



U.S. Citizenship and Immigration Services

New Law Extends CNMI CW-1 Program, Mandates New Fraud Fee, and Will Require E-Verify Participation

On July 24, 2018, President Trump signed the [Northern Mariana Islands U.S. Workforce Act of 2018](#) (the Workforce Act), extending the Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker program (the CW-1 program) through 2029 and increasing the CW-1 cap for fiscal year (FY) 2019. The CW-1 program allows employers within the CNMI to apply for permission to employ foreign (nonimmigrant) workers who are otherwise ineligible to work in the CNMI under other nonimmigrant worker categories.

Effective immediately, CW-1 employers must pay a mandatory \$50 fraud prevention and detection fee with each petition, in addition to other current fees. USCIS will reject any petition received after July 24, 2018 that includes incorrect or insufficient fees. This new fraud prevention and detection fee does not apply to CW petitions already filed and pending with USCIS as of July 24, 2018.

Importantly, the Workforce Act will require CNMI employers seeking CW-1 workers to enroll in [E-Verify](#) and comply with the requirements of the E-Verify program. E-Verify is a web-based system that compares information from [Form I-9, Employment Eligibility Verification](#), to government records to confirm that an employee is authorized to work in the United States. Although E-Verify enrollment is not currently required it will soon be a requirement for all employers filing for CW-1 visas. USCIS strongly encourages CNMI employers to enroll in the E-Verify program as soon as possible.

The Workforce Act raises the CW-1 cap for FY 2019 from 4,999 to 13,000, and provides new CW-1 caps for subsequent fiscal years. After [announcing](#) on April 11 that it had received CW-1 petitions for more than the number of visas previously available for FY 2019, USCIS will now resume accepting CW-1 petitions. Employers whose petitions were previously rejected because the cap was reached must file a new petition if they want CW workers to be considered under the increased cap. USCIS did not retain and cannot reopen previously rejected petitions.

In addition to extending the CW-1 program, the Workforce Act extends the following Consolidated Natural Resources Act of 2008 provisions until December 31, 2029:

- The exemption from national caps for H-1B and H-2B workers in the CNMI and on Guam;
- The bar on asylum applications in the CNMI; and
- The CNMI-Only Nonimmigrant Investor (E-2C) program.

The Department of Homeland Security (DHS) is exercising its discretion, as provided in the Act, to delay implementation of other changes to the CW program affecting CW-1 filers until DHS issues an interim final rule. As of July 24, 2018, USCIS will **only** accept the May 9, 2018, version of [Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker](#). USCIS will reject and return fees for any petitions submitted using a December 11, 2017, or earlier version date of Form I-129CW.

