



U.S. Citizenship and Immigration Services

CW-1 Filings for Fiscal Year 2020 Must be Accompanied by an Approved Temporary Labor Certification

USCIS will begin accepting petitions for employment with start dates in fiscal year (FY) 2020 under the Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker program (the CW-1 program) on April 4, 2019. However, all CW-1 filings for FY 2020 must include an approved temporary labor certification (TLC) from the U.S. Department of Labor (DOL). USCIS will reject any CW-1 petition with an employment start date on or after Oct. 1, 2019, filed without the approved DOL TLC.

As required by the Northern Mariana Islands U.S. Workforce Act of 2018 (Workforce Act), DOL [has announced](#) that they will soon publish an Interim Final Rule in the Federal Register. The rule, effective April 4, 2019, will outline how CW-1 employers will obtain a prevailing wage and TLC to use when petitioning for an FY 2020 CW-1 visa. The TLC will confirm to USCIS that there is not a qualified U.S. worker available to fill the employer's job opportunity in the CNMI, and that the employment of a CW-1 worker will not adversely affect the wages or working conditions of similarly employed U.S. workers.

In July 2018, President Trump signed the Workforce Act, extending the CW-1 program and setting CW-1 caps through 2029. The Workforce Act modifies certain CW-1 eligibility requirements, including a new requirement that an employer must first obtain an approved TLC from DOL before filing a CW-1 petition with a start date in or after FY 2020.

Other than complying with the TLC requirement applicable to CW-1 petitioners with employment start dates on or after Oct. 1, 2019, CW-1 petitioners should continue to follow current USCIS regulations, procedures, and forms. In the coming months, USCIS will announce further guidance for CW-1 worker petitions.

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