citizen child(ren) to qualify. Although one class of eligible aliens includes “immediate relatives of U.S. citizens,” you may be a spouse, child, or parent of a U.S. citizen. You may also qualify under any of the other classes—certain “stateless” aliens and their immediate relatives, CNMI permanent residents and their immediate relatives, and in-home caregivers.

**Q7. If a person is in a CW-1 status, are they eligible to apply for CNMI long-term resident status given they meet all the requirements? And will they be eligible for an EAD also or is it just for those who are under parole/EAD status?**

A7. Yes, a person with CW-1 status is eligible to apply for CNMI long-term resident status, given they meet all eligibility requirements. To request CNMI long-term resident status, a CW-1, like all other applicants must file Form I-955 and Form I-765. Generally, certain aliens who are in the U.S. use Form I-765 to request employment authorization and an Employment Authorization Document (EAD). However, they are not authorized to work while the initial Form I-955 is pending, unless they are already authorized for employment through previous parole status or under another status.

**Q8. Can I still apply for CNMI long-term resident status if I have a CW1 application pending?**

A8. Yes.

**Q9. Will USCIS issue a receipt for Form I-955? We only received receipt notices for Form I-765.**

A9. No. For receipting purposes, we treat Form I-955 as a supplement to Form I-765. Applicants receive a receipt notice for Form I-765, which will indicate the C37 Employment Authorization Document (EAD) category for CNMI long-term resident status.

**Q10. Is there any specific period or processing time (for example, 30, 60 or 90 days) for the application of CNMI long-term resident status (Form I-955)?**

A10. No, as, this is a new application and status, USCIS does not have processing times yet.

**Q11. How long will be the adjudication process be for the EAD (Form I-765) if Form I-955 is approved?**

A11. We will adjudicate their Form I-765 at the same time as their Form I-955.

**Q12. If a couple are both eligible for CNMI long-term resident status, should they both apply, or can either one of them apply?**

A12. Both aliens need to apply.

**Q13. I understand USCIS would issue the EAD only if the CNMI long-term resident status is approved. IF USCIS denies the CNMI long-term resident status (Form I-955), are you still going to process Form I-765? Would USCIS return the EAD application and biometrics fee to the applicant?**

A13. If we deny their Form I-955, we will also deny their Form I-765 because the applicant will not be eligible for the EAD category requested (C37). We will not return the application and biometrics fees to the applicant.

**Q14. If an applicant wants to withdraw a submitted CNMI long-term resident status application, what would be the required steps to take?**

A14. An applicant may withdraw a CNMI long-term resident status application by making a written withdrawal request to the Guam Field Office. The applicant should sign the request and include their name, A-Number, and a receipt notice for the I-765, which will indicate the C37 Employment Authorization Document (EAD) category for CNMI long-term resident status. However, withdrawals are final and we will terminate any further adjudicative action on the application.

**Q15. If an applicant is granted CNMI long-term resident status, can they file a petition for their spouse?**

A15. No. While immediate relatives of CNMI permanent residents are eligible for CNMI long-term resident status, the spouse will need to apply for the status individually.

**Q16. My wife and I already applied for the CNMI long-term resident status. We have two minor non-U.S. citizen children who are present in the CNMI on a CW-2 visa. What would be the status of my minor children or under what visa should we apply for them if we get approved for the CNMI long-term resident status?**

A16. Such individuals will need to be independently eligible for and apply for long-term resident status.

**Q17. There are many families in which one family member (usually mother or father) is eligible for CNMI long-term resident status and the other is not. Is there any relief for these spouses?**

A17. The long-term resident program does not allow for derivatives (family members).

**Q18. There are families where some of the children are U.S. citizens by virtue of having been born in the CNMI, but there are older siblings who were born in the home country of the parents and are citizens of that country. The status of these foreign-born children is often CW-2. If the qualifying parent obtains CNMI long-term resident status, what happens to the foreign-born minor children?**

A18. The long-term resident program does not allow for derivatives (family members).

**Q19. In 2017, many CWs were capped due to the gross underestimated need for them. Congress had to increase the cap. How is this residence gap going to affect the CWs if they apply for CNMI long-term resident status? A gap that was not their fault?**

A19. Applicants must show, among other things, that they maintained continuous and lawful residence in the CNMI from Nov. 28, 2009, through June 25, 2019.

We will not consider an applicant to have failed to maintain continuous residence by reason of a brief, casual and innocent absence, or due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside their control. We consider an absence as “a brief, casual, and innocent absence” if:

- The absence was short and reasonably calculated to accomplish the purpose for the absence;
- The absence was not because of an order of exclusion, deportation, or removal;
- The absence was not because of an order of voluntary departure or an administrative grant of voluntary departure before you were placed in exclusion, deportation, or removal proceedings; and
- The purpose of the absence and/or the applicant’s actions while outside of the CNMI were not contrary to law.

Form I-955 lists several types of documents that applicants may submit to establish continuous residence, but that list is not exclusive or exhaustive.

**Q20. If the employee is in the Philippines to process a renewal of a CW visa, and was affected by COVID-19, are they still eligible to apply while in the Philippines?**

A20. The employee is eligible to file the application while abroad, as long as they meet all other eligibility requirements (including being physically present in the CNMI on June 25, 2019, or on Dec. 31, 2018) and continuous lawful residence from Nov. 28, 2019, through June 25, 2019. However, us approving Form I-955 and Form I-765 is not a “visa” and there is no consular processing to obtain long-term resident status at a U.S. Consulate.

**Q21. If the CW-1 is categorized under the touchback due to the gap between year 2015 - 2017 but was in CNMI since year 2000 with a U.S. citizen child, is the CW-1 still eligible to apply for long-term residency status?**

A21. It depends on a number of factors, including on the period of time spent outside of the United States, and whether the parent-child relationship existed as of Nov. 27, 2011.

**Q22. Assuming an alien worker (CW-1) has a pending CNMI long-term resident status application and their CW-1 expires before the decision of the Form I-955 and Form I-765 is received, how long is the alien worker allowed to stay in the CNMI after the CW-1 expiration?**

A22. The alien is not allowed to stay in the CNMI after the CW-1 expiration, assuming they have no other legal status (or parole), even if he or she is waiting for a decision on their long-term residence application. Having a pending Form I-955 or Form I-765, by itself, does not allow an alien to stay legally in the CNMI. However, please note that we will not consider an applicant with pending Forms I-955 and I-765 to accrue unlawful presence for purposes of

inadmissibility (which is still not to say that he or she can legally stay or work in the U.S.). If we deny their Forms I-955 and I-765 and the alien has no other legal status or parole, then unlawful presence will start accruing.

**Q23. If an employee gets an approval and has not received an EAD by the time their CW-1 is expired (9/30/2020) will they need to exit the CNMI?**

A23. In general, an employee will get the approval notice for CNMI long-term resident status at the same time he or she receives the EAD. But if an employee does not get the approval/EAD before their CW-1 is expired, and he or she has no other valid status or parole, then he or she is not legally allowed to stay or work in the CNMI.

**Q24. If an employee's application is in process or has been received, will they need to exit the CNMI if their current work status expires?**

A24. Having a pending Form I-955 or Form I-765, by itself, does not allow an alien to stay legally in the CNMI. If an alien does not have legal status or parole, even though he or she has a pending application, then he or she is not legally allowed to stay in the CNMI.

**Q25. If a CW-1 has applied for CNMI long-term resident status, but is also categorized under the CW touchback, does the CW1 need to exit the CNMI even if they already applied for CNMI long-term resident status?**

A25. The CW-1 should continue to maintain status, or he/she should exit the CNMI if subject to the touchback provision. Having a pending Form I-955 or Form I-765, by itself, does not allow an alien to stay legally in the CNMI.