



**RALPH DLG. TORRES**  
Governor

**ARNOLD I. PALACIOS**  
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

September 28, 2020

GOV20-298

The Honorable Chad Wolf  
Secretary  
U.S. Department of Homeland Security  
300 7<sup>th</sup> Street SW  
Washington, DC 20528

Dear Secretary Wolf:

I write in continuation of an important dialogue related to the implementation of the Northern Mariana Islands U.S. Workforce Act (U.S. Public Law 115-218), in the Commonwealth of the Northern Mariana Islands (CNMI). I have made requests of your office in prior occasions and asked for your support in ensuring the implementation of this law is done with care to not inflict unnecessary harm to the CNMI economy and the intents of hiring and retaining a greater number of U.S. workers in this economy.

The transition period initiated by U.S. Public Law 110-229 and continued under Public Law 115-229, is a complex endeavor with necessary intents, but also the potential consequences to the economy and its ability to support public services and keep employed hard working U.S. workers. These consequences are heightened with the devastation caused by the global outbreak of the Coronavirus Disease 2019 (COVID-19).

Since the global spread of this disease, the CNMI economy has been ground to a sudden and debilitating halt. Of the 13,702 U.S. eligible workers in the CNMI labor force,<sup>1</sup> the CNMI Department of Labor has fielded more than 9,000 applications for Pandemic Unemployment Assistance and Federal Pandemic Unemployment Compensation. This constitutes a startling employment impact of more than 66% of the U.S. eligible workforce population across industries and sectors in the community caused by the collapse in tourism arrivals.

To regain a foothold to reestablish economic activity, especially in the impending conclusion of the Pandemic Unemployment Assistance program, the CNMI needs all the tools at its disposal to bring back U.S. employment. This cannot be accomplished in this timeframe with the additional costs and complications many employers are experiencing in the Temporary Labor Certification process.

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<sup>1</sup> U.S. Government Accountability Office "Commonwealth of the Northern Mariana Islands: Recent Economic and Workforce Trends. 2020. <https://www.gao.gov/products/GAO-20-305>

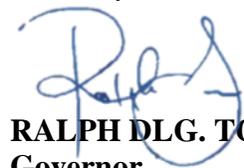
In the first year of implementation, the Department of Homeland Security afforded CNMI employers a 30-day reprieve to allow employers to submit their CW-1 extension applications. We were and are tremendously grateful for this decision. In our efforts to support the full adherence to the law, we, as a community, could not expect the turmoil that would erupt this year.

I respectfully ask, with full acknowledgement and appreciation for the efforts made in 2019, to once more grant employers in the CNMI a 30-day reprieve so the unprecedented impacts of this crisis are not permitted to continue long-after our nation achieves normalcy. In speaking with employers critical to the resumption of our tourism industry and our economy, without such a reprieve, the economic consequences will be prolonged and difficult to overcome.

This population, because of the size of our economy, our difficulties in obtaining economic diversification in a competitive global marketplace, and the extent to which COVID-19 has impacted the necessary provision of government services, needs the opportunity to rebuild and regain its footing. Any consideration you may have on this request, is greatly appreciated by me and the community I serve.

Should you have any further questions or concerns on this request, please contact me. Thank you for your time and thank you for your department's continuing efforts to communicate with the CNMI.

Sincerely,



**RALPH DLG. TORRES**  
Governor



U.S. Citizenship  
and Immigration  
Services

October 14, 2020

The Honorable Ralph DLG. Torres  
Governor  
Commonwealth of the Northern Mariana Islands  
Caller Box 10007  
Saipan, Northern Mariana Islands 96950

Dear Governor Torres:

Thank you for your September 28, 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 have expired at the end of FY 2020. 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 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).

USCIS has the discretionary authority to excuse a late filing for extension of status petitions in limited circumstances. An employer may ask that untimely filing of a petition for extension or change of nonimmigrant status be excused by submitting evidence with the petition that the delay was due to extraordinary circumstances beyond its control and that the delay is commensurate with the circumstance. Any such evidence will be considered on a case-by-case basis.

Thank you again for your letter. Should you require any additional assistance, please have your staff contact the USCIS Public Engagement Division at [public.engagement@uscis.dhs.gov](mailto:public.engagement@uscis.dhs.gov).

Respectfully,

A handwritten signature in black ink, appearing to read "J. Edlow", written over a horizontal line.

Joseph Edlow  
Deputy Director for Policy