

**Table of Changes for the “Instructions to the Form I-129”  
OMB No. 1615-0009  
October 26, 2010**

<b>Location</b>	<b>Current I-129 Instructions</b>	<b>Changes or Description</b>
<p style="text-align: center;">Page 5</p>	<p><b><u>E-2 CNMI</u></b></p> <p><b>An E-2 CNMI investor is an alien seeking to remain in the Commonwealth of Northern Mariana Islands (CNMI) under lawful immigration status in order to maintain an investment in the CNMI that was approved by the CNMI government prior to November 28, 2009. An E-2 CNMI investor classification is a classification specifically limited to an alien investor who has previously been granted a qualifying long term investor status under the laws of the CNMI. This classification allows an alien who currently holds the qualifying CNMI investor status granted by the CNMI government the ability to maintain an investment in the CNMI during the transition from CNMI immigration law to Federal immigration law. Nationality of the investor is not a qualifying factor in the issuance of an E-2 CNMI investor classification.</b></p> <p>Write <b>E-2C</b> in the classification requested block.</p> <p>The petition must be filed with documentary evidence of:</p> <p><b>1. Qualifying CNMI immigration status as evidenced by a properly endorsed, unexpired CNMI admission document (e.g., entry permit, certificate, or foreign investor visa) reflecting lawful admission to the CNMI under CNMI immigration laws in one of the following status:</b></p> <ul style="list-style-type: none"> <li><b>A. Long-term business investor status as evidenced by a Long -Term Business Certificate;</b></li> <li><b>B. Foreign investor status as evidenced by a Foreign Investment Certificate;</b></li> <li><b>C. Retiree investor status as evidenced by a Foreign Retirees Investment Certification or a Foreign Retiree Investment Certificate.</b></li> </ul> <p><b>2. Maintaining investment, including but not limited to copies of an approval letter issued by the CNMI government; evidence that the capital</b></p>	<p><b><u>E-2 CNMI</u></b></p> <p><b>An E-2 CNMI investor is an alien seeking to enter or remain in the Commonwealth of Northern Mariana Islands (CNMI) in order to maintain an investment in the CNMI that was approved by the CNMI government prior to November 28, 2009. An E-2 CNMI investor classification is specifically limited to an alien investor who has previously been granted a qualifying long term investor status under the laws of the CNMI. This classification allows an eligible alien to be lawfully present in the CNMI in order to maintain the investment during the transition period from CNMI to Federal immigration law. Nationality of the investor is not a qualifying factor in the issuance of an E-2 CNMI investor classification.</b></p> <p>A petition for the initial issuance of an E-2 CNMI investor classification must be filed within 2 years of the date the E-2 CNMI investor classification becomes available. Petitions for the initial issuance of the E-2 CNMI filed after this period will be rejected.</p> <p>Requests for extension of the E-2 CNMI investor classification may be granted, in increments of not more than 2 years, until December 31, 2014.</p> <p>Applications for the dependents of E-2 CNMI investors must be filed on Form I-539, Application to Extend/Change Nonimmigrant Status.</p> <p>Write <b>E-2C</b> in the classification requested block.</p> <p>The petition must be filed with documentary evidence of:</p> <p><b>1. Qualifying CNMI immigration status as evidenced by a properly endorsed, unexpired CNMI admission document (e.g., entry permit or certificate) reflecting lawful admission to the CNMI under CNMI immigration laws in one of the following status:</b></p> <ul style="list-style-type: none"> <li><b>A. Long-term business investor status as evidenced by a Long -Term Business Certificate;</b></li> <li><b>B. Foreign investor status as evidenced by a</b></li> </ul>

has been invested; evidence that the applicant has invested at least the minimum amount required; and the following, depending on the type of investor:

**For a holder of a foreign investment or long-term business certificate:** copies of annual reports of investment activities in the CNMI containing sufficient information to determine whether the certificate holder is under continuing compliance with the standards of issuance, accompanied by annual financial audit reports performed by an independent certified public accountant;

**For a retiree investor:** evidence that he or she has an interest in property in the CNMI (e.g. lease agreement), evidence of the value of the property interest (e.g. an appraisal regarding the value of the property), and, as applicable, evidence of the value of the improvements on the property (e.g. receipts or invoices of the costs of construction, the amount paid for preexisting structure, or an appraisal of the improvements).

Foreign Investment Certificate;  
C. Retiree investor status as evidenced by a Foreign Retirees Investment Certification or a Foreign Retiree Investment Certificate.

2. Maintaining investment, including but not limited to copies of an approval letter issued by the CNMI government; evidence that the capital has been invested; evidence that the applicant has invested at least the minimum amount required; and the following, depending on the type of investor:

**A. For a holder of a foreign investment or long-term business certificate:** copies of annual reports of investment activities in the CNMI containing sufficient information to determine whether the certificate holder is under continuing compliance with the standards of issuance, accompanied by annual financial audit reports performed by an independent certified public accountant;

**B. For a retiree investor:** evidence that he or she has an interest in property in the CNMI (e.g. lease agreement), evidence of the value of the property interest (e.g. an appraisal regarding the value of the property), and, as applicable, evidence of the value of the improvements on the property (e.g. receipts or invoices of the costs of construction, the amount paid for preexisting structure, or an appraisal of the improvements).

3. Continuous maintenance of residence in the CNMI. The investor must establish that he or she has maintained residence within the CNMI since being lawfully admitted as a long-term investor. Additionally, he or she must establish physical presence in the CNMI for periods totaling at least half of that time. Absence from the CNMI for any period of more than 6 months but less than 1 year after such lawful admission shall break the continuity of such residence, unless the subject alien establishes to the satisfaction of DHS that he or she did not in fact abandon residence in the CNMI during such period. Absence from the CNMI for any period of more than 1 year during the period for which continuous residence is required shall break the continuity of such residence.

<p>Page 18 Instructions Left hand column, right before section titled “<b>General Evidence,</b>” add paragraph.</p>	<p><b>Inserted New section</b></p>	<p><b>Special Considerations for Beneficiaries Residing in CNMI</b></p> <p>An alien who was admitted to the CNMI prior to November 28, 2009 may not currently hold a Federal nonimmigrant classification that permits a change of status. However, in certain situations, a petitioner may request that the beneficiary be granted initial status in the CNMI. This will allow certain beneficiaries who were present in the CNMI prior to the transition date and are currently lawfully present in the CNMI with a valid unexpired CNMI status to be granted an initial status without having to depart the CNMI. Additionally, an alien who is currently in parole status in the CNMI may also be granted an initial status in the CNMI.</p> <p>The E-2 CNMI investor regulations permit a petitioner to request that the alien be granted an <i>initial</i> E-2 CNMI investor status in the CNMI. In addition to the classification requirements, the petitioner must submit documentation that the beneficiary is currently lawfully present in the CNMI.</p> <p>The regulation at 8 CFR 212.4(k) indicates that if the beneficiary is lawfully present in the CNMI as described, the beneficiary may apply for a change of status with this form without having to seek consular processing. In addition to the classification requirements, the petitioner must submit documentation that the beneficiary is currently lawfully present in the CNMI</p> <p>A petition for a <i>grant of initial</i> status for a beneficiary currently in the CNMI with a CNMI issued permit must be filed on or before November 27, 2011.</p>
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Page 22, **What Is the Filing Fee?**

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**NOTE:** Aliens present in the CNMI seeking to change their status from a CNMI investor status directly to the E-2 CNMI status without departing the CNMI must pay or obtain a waiver of the \$85 biometric service fee described in 8 CFR 103.7(b). Biometric service fees should be submitted on a separate check from the Form I-129 filing fee.

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**NOTE:** An additional biometric service fee as described in 8 CFR 103.7(b) is required if the alien is lawfully present in the CNMI when applying for an initial grant of E-2C status. After submission of the form, USCIS will notify you about when and where to go for biometric services.

**NOTE:** An additional biometric service fee as described in 8 CFR 103.7(b) is required if the alien is lawfully present in the CNMI when applying for an initial grant of a federal nonimmigrant status. After submission of the form, USCIS will notify you about when and where to go for biometric services.

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The “Special information for applicants residing in the CNMI” section will not take effect until the Final Conforming Rule, “Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands,” RIN 1615-AB77, becomes effective. See highlighted text above.