



U.S. Citizenship and Immigration Services

USCIS Publishes Interim Final Rule Implementing the Northern Mariana Islands U.S. Workforce Act of 2018

Rule creates new requirements for CNMI employers to protect U.S. workers

WASHINGTON—On May 14, 2020, U.S. Citizenship and Immigration Services will publish an [interim final rule](#) (IFR) implementing the [Northern Mariana Islands U.S. Workforce Act of 2018](#), which protects U.S. workers in the Commonwealth of the Northern Mariana Islands and ensures that U.S. workers will not be displaced or encounter a competitive disadvantage for employment compared to non-U.S. workers.

“In addition to implementing legislation, this rule follows the clear guidance laid out by President Trump’s Buy American and Hire American executive order, which called on the Department of Homeland Security to propose rules to protect the interests of U.S. workers in the administration of our immigration system,” said USCIS Deputy Director for Policy Joseph Edlow.

Key among the changes, the IFR requires CW-1 employers to enroll in the [E-Verify](#) program with respect to all their hiring sites in the CNMI and elsewhere in the United States, and be a participant in good standing in the program. E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States.

The IFR also requires CW-1 employers file a semiannual report to verify the continuing employment and payment of the CW-1 worker under the terms and conditions set forth in the CW-1 petition. USCIS is implementing this new statutory requirement through a new standalone form, Form I-129CWR, Semiannual Report for CW-1 Employers.

The IFR establishes that the semiannual report is required for all CW-1 petitions approved by USCIS with employment start dates in fiscal year 2020 for a validity period of six months or more. Since the IFR effective date June 18, 2020 falls after the sixth month of FY 2020, USCIS is offering a one-time additional 60-day period in which affected employers may comply with the new semiannual report requirement. For petitions approved with start dates from Oct. 1, 2019, through Dec. 18, 2019, CW-1 employers will have until Aug. 17, 2020 to file Form I-129CWR as required in the IFR.

Other key updates in the IFR include:

- Requiring a CW-1 petition to be filed with an approved temporary labor certification from the U.S. Department of Labor;
- Establishing minimum wage requirements for a CW employer;
- Establishing procedures for revoking an employer’s CW-1 petition, based upon existing revocation grounds in place for other nonimmigrants; and
- Incorporating the definition of legitimate business as set forth in the Workforce Act, including the requirement that CW-1 employers enroll in and be a participant in good standing in the E-Verify program as a condition of filing CW-1 petitions.

The Workforce Act required DHS to proceed by publishing an interim final rule and written comments will be considered in developing a final rule. The public may submit comments and related materials on or before July 13, 2020. Comments on the form, form instructions, and information collection revisions in this interim rule must be submitted on or before June 13, 2020. The interim final rule will go into effect on June 18, 2020.

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