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USCIS Provides Guidance Regarding CW-1 Extension

Department of Labor Extends CNMI-Only Transitional Worker Program to Dec. 31, 2019

Release Date: June 03, 2014

SAIPAN, CNMI – U.S. Citizenship and Immigration Services (USCIS) is providing guidance regarding the [U.S. Department of Labor \(DOL\)'s announcement](#) extending the Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker (CW-1) program for five years. The extension, published in today's [Federal Register](#), extends the CW-1 program until Dec. 31, 2019. This extension will allow CNMI businesses to continue to hire CW-1 workers to meet their current and future need for foreign workers.

USCIS provided extensions of status and grants of new CW-1 status only until Dec. 31, 2014, the previous sunset date of the program. If an unadjudicated petition is otherwise eligible and the petitioner requested a full year, USCIS will resume approving CW-1 status in periods of up to one year. There are no changes to the application process or fees for the CW program. Employers must still file Form I-129CW. The timetable for petitioning remains the same – employers may file Form I-129CW up to six months in advance. USCIS encourages employers to file as soon as possible within that time frame to prevent gaps in employment authorization.

Spouses and minor children of CW-1 workers can obtain CW-2 derivative status. DOL's CW-1 extension also permits USCIS to grant spouses and minor children CW-2 status for the same duration as the principal CW-1 petitioner whose status is extending beyond, or was granted after, Dec. 31, 2014.

The U.S. Department of Homeland Security (DHS) determines the annual numerical limitation on CW-1 workers, as required by the Consolidated Natural Resources Act of 2008 (CNRA). DHS set the CW-1 limit for fiscal year (FY) 2014 at 14,000 to meet the CNMI's existing labor market needs and provide opportunity for potential growth. With the Department of Labor's extension of the CW-1 program, DHS will reassess the CNMI's labor market needs and opportunity for growth in order to determine and announce the FY 2015 numerical limitation for CW-1 workers.

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-1 program was set to expire on Dec. 31, 2014, at the end of the transition period established by the CNRA.

For more information and announcements about the CW-1 program, please visit www.uscis.gov/cw.

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