



Questions and Answers

Nov. 30, 2009

USCIS Will Exercise Parole Authority for Certain Aliens in the Commonwealth of the Northern Mariana Islands

Background

U.S. immigration law will be implemented in the Commonwealth of the Northern Mariana Islands (CNMI), with the transition period scheduled to begin on Nov. 28, 2009. On May 8, 2008, President George W. Bush signed into law Public Law 110-229, the *Consolidated Natural Resources Act of 2008* (CNRA). Title VII of this law amended Public Law 94-241, the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States. Title VII extends certain provisions of the immigration laws of the United States, including the Immigration and Nationality Act (INA), to the CNMI.

United States Citizenship and Immigration Services (USCIS) will grant parole on a case-by-case basis to qualifying individuals in certain groups of aliens in the CNMI. This authority will be exercised pursuant to section 212(d)(5) of the INA and applicable regulations.

Questions and Answers

Q. What groups in the CNMI may be eligible for a grant of parole?

A.: The following groups may be eligible for a grant of parole:

- CNMI permanent residents;
- Immediate relatives of CNMI permanent residents;
- Spouses and children of deceased CNMI permanent residents; and
- The immediate relatives of citizens of the Freely Associated States (the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands).

Q. What is an immediate relative?

A. For this parole program only, USCIS will apply the definition of "immediate relative" under CNMI law. "Immediate relative" means:

- A legally recognized spouse;
- A child under the age of 21 years whether natural or adopted before the age of 18 years;
- A stepchild if the marriage that created the stepchild relationship took place before the child's eighteenth birthday; or
- A surviving spouse or child of a CNMI permanent resident.

Q. What does parole status mean?

A. An applicant for admission under U.S. immigration law is an alien who has not been inspected and admitted by a U.S. immigration officer. As of the transition program effective date (Nov. 28, 2009),

aliens present in the CNMI who do not have a U.S. immigration status will be applicants for admission. USCIS has the discretionary authority to parole applicants for admission for urgent humanitarian reasons or significant public benefit. An alien who is paroled remains an applicant for admission, but has been affirmatively authorized to remain in the United States and may apply for a discretionary grant of work authorization.

Q. How long is this parole status valid?

A. Parole status generally is valid for two years and will be renewable contingent on the alien's continued eligibility. Also, USCIS may terminate the grant of parole if it has reason to do so (such as the paroled alien committing a crime or experiencing a personal change in circumstances affecting eligibility.)

Q. Will people have to show proof of their CNMI status to qualify for parole?

A. Yes. The following may be submitted as proof of your status and/or qualifying relationship (copies may be accepted):

- CNMI Permanent Resident or Immediate Relative Status Card
- FAS national's evidence of status
- Marriage certificate
- Child's birth certificate
- Decedent's death certificate
- Evidence of your last CNMI immigration status
- Evidence of your current CNMI employment status

Q. Are there other requirements to obtain parole status?

A. Yes. Grants of parole under this policy are not automatic, but will be determined on a case-by-case basis. USCIS will consider any inadmissibility factors that may warrant an unfavorable exercise of discretion. Applicants for exercise of this parole authority must establish the qualifying status as a member of an impacted group. Applicants must also have been lawfully present under CNMI law in the CNMI immediately preceding the transition program effective date.

Q. What are the filing fees associated with obtaining parole status?

A. There is no filing fee to obtain parole in the CNMI under this program. If a paroled alien requests employment authorization or travel privileges, he or she will have to file the appropriate application form. Current filing fees are \$340 for Form I-765, Application for Employment Authorization and \$305 for a Form I-131, Application for Travel Document. USCIS may waive the filing fee for the Form I-765 based upon your inability to pay the fee. USCIS will waive the filing fee for impacted CNMI applicants upon demonstration of economic hardship that meets applicable thresholds. To request that USCIS waive the fee, enclose a letter with your Form I-765 in accordance with the form instructions. The Form I-131 fee may not be waived.

Requests to travel from the CNMI to rest of the United States and its other territories (including Guam) do not require a filing fee.

Q. When can I apply for parole status?

A: You may apply for parole status any time on or after November 28, 2009.

Q. How will USCIS process my application?

A: USCIS will confirm your status, conduct a background check, consider any inadmissibility factors that may warrant an unfavorable exercise of discretion and perform other processing functions. If USCIS approves your application, you will be sent a Form I-94, Arrival and Departure Record. If your application is denied, USCIS will send a letter to notify you.

Q. How do I apply for parole?

A: You must first make an appointment online to visit the USCIS Application Support Center, TSL Plaza Building, Beach Road South, Saipan, CNMI. You will need to submit the parole request in person to a USCIS immigration officer at that appointment. You may make an appointment online at www.uscis.gov.

At the appointment, the immigration officer will receive the application and answer any filing questions. If you are applying for parole based on being the spouse of a citizen of the Freely Associated States, the immigration officer will conduct an interview with you and your spouse. While at the appointment, you will be required to undergo fingerprinting to initiate the security checks required prior to parole issuance. No fee will be charged for the parole application or this fingerprinting.

Q. What must I submit during my appointment at the ASC Saipan?

A. You need to submit the following at your appointment:

- A request letter signed by you and addressed to the Director, USCIS District 26, Honolulu Hawaii. The letter may be typewritten or legibly handwritten.
- Evidence of status as of the Transition Program Effective Date (November 28, 2009);
- Evidence of residence in the CNMI at the time of application;
- A completed Form G-325, Biographic Information;
- Four recent passport-style photos; and
- A valid identity document such as a passport or birth certificate.

Q. Is my work authorization automatic upon being granted parole?

A: No. You must first be granted parole and submit evidence (Form I-94) of the grant with your employment authorization application (Form I-765). If work authorization is approved, you will be eligible to work in the CNMI for the entire period of parole.

Q: Can I work for any CNMI employer with employment authorization?

A: Yes. This employment authorization is unrestricted.

Q. How do I apply for employment authorization?

A: You must file an Application for Employment Authorization, Form I-765, in accordance with the filing instructions to the location designated in the form instructions. Employment authorization will be granted in increments up to two-years.

Q. Can I travel to Guam, Hawaii, or the U.S. Mainland with parole status?

A. As a parolee, you may be eligible to travel to other parts of the United States and its territories. To request authorization to travel to other parts of the United States and/or a U.S. territory, you must prepare and sign a letter indicating the purpose of the travel and your intention to return to the CNMI. The letter must be addressed and mailed to the Field Office Director, USCIS Guam Field Office, Sirena Plaza, Suite 100 108 Hernan Cortez Avenue Hagatna, Guam 96910. The Guam Field Office will notify you in writing of the decision on your travel request.

Q: Can I travel to a foreign country and reenter the CNMI while I'm a parolee?

A: You may be eligible for advance parole to reenter the CNMI from foreign travel. To apply for advance parole, mail an Application for Travel Document, Form I-131, with fee and supporting documents in accordance with the form instructions to the Field Office Director, USCIS Guam Field Office, Sirena Plaza, Suite 100 108 Hernan Cortez Avenue Hagatna, Guam 96910. The Guam Field Office will notify you in writing of the decision on your travel request. Further information is available on the Form I-131 instructions or from the ASC Saipan.

Q. If I am approved for travel to Guam, Hawaii, or the U.S. Mainland with parole status, and I have an Employment Authorization Document (EAD), can I be employed in that other U.S. location?

A. No. USCIS will not approve travel of CNMI parolees to other U.S. destinations for residence or employment purposes. Under this program your EAD is not considered valid for employment outside the CNMI. You will be in violation of your conditions of parole, and may be removed from the United States to your country of nationality if you obtain such employment.

Q. Upon my return to the CNMI from a foreign country, would I still keep my employment authorization in the CNMI?

A: Yes. Traveling outside and returning to the CNMI does not terminate employment authorization provided you continue to meet the conditions of parole.

Q: Can I renew my parole once it expires in two years?

A: You may request to renew (re-parole) up to 120 days before your existing parole period expires. Follow the same filing procedure as with the initial parole application. Renewal is contingent on the alien's continued eligibility. Also, USCIS may terminate the grant of parole if it has reason to do so (such as the paroled alien committing a crime or experiencing a personal change in circumstances affecting eligibility.)

Q: Can I renew my work authorization?

A: You can file your renewal employment authorization document (EAD) with USCIS up to 120 days before your existing EAD expires but AFTER your re-parole application is approved. To avoid a lapse in authorization, request re-parole early so USCIS can process your application and send you a new Form I-94.

Q. Does parole provide lawful permanent residence (Green Card) status?

A. No. Parole is temporary and does not provide any legal permanent status. The terms and conditions of the parole granted will be set forth in the parole document. These terms and conditions do not include a grant of lawful permanent resident status.

Q. If I am eligible for parole under this program, am I required to apply for it immediately on November 28, 2009?

A. No. Aliens lawfully present under CNMI law on the transition date generally may remain for the period of their CNMI authorization, or 2 years, whichever is less, and may in many cases have continuing work authorization for the same period. Upon the expiration of the CNMI status or 2 years, whichever occurs first, aliens must obtain lawful status under U.S. immigration law. Applications under this parole authority may be one means through which aliens may secure such lawful status. However, U.S. immigration benefits under parole are not automatic and you must apply to obtain such benefits. You may also be eligible for immigrant or nonimmigrant status under the Immigration & Nationality Act. Therefore, you may choose not to apply for this parole even if you are eligible for it.

Q. If I am granted parole under this program, do I lose my continuing employment authorization for up to two years after November 28, 2009, under the CNRA?

A. No, you may continue to work under your CNRA authorization if you are granted parole, without having to apply for an Employment Authorization Document (EAD). However, you will need an EAD in order to work after November 28, 2011 (or the date of expiration of your CNRA authorization, if sooner), or to perform any employment that is not within the scope of that authorization.

Q. Does this mean that no other aliens in the CNMI will be paroled?

A. No. USCIS has determined that parole may be granted to eligible aliens in these particular groups at this time. USCIS and other DHS immigration agencies may use parole authority in other situations on a case-by-case basis as may be appropriate.

Q. What about parole applicants from Tinian and Rota?

A. All CNMI applicants mail applications to the same address, as indicated on the instructions for the corresponding form. USCIS may consider occasional travel to Tinian and Rota in the future should the need arise for parole issuance and biometrics, however, there are currently no plans to offer this service. Parole requires an in-person appearance, applicants from Tinian and Rota therefore should plan to travel to Saipan for that purpose.

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