

**RALPH DLG. TORRES**  
Governor



**ARNOLD I. PALACIOS**  
Lieutenant Governor

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

June 6, 2019

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SCANNED/RECEIVED  
BY EXEC SEC

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

Dear Acting Secretary McAleenan:


I write to respectfully request your assistance regarding the publication of the regulations governing the implementation of U.S. Public Law 115-218, the Northern Mariana Islands U.S. Workforce Act of 2018.

On September 18, 2018, I wrote to the U.S. Department of Homeland Security to provide my recommendations on the development of these important regulations for the economy of the Commonwealth of the Northern Mariana Islands (CNMI). It has been my hope that these recommendations would be helpful in designing a regulatory structure that accomplishes the goals of Public Law 115-218, while allowing for continued economic growth in the CNMI. However, as of today, no regulation regarding this vital program has been published.

As we move closer to the start of Fiscal Year 2020, we have been fortunate that the United States Department of Labor (USDOL) has expedited our approval of our prevailing wage data, which in turn, has allowed for companies to start submitting their temporary labor certifications. Our fear is that once they have received approvals through USDOL, they will be unable to move forward with applications for the CNMI-Only Transitional Worker (CW-1) visa through United States Citizenship and Immigration Services (USCIS).

To ensure employers can complete the entire USDOL and USCIS visa processes before September 30th, we urgently request USCIS to publish the regulations for CNMI-Only Transitional Workers as soon as possible. Absent regulations, our employers will not be able to avail of labor, and our volatile, recovering economy, which was severely impacted by Super Typhoon Yutu last October, will continue to be negatively impacted. If you have any questions or need additional information from me, please do not hesitate to contact my office.

Sincerely,



**RALPH DLG. TORRES**  
GOVERNOR



U.S. Citizenship  
and Immigration  
Services

June 25, 2019

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 June 6, 2019 letter. Acting Secretary McAleenan asked that I respond on his behalf.

U.S. Citizenship and Immigration Services (USCIS) appreciates the urgency of your concerns and your request that USCIS publish, as soon as possible, an interim final rule (IFR) on CNMI-Only Transitional Workers (CW-1) implementing Public Law 115-218, the Northern Mariana Islands U.S. Workforce Act of 2018. You state that the U.S. Department of Labor (DOL) will start approving temporary labor certifications (TLC) soon and note that absent USCIS regulations, CW-1 employers will not be able to file for their CW-1 workers.

CW-1 employers will be able to file with USCIS for their CW-1 workers for fiscal year (FY) 2020, once they receive an approved TLC. On March 25, 2019, USCIS announced that all CW-1 filings for FY 2020 must include an approved TLC from DOL. USCIS began accepting petitions for employment with start dates in FY 2020 under the CW-1 program on April 4, 2019. On June 11, 2019, USCIS updated its website to provide guidance on how to meet the TLC requirement prior to the publication of the USCIS IFR. To meet this requirement, petitioners should submit a copy of the complete approved TLC, including the certified Application (Form ETA-9142C), the Final Determination notice, and all relevant Appendices (with employer signature on Appendix C). As stated in the guidance, USCIS will reject any CW-1 petition with an employment start date on or after October 1, 2019, filed without the approved DOL TLC.

USCIS is continuing to work toward full implementation of all provisions of Public Law 115-218, including developing the new IFR prescribed by it, as noted in the Spring 2019 Unified Agenda. Public Law 115-218 directed DHS, in developing the IFR, to consider in good faith any written public recommendations regarding implementation. As noted in the USCIS response to your letter on October 29, 2018, we are considering your recommendations as directed by statute in developing the forthcoming IFR. Publishing the CW-1 IFR continues to be a regulatory priority for DHS and USCIS. We invite you to view the Unified Agenda for more information.

The Honorable Ralph DLG. Torres  
Page 2

Thank you again for your letter and your interest in this matter. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken C II". The signature is stylized with a large "K" and "C" and a small "II" at the end.

Ken Cuccinelli II  
Acting Director