

SUPPORTING STATEMENT

Petition for CNMI-Only Nonimmigrant Transition Worker

(Form I-129CW)

OMB No. 1615-NEW

A. Justification:

1. The Department of Homeland Security will be amending its regulations to create the new Commonwealth of the Northern Mariana Islands (CNMI) Only Transition Worker classification accordance with the Consolidated Natural Resources Act of 2008, Public Law 110-229, dated May 8, 2008. Public Law 110-229 establishes a transition period before the Immigration and Nationality Act (Act) is fully applicable to the CNMI. A CNMI-only transitional worker is an alien worker who is ineligible for another classification under the Act and who performs services or labor for an employer in the CNMI. The new CNMI-only CW classification will be in effect for the duration of the transition period. This form is necessary for an employer to petition for an alien to enter the CNMI temporarily to perform services or labor as a CNMI-Only nonimmigrant transition worker (CW).

This form is also necessary for an employer to petition for an extension of stay or change of status for an alien as CW nonimmigrant.

Authority: The authority will be included in 8 CFR 214.2(w)(5) when the interim rule titled “Commonwealth of the Northern Mariana Islands

Transitional
Federal Register.

Worker Classification, 1615-AB76, is published in the

2. The data collected on this form is used by the U.S. Citizenship and Immigration Services (USCIS) to determine eligibility for the requested immigration benefits. This form is used by an employer to petition USCIS for an alien to temporarily enter as a nonimmigrant into the CNMI to perform services or labor as a CNMI-Only Transitional Worker (CW-1). This form is also used by an employer to request an extension of stay or change of status. The form serves the purpose of standardizing requests for the benefit, and ensuring that the basic information required to determine eligibility is provided by the petitioners.
3. The use of this form provides the most efficient means for collecting and processing the required data. USCIS provides this application to the public via the USCIS Internet Web Site. This form can be completed electronically but cannot be submitted to USCIS electronically.
4. A review of the Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. USCIS has determined that a substantial number of small businesses are likely to be affected by this rule. Over 80 percent of businesses in the CNMI have annual revenues and employees below the threshold considered small according to the Small Business

Administration's "Table of Small Business Size Standards Matched to North American Industry Classification System Codes". However, this rule represents a cost savings from the current CNMI foreign worker program, thus this rule will not impose a significant impact on these small businesses. However, the rule also establishes that USCIS will reduce the number of available CW statuses to zero at the conclusion of the transition period and that may have a significant impact. Regardless, that requirement is established by legislation and USCIS cannot adjust the requirements of this information collection based on entity size in any manner that would affect or mitigate the impact of that provision.

6. If the information is not collected, USCIS will not be able to determine the employers eligibility to petition for an alien to temporarily enter as a nonimmigrant into the CNMI to perform services or labor as a CNMI-Only Transitional Worker (CW-1). USCIS will also not be able to determine an employer's eligibility to request an extension of stay or change of status.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. The 60 Day Notice will publish inside the interim final rule. We will address the comments when we publish a final rule.
9. The USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.

- 10. There is no assurance of confidentiality.
- 11. There are no questions of a sensitive nature.
- 12. Annual Reporting Burden:

a. Number of Respondents	1,178
b. Number of Responses per Respondent	1.34
c. Total Annual Responses	1,579
d. Hours per Response	3
e. Total Annual Reporting Burden	4,737

The projected hours per response for this collection of information were derived as follows:

Learning about the law and the form	60 minutes
Completion of the form	90 minutes
Assembling and Filing the form	30 minutes
Total Hours per Response	3 hours

Responses per respondent reflect the assumption that most petitioners will have to file only one I-129CW, but some petitioners will have to file multiple forms. On average, this equals 1.34 responses per respondent.

Annual Reporting Burden

Total annual reporting burden hours is 4,737 hours. This figure was derived by multiplying the number of respondents (1,178) x 1.34 (number of responses per respondent) x 3 hours per response.

13. There are no capital or start-up costs associated with this information collection. However, there is a fee charge of \$320, an \$80 biometrics fee per beneficiary, and a supplemental CNMI education funding fee of \$150 per beneficiary, for this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14.

14. Annualized Cost Analysis:

Printing Cost	500
Collecting and Processing	\$867,686
Total Cost to Program	\$868,186
Fee Charge	\$868,186
Total Annual Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents 1,178 x 1.34 number of responses x the suggested total fee charge of \$550 (\$320 fee, \$80 biometrics fee, and a supplemental CNMI education funding fee of \$150) (The fee includes the suggested average hourly rate for clerical, officer, and managerial time with benefits, plus a percent of the estimated overhead cost for printing, stocking, distributing and processing of this form).

Public Cost

The estimated annual public cost is \$945,423.

This estimate is based on:

- Number of respondents 1,178 x 1.34 number of responses x 3 hours per response x an average hourly rate of \$16.31 = \$77,237; plus
- Number of respondents 1,178 x 1.34 number of responses x total fee charge \$550 (\$320 fee, \$80 biometrics fee, and CNMI education funding fee of \$150 per beneficiary = \$ 868,186.

15. Since this is a new information collection there is an increase of 4,737 annual burden hours previously reported for the OMB inventory.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. USCIS will display the expiration date for OMB approval of this information collection.
18. USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

Not applicable.

C. Certification and Signature

D. PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the

Privacy Act and OMB directives have been complied with including paperwork regulations,

statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Stephen Tarragon

Date

Deputy Chief,

Regulatory Products Division,

U.S. Citizenship and Immigration Services.