



CNMI-Only Transitional Workers (CW-1): Eligibility, Petition Process, and the Semiannual Reporting Requirement

April 19, 2023

Background

U.S. Citizenship and Immigration Services conducted a webinar on April 19, 2023, on the CNMI-Only Transitional Workers (CW-1): Eligibility, Petition Process, and the Semiannual Reporting Requirement. Please note that some of the stakeholder questions below may have been revised for clarity.

Q1. What if I do not file the Semiannual Report for CW-1 Employers, Form I-129CWR on time?

A1: We will accept late-filed semiannual reports. You may submit all required reports, including any overdue reports, to USCIS even if the relevant filing window has passed. For example, if you are an employer of a CW-1 worker with start date of October 1, 2019, who has never filed a semiannual report, USCIS may consider you to be in compliance if you file any semiannual reports that are overdue, and then timely file semiannual reports thereafter.

If we revoke your CW-1 petition for failure to comply with the semiannual reporting requirement, you must still file any overdue semiannual reports before a new petition can be approved. Complying with this requirement will not have any effect on an already revoked petition, but will allow you to participate in the [CW program](#) in the future even if previous petitions were revoked.

Q2: Do I need to submit the semiannual report if the worker was never admitted to the CNMI or no longer works for me?

A2: Employers with currently-approved CW-1 petitions with a validity period of six months or more are required to file Form I-129CWR with USCIS every six months after the petition validity start date. The employer must continue to file a new I-129CWR every six months, up to and including the sixth month preceding the petition's validity end date. Employers are not required to file Form I-129CWR if a petition has been withdrawn for all beneficiaries.

If you do not submit a written withdrawal of your approved CW-1 petition for all beneficiaries, you will remain subject to the semiannual reporting requirement for the duration of your petition's validity period, and you must comply with the reporting requirement before a new petition can be approved.

You are still subject to the semiannual reporting requirement even when:

- the worker was never admitted to the CNMI,
- the worker is no longer working for you,
- the worker may have subsequently changed status, or
- you are a CW-1 employer of a long-term worker and you previously submitted Form I-129CWR.



Additional information about the Semiannual Reporting Requirement may be found on our website: [Most CW-1 Employers Must File Required Semiannual Report \(Form I-129CWR\) | USCIS](#)
[CW-1 Employers Must Verify Continued Employment and Payment of CW-1 Workers by Submitting Form I-129CWR | USCIS.](#)

Q3: Can I withdraw my CW-1 petition for only some workers but not all workers on that petition?

A3: Yes, you may request to withdraw your petition for some workers. However, you must still file the semiannual report for any workers that have not been withdrawn on the petition. You will not be required to file Form I-129CWR if your petition has been withdrawn for all workers.

To request to withdraw your petition, submit a written request to the California Service Center at the address located under the "Where to File" section of the [Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker](#), page. Please specify whether you want to withdraw the entire petition for all beneficiaries, or only part of the petition for some (but not all) beneficiaries.

Q4: When must the semiannual report be filed if the worker was admitted after the validity period start date?

A4: The report filing date does not change, even if the worker was admitted after the validity period start date. The report is still due every six months after the petition's validity start date, up to and including the sixth month preceding the petition's validity end date.

For example, your CW-1 petition for one worker was approved with a start date of October 1, 2022. However, the worker was not admitted to the CNMI until December 2022. Your report filing date is April 1, 2023, and your filing window is March 1, 2023, through May 1, 2023.

Q5. How do I know if USCIS has received the semiannual report that I submitted?

A5: USCIS does not issue a receipt notice for the semiannual report. However, employers can verify if USCIS received the Form I-129CWR by entering the receipt number of the approved Form I-129CW petition in the USCIS Case Status Online tool ([Case Status Online - Case Status Search \(uscis.gov\)](#)).