

Congress of the United States
House of Representatives
Washington, DC 20515

September 29, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas,

You may be able to help employers in my district, the Northern Mariana Islands, who are facing long delays in temporary labor certifications processing by the Department of Labor this year. As a result, these employers are unable to petition your Department for CW-1 visas.

According to the Department of Labor's Foreign Labor Application Gateway¹, certification requests for 2,116 CW-1 workers are pending with the Department, some going back to April. In addition, certification requests for another 1,289 workers submitted since August have not even begun to be processed.

My simple request is that you use any discretionary authority available to you to allow current CW-1 visa holders to continue to work and remain lawfully present in the Northern Marianas, if their employer has filed for a temporary labor certification in a timely manner and until such time as that filing is adjudicated and a petition for CW-1 visa renewal can be submitted.

I would also respectfully request your Department signal to the Department of Labor that the two-step process for approval of foreign workers in the Marianas, for which both departments share responsibility, is compromised by the processing delays.

The pandemic has already placed tremendous strains on businesses in the Marianas. Pandemic-related disruptions may also be behind the processing delays at the Department of Labor. Some accommodation is called for as we work our way back to normalcy.

I hope you will agree.

Please let me know if you have any questions. Your staff may also contact my Chief of Staff, Bob Schwalbach, at 202-309.5787 or bob.schwalbach@mail.house.gov.

Sincerely,



GREGORIO KILILI CAMACHO SABLAN
Member of Congress

¹ <https://flag.dol.gov/processingtimes>



U.S. Citizenship
and Immigration
Services

November 16, 2022

The Honorable Gregorio Kilili Camacho Sablan
U.S. House of Representatives
Washington, DC 20515

Dear Representative Sablan:

Thank you for your September 29, 2022, letter to the U.S. Department of Homeland Security regarding delays in temporary labor certification processing. Secretary Mayorkas asked that I respond on his behalf.

I appreciate the concerns that you have raised and recognize the importance of the CW-1 program for the Commonwealth of the Northern Mariana Islands (CNMI). The Northern Mariana Islands U.S. Workforce Act of 2018 added a statutory requirement that CW-1 petitions must be filed with an approved temporary labor certification (TLC) from the U.S. Department of Labor (DOL). U.S. Citizenship and Immigration Services (USCIS) implemented this requirement through the interim final rule on the *Implementation of the Northern Mariana Islands U.S. Workforce Act of 2018*, which was published on May 14, 2020.¹ As a result, USCIS does not have the discretionary authority to accept CW-1 petitions without a TLC certified by DOL. However, USCIS does have the discretionary authority to excuse a late filing for extension of status petitions in limited circumstances. On October 18, 2022, USCIS announced that it will consider CW-1 petitions seeking an extension of status for temporary workers present in the CNMI to be filed on time, even if USCIS receives them after the worker's current period of CW-1 petition validity expires, only if:

- The TLC application was filed with DOL at least 60 days before the requested start date;
- The petition is otherwise properly filed, and includes an approved TLC; and
- USCIS receives the petition no later than 30 days after the date of TLC approval, or by November 15, 2022, whichever is earlier.

If an employer files an extension petition meeting these requirements, the CW-1 worker may continue employment with the same employer for up to 240 days beginning on the expiration of the authorized period of stay, pending adjudication of the petition or, in the case of

¹ Federal Register, *Implementation of the Northern Mariana Islands U.S. Workforce Act of 2018*, available online at <https://www.federalregister.gov/documents/2020/05/14/2020-08524/implementation-of-the-northern-mariana-islands-us-workforce-act-of-2018>.

a non-frivolous petition for extension of stay with change of employer, until USCIS adjudicates the petition.²

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

² *Filing Guidance for CW-1 Petitions Seeking to Extend Status*, available online at <https://www.uscis.gov/newsroom/alerts/filing-guidance-for-cw-1-petitions-seeking-to-extend-status>.