



## U.S. Citizenship and Immigration Services

# USCIS Accepting Petitions Under the CNMI Disaster Recovery Workforce Act

USCIS is accepting CW-1 petitions filed under the Disaster Recovery Act. If you want us to consider your case under the Disaster Recovery Act, you should submit Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker, along with a cover sheet stating “**CNMI Disaster Recovery Workforce Act Eligible**” in large, bold letters, and evidence to show that a worker:

- Is performing service or labor under a contract or subcontract for construction, repairs, renovations or facility services directly connected to, or associated with recovery from a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. section 5122)); or
- Is performing service or labor under a contract or subcontract for construction, repairs, renovations or facility services directly connected to preparation for a future disaster or emergency.

Prospective employers may only petition under the Disaster Recovery Act for CW-1 construction workers who are nationals of a country designated as eligible to participate in the H-2B visa program during calendar year 2018, as identified in the [Federal Register notice \(PDF\)](#).

The general prohibition against CW-1 construction workers and its exception for workers who have maintained CW-1 status since before Oct. 1, 2015, continue to apply for CW-1 petitions that are not eligible under the Disaster Recovery Act.

In the coming weeks, we will announce additional guidance for petitions filed under the Disaster Recovery Act. Until then, CW-1 petitioners should continue to follow all other current USCIS regulations and procedures as applicable for CW-1 workers, including that all CW-1 filings must include an approved temporary labor certification from the U.S. Department of Labor.

## Background Information

The recent Further Consolidated Appropriations Act of 2020 established the CNMI Disaster Recovery Workforce Act (Disaster Recovery Act), Pub. L. 116-94, Title IX. Effective immediately, the Disaster Recovery Act increases the CW-1 cap by 3,000 for fiscal years 2020, 2021 and 2022 for construction and extraction occupations for certain aliens performing service or labor directly connected to, or associated with recovery from a presidentially declared major disaster or emergency, or for preparation for a future disaster or emergency.

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