

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

July 30, 2020

The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
Washington, DC 20528

RECEIVED

By ESEC at 8:04 am, Jul 31, 2020

Dear Acting Secretary Wolf:

The response to COVID-19 has disrupted travel to and from the Northern Mariana Islands to the extent, I believe, a suspension of temporary departure requirements set out in the Department's Interim Final Rule, implementing the Northern Mariana Islands U.S. Workforce Act of 2019, Public Law 115-218, is warranted. I write to request that you provide such a temporary suspension.

Although I remain committed to the requirement that Commonwealth-Only Transitional Workers, authorized by the Workforce Act, depart the Marianas every three years, the present restrictions on travel, taken to contain the spread of COVID-19, are an extraordinary set of circumstances that could not have been anticipated, when this requirement was written.

The Department has already modified other immigration regulations in response to COVID-19. For instance, the Immigration and Customs Enforcement Agency is temporarily allowing participants in the Student and Exchange Visitor Program to fulfill requirements by taking courses online rather than in person.¹

During COVID-19, and in other natural disasters, the U.S. Citizenship and Immigration Services has recognized circumstances can impact a petitioner or beneficiary's ability to comply with regulations and has granted deadline extensions.

USCIS has, also, suspended certain requirements for F-1 students, when their home countries or regions experience emergent circumstances, such as natural catastrophe, military conflicts, or financial crises.²

Despite these precedents, and in the event you do not find legal authority for a temporary suspension of the temporary departure requirement of the U.S. Workforce Act, I request drafting assistance from your Department for legislative language granting such authority that could be added to the next coronavirus relief act.

¹ COVID-19: Guidance for SEVP Stakeholders, March 13, 2020

(https://www.ice.gov/sites/default/files/documents/Document/2020/Coronavirus%20Guidance_3.13.20.pdf)

² USCIS Humanitarian Special Situations: <https://www.uscis.gov/humanitarian/special-situations>

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Thank you for your consideration. Should your staff have any questions about this request, please contact Ms. Frances Diaz of the congressional office at frances.diaz@mail.house.gov or 202.226.4976.

Sincerely,



GREGORIO KILILI CAMACHO SABLAN
Member of Congress

cc: The Hon. Kenneth T. Cuccinelli, U.S. Citizenship and Immigration Services



U.S. Citizenship
and Immigration
Services

August 31, 2020

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

Dear Representative Sablan:

Thank you for your July 30, 2020 letter. Acting Secretary Wolf asked that I respond on his behalf.

In your letter, you expressed support for U.S. Citizenship and Immigration Services (USCIS) to modify its policy on implementing the requirement that aliens leave the Commonwealth of the Northern Mariana Islands (CNMI) for at least 30 days after two renewals of their CNMI-Only Transitional Worker (CW-1) visa classification.

In response to stakeholder feedback and disruptions caused by the coronavirus pandemic, USCIS will implement the temporary departure requirement in a manner that best protects the interests of CW-1 employers and workers who may be affected by potential travel disruptions and delays beyond their control. Effective immediately, USCIS will only apply the requirement that certain CW-1 nonimmigrant workers depart CNMI for a period of at least 30 continuous days to CW-1 petitions approved on or after June 18, 2020. For example, any alien approved on or after June 18, 2020, for a one-year CW-1 validity period beginning Oct. 1, 2020, will be eligible for two more consecutive petition validity periods after the first period of validity expires on Sept. 30, 2021.

Thank you again for your letter and interest in this important matter. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Edlow", with a long horizontal line extending to the right.

Joseph Edlow
Deputy Director for Policy