

Congress of the United States

House of Representatives

Washington, DC 20515

September 16, 2020

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

RECEIVED

By ESEC at 12:35 pm, Sep 16, 2020

Dear Acting Secretary Wolf:

I request you exercise your discretionary authority to allow additional time for employers in the Northern Mariana Islands to submit extension of stay applications for their Commonwealth-only Transitional Workers (CW-1) employees for fiscal year 2021. This request is necessary because of the disruption in business activity brought on by the coronavirus. It is also necessary because of the delay by the Commonwealth government in submission of the annual prevailing wage survey for certification by the U.S. Department of Labor, which has correspondingly delayed employers' filing of temporary labor certifications, a necessary predicate for the CW-1 applications.

According to the Department of Labor, the Commonwealth government did not complete submission of the 2020 prevailing wage survey until September 10.

I have asked Labor Secretary Scalia for expedited review and certification of the Commonwealth's wage survey. However, once certification does occur, additional time is needed for employers to complete the temporary labor certification process and submit an extension petition.

I understand that some employers delayed applying for temporary labor certification hoping for a more favorable prevailing wage. However, even those who made a good faith effort to obtain certification report it can take more than four months for the prevailing wage determination and temporary labor certification to be issued.

There is precedent for the Department of Homeland Security to allow additional time for Marianas employers to timely file CW-1 petitions. The Department granted an extension of time to renew CW-1 permits for fiscal year 2020, also because of delays in the issuance of temporary labor certifications.

As you can understand, employers in the Marianas face significant challenges today. They are still recovering from Super Typhoon Yutu 23 months ago; and the difficulty of those efforts has only been compounded by the economic blow from the COVID-19 pandemic. These disruptions in business activity have also negatively affected employers' ability to timely file CW-1 petitions.

Thank you for your consideration of this request for additional time for employers to file CW-1 petitions.

Sincerely,



GREGORIO KILILI CAMACHO SABLAN
Member of Congress



U.S. Citizenship
and Immigration
Services

September 29, 2020

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

Dear Representative Sablan:

Thank you for your September 16, 2020 letter. Acting Secretary Wolf asked that I respond on his behalf.

U.S. Citizenship and Immigration Services (USCIS) appreciates the concerns you raise, but the agency has no plans at this juncture to issue an announcement allowing additional time for employers to file extension petitions for CW-1 employees whose status may expire at the end of the fiscal year. As you note, in September 2019, USCIS offered a one-time, limited accommodation to facilitate the initial implementation of the requirement that CW-1 petitions with employment start dates on or after October 1, 2019, include a temporary labor certification (TLC) approved by DOL. As to the timing of TLC issuance by DOL, it should be noted that employers may file TLC applications for extensions up to 180 days before their date of need (or up to 120 days for new employment).

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

Respectfully,

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

Joseph Edlow
Deputy Director for Policy