



Instructions for Petition for a CNMI-Only Nonimmigrant Transitional Worker

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-129CW
OMB No. 1615-0111
Expires 12/31/2020

Purpose of Form I-129CW

This form is used by an employer to petition U.S. Citizenship and Immigration Services (USCIS) for an alien to come as a nonimmigrant to the Commonwealth of the Northern Mariana Islands (CNMI) temporarily to perform services or labor as a CNMI-Only Transitional Worker (CW-1 worker), who will enter or remain in the CNMI for the purpose of employment during the transition period, and is ineligible for another classification under the Immigration and Nationality Act (INA).

This form is used also by an employer to request an extension of stay or change of status for a CW-1 worker.

Form I-129CW consists of:

1. Basic petition; and
2. Additional Worker Attachment for Form I-129CW (required when more than one named beneficiary is included in the petition).

Who May File Form I-129CW?

General. An employer may file this petition to classify an alien as a CW-1 Worker. In order to obtain the status, the worker must either be lawfully present in the CNMI, or must be coming from abroad to the CNMI with a CW-1 visa. The worker cannot be present in the United States, other than in the CNMI.

General Instructions

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each petition must be properly signed and filed. For all signatures on this petition, USCIS will not accept a stamped or typewritten name in place of a signature. A legal guardian may also sign for a mentally incompetent person. If USCIS determines that the requisite signature on the request is not valid, USCIS will consider the request to be unsigned. USCIS will reject the request and return it. See 8 CFR section 103.2(a)(7). If USCIS accepts a request for adjudication and later determines that it has a deficient signature, USCIS will deny the request.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of the original handwritten signature valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten ink signature.

Filing Fee. Each petition must be accompanied by the appropriate filing fee and biometric services fee (if applicable). (See the **What Is the Filing Fee** section of these Instructions.)

Evidence. At the time of filing, you must submit all initial evidence required by statute, regulations and/or these Instructions with your petition, as applicable. If you fail to submit required initial evidence, USCIS may reject or deny your petition for failure to submit evidence or supporting documents in accordance with 8 CFR 103.2(b) and these Instructions.

Biometric Services Appointment. USCIS may require that the worker appear for an interview or provide biometrics (for example, fingerprints, photograph, and/or signature) at any time to verify the worker's identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your petition. After USCIS receives your petition and ensures it is complete, we will inform the worker in writing if they need to attend a biometric services appointment. If an appointment is necessary, the notice will provide the worker the location of your local or designated USCIS Application Support Center (ASC) and the date and time of the appointment.

Copies. You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application or petition. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

NOTE: If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed after we receive them.**

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must include the translator's signature. DHS recommends the certification contain the translator's signature, printed name, the signature date, and the translator's contact information.

How To Fill Out Form I-129CW

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this petition, use the space provided in **Part 11. Additional Information** or attach a separate sheet of paper. Type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A" unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None" unless otherwise directed.
4. **Part 6. Information about the Beneficiary's Public Benefits.** On July 29, 2020, the U.S. District Court for the Southern District of New York (SDNY) in *State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli, et al.* enjoined the Department of Homeland Security (DHS) from enforcing, applying, implementing, or treating as effective the Inadmissibility on Public Charge Grounds Final Rule ("Public Charge Final Rule") for any period during which there is a declared national health emergency in response to the COVID-19 outbreak. (84 FR 41292, Aug. 14, 2019, final rule; as amended by 84 FR 52357, Oct. 2, 2019, final rule correction). Subsequently, on August 12, 2020, the U.S. Court of Appeals for the Second Circuit, in *State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli*, granted an administrative stay of the July 29, 2020 nationwide injunction in all states outside of the Second Circuit, i.e. all states except New York, Connecticut, and Vermont. This stay allows DHS to continue implementing the Public Charge Final Rule everywhere except in New York, Connecticut, and Vermont.

During the injunction, petitioners requesting an extension of stay or change of status using Form I-129CW on behalf of a beneficiary using Form I-129CW, in which the petitioner/employer has a physical address or in which the beneficiary physically resides in New York, Connecticut, or Vermont, should not provide information requested in *Part 6. Information about the Beneficiary's Public Benefit-or Information about Additional Beneficiary's Public Benefits in the Additional Worker Attachment Section.*

In general, a condition on the approval of a request to extend the beneficiary's stay or change the beneficiary's status is that the beneficiary must demonstrate that, since obtaining the nonimmigrant status that you seek to extend or which you seek to change on behalf of the beneficiary, he or she has not received one or more public benefits as set forth in 8 CFR 212.21(b) (and listed below), for more than 12 months in the aggregate within any 36 month period (such that, for instance, receipt of two benefits in one month counts as two months). This condition only applies to beneficiaries who are seeking to change status or extend their stay while they are in the CNMI. Therefore, you only have to complete the information in **Part 6**, if you are also requesting an extension of the beneficiary's stay in the CNMI or a change of the beneficiary's status with this petition. If you are filing this petition without a request for the beneficiary's change of status or extension of stay, you may skip **Part 6**.

Item Number 1. Public Benefits. Provide the information requested about the beneficiary's receipt or the beneficiary's current certification for receipt of public benefits, as defined in 8 CFR 212.21(b) (and which are listed below), unless the nonimmigrant classification is exempt from the public charge inadmissibility under INA section 212(a)(4). Provide the requested information and documentation. For additional beneficiaries, please respond to the questions in **Part 2**. Information about the Additional Beneficiary's Public Benefits, in the Form I-129CW Classification Supplement for each beneficiary.

Item Number 2. You must provide information about all public benefits as defined in 8 CFR 212.21(b) (and which are listed below) received by the beneficiary in his or her current nonimmigrant status regardless of how long the beneficiary received the public benefit, or the beneficiary's certification for receipt of public benefits. USCIS will calculate the duration of each public benefit to be considered. If the beneficiary received public benefits intermittently through the year, provide each instance separately. For example, if the beneficiary received Supplemental Nutrition Assistance Program (SNAP) from January to February and June to December, provide the information separately. If you require additional space, use the space provided in **Part 11. Additional Information**.

Receipt means when a benefit-granting agency provided or currently provides a public benefit to the beneficiary whether in the form of cash, voucher, services, or insurance coverage. Note only the amount received by or attributable to the beneficiary will be considered.

Indicate whether the beneficiary has received or been certified to receive the following public benefits, since having obtained the nonimmigrant status that you seek to extend or that you seek to change on behalf of the beneficiary. (You need to respond even if the beneficiary falls within one of the categories of individuals for whom receipt of public benefits will not be considered – see table below for evidence that must be provided to document that the beneficiary qualified for the exclusion):

- (1) Any Federal, state, local, or tribal cash assistance for income maintenance;
- (2) Supplemental Security Income (SSI);
- (3) Temporary Assistance for Needy Families (TANF);
- (4) Federal, state, or local cash benefit programs for income maintenance (often called "General Assistance" in the state context, but which may exist under other names);
- (5) Supplemental Nutrition Assistance Program (SNAP, formerly called "Food Stamps");
- (6) Section 8 Housing Assistance under the Housing Choice Voucher Program;
- (7) Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation);
- (8) Public Housing under the Housing Act of 1937, 42 U.S.C. 1437 et seq.; and
- (9) Federally-funded Medicaid.

NOTE: You need only to report public benefits received by the beneficiary on or after October 15, 2019, but not any received by the beneficiary before October 15, 2019.

If the beneficiary has not received any of the public benefits listed above, please select that option.

If the beneficiary is currently not certified to receive any of the public benefits listed above, please select that option.

If the beneficiary has received or is certified to receive the public benefits but requested disenrollment, please provide, in addition to providing information about any exclusions below, evidence of the disenrollment or the request to disenroll if the public benefit-granting agency has not processed the request.

Unless the beneficiary qualifies for certain exclusions listed in the table below, the beneficiary is ineligible for extension of stay and change of status if the beneficiary has received, since obtaining the nonimmigrant status that you seek to extend or which you seek to change on behalf of the beneficiary, the public benefits listed above for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two public benefits in one month counts as two months).

The following is a list of exemptions from the public benefits listed above. If the beneficiary belongs to one of the following categories, submit the evidence listed for the applicable categories.

Draft
Not for
Production
09/02/2020

Exclusion	Description	Evidence You Must Submit for the Beneficiary to Qualify for Exclusion
U.S. Armed Forces Service Members	<p>At the time the public benefit was received, or at the time you file Form I-129CW, or at time of adjudication of Form I-129CW, the beneficiary is:</p> <ul style="list-style-type: none"> • An alien enlisted in the U.S. Armed Forces, or serving in active duty or in the Ready Reserve component of the U.S. Armed Forces; or • The spouse or child of the service member (listed above); or • The spouse or child of an individual enlisted in the U.S. Armed Forces, or serving in active duty or in the Ready Reserve component of the U.S. Armed Forces. 	<ul style="list-style-type: none"> • Service Members: Certified evidence of alien’s enlistment/service issued by the authorizing official of the executive department in which service member is serving. • Spouses and Children of Service Members: <ul style="list-style-type: none"> • Copy of Form DD-1173, United States Uniformed Services Identification and Privilege Card (Dependent).
Federally-funded Medicaid	<ul style="list-style-type: none"> • Receipt by an alien under 21 years of age; • The recipient of Medicaid payments for an “emergency medical condition”; • The receipt of Medicaid for services provided under the Individuals with Disabilities Education Act (IDEA); • The receipt of Medicaid for school-based non-emergency benefits for children who are of an age eligible for secondary education as determined under state law; or • Receipt during pregnancy and during the 60-Day period after the last day of the pregnancy 	<ul style="list-style-type: none"> • A statement with information regarding the “emergency medical condition” determination (if applicable); • Documentation of payments under the IDEA or school-based service; • Pregnancy verification letter from medical professional including estimated duration of pregnancy.
Children Who Will Naturalize Under INA Section 322	<ul style="list-style-type: none"> • Child currently residing abroad who entered the United States with a nonimmigrant visa to attend N-600K, Application for Citizenship and Issuance of Certificate Under INA Section 322 interview. 	<ul style="list-style-type: none"> • A copy of the N-600K interview notice. • Information that evidences the beneficiary’s status or that the beneficiary received a waiver for the public charge ground of inadmissibility, such as: <ul style="list-style-type: none"> • Approval notice (Form I-797, Notice of Action); or • Form I-94, Arrival Departure Record.

Documentation

If the beneficiary has received or is currently certified to receive any of the public benefits listed above, submit evidence in the form of a letter, notice, certification, or other agency documents that contain the following:

- (1) Beneficiary name;
- (2) Name and contact information for the public benefit granting agency;
- (3) Type of public benefit;

- (4) Date the beneficiary started receiving the public benefit or, if certified, date the beneficiary will start receiving the public benefit; and
- (5) Date the benefit or coverage ended or expires (mm/dd/yyyy) (if applicable).

If the beneficiary has received or is currently certified to receive such public benefits, please indicate whether an exclusion applies to the beneficiary, in **Item Number 3.**, and provide the evidence listed in the chart above to demonstrate why the benefit should not be considered.

5. **Part 8. Statement, Contact Information, Declaration, Certification, and Signature of the Petitioner or Authorized Signatory.** Select the appropriate box to indicate whether you read this petition yourself or whether you had an interpreter assist you. If someone assisted you in completing the petition, select the box indicating that you used a preparer. Further, you must sign and date your petition and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every petition **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.
6. **Part 9. Interpreter's Contact Information, Certification, and Signature.** If you used anyone as an interpreter to read the Instructions and questions on this petition to you in a language in which you are fluent, the interpreter must fill out this section; provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the petition.
7. **Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner.** This section must contain the signature of the person who completed your petition, if other than you, the petitioner. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 9.** and **Part 10.** If the person who completed this petition is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this petition **MUST** sign and date the petition. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your petition is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your petition.

You should submit a duplicate copy of the petition and all supporting documentation. **Failure to do so may result in delays in processing this petition or in visa processing abroad.**

We recommend that you print or save a copy of your completed petition to review in the future and for your records.

Information About Form I-129CW

The CW-1 classification always requires a petition.

The petition must be filed by a U.S. or CNMI employer for services or labor to be performed in the CNMI. The employer must complete and sign the relevant sections of the petition and relevant attachments.

A CW-1 Worker is an alien worker who will enter or remain in the CNMI for the purpose of employment during the transition period, and is ineligible for another classification under the INA. In order to obtain the status, the worker must either be lawfully present in the CNMI, or must be coming from abroad to the CNMI with a CW-1 visa. The worker cannot be present in the United States, other than in the CNMI.

The CW-1 classification is only available during the transition period. The transition period is the period beginning on the transition program effective date, November 28, 2009, and ending on December 31, 2029.

There is a numerical limitation (cap) on how many CW-1 workers may be admitted to the CNMI annually.

The worker is lawfully present in the CNMI if the worker was lawfully admitted to the CNMI under the immigration laws of the CNMI prior to November 28, 2009 and is still within the authorized period of stay, or was lawfully admitted or paroled into the CNMI under federal immigration laws on or after November 28, 2009, other than an alien admitted or paroled as a visitor for business or pleasure (B-1 or B-2) or under any visa-free travel provision including but not limited to the parole program for certain visitors from Russia and the People's Republic of China.

The CW-1 employer must be a legitimate business. A legitimate business is a real, active, and operating commercial or entrepreneurial undertaking that produces services or goods for profit, or is a governmental, charitable, or other validly recognized nonprofit entity. The business must meet applicable legal requirements for doing business in the CNMI and have substantially complied with wage and hour laws, occupational safety and health requirements, nondiscrimination, and all other Federal, CNMI, and local requirements relating to employment during the five-year period immediately preceding the date of the petition, and continues to be in substantial compliance with such requirements. A business will not be considered legitimate if it engages directly or indirectly in, or knowingly benefits from, prostitution, human trafficking, or any other activity that is illegal under Federal, CNMI, or local law. The U.S. Secretary of Homeland Security will determine whether a business is legitimate.

CW-1 Long-Term Worker. A CW-1 long-term worker is defined as “an alien who was admitted to the CNMI, or otherwise granted status, as a CW-1 nonimmigrant during fiscal year 2015, and during each of fiscal years 2016 through 2018.” If you are requesting a long-term CW-1 worker, select “Yes” to **Part 2., Item Number 6.a.** and respond to **Item Number 6.b.**

NOTE: If you are requesting long-term CW-1 workers, you must also provide evidence showing that each worker was admitted as a CW-1 during fiscal year 2015 (Oct. 1, 2014 - Sept. 30, 2015), and during every subsequent fiscal year through fiscal year 2018. Such evidence may be in the form of Form I-94 Arrival/Departure documents or USCIS approval notices.

Validity Period. If eligible to be classified as a CW-1 long-term worker, a validity period of up to 3 years may be granted. All other CW-1 nonimmigrants may be granted a validity period of up to 1 year.

Total number of workers. The total number of workers you request on a CW-1 petition must not exceed the number of workers approved by the Department of Labor on the temporary labor certification.

Including more than one worker in a petition. You may include multiple workers who seek admission in the CW-1 classification on the same petition provided you are requesting the same action for each, and all the workers will:

1. Be working in the same occupational category;
2. Be working under the same terms and conditions;
3. Be employed for the same period of time; and
4. Be employed in the same location(s).

NOTE: Petitioners may not request regular CW-1 workers and long-term CW-1 workers on the same petition.

Filing Multiple Petitions

You generally may file one petition to request all of your CW-1 workers associated with one temporary labor certification. Even in cases where filing a separate petition is not required, it may still be advantageous to file more than one CW-1 petition. This can occur when you petition for multiple workers, some of whom may not qualify for part or all of the validity period you request. This most frequently occurs when at least one worker is not eligible for the maximum amount of time. (See “**Limitation of Stay**” information below.)

If we request additional evidence because of this situation, it may delay petition processing. Filing separate petitions for workers who are not affected by such considerations may enable you to quickly obtain some workers, if they are otherwise eligible, in the event that the petition for your other workers is delayed.

If you decide to file more than one petition with the same temporary labor certification, you may do so if:

1. Each petition is accompanied by a copy of the approved temporary labor certification; and
2. The total number of beneficiaries on your petitions does not exceed the total number of workers approved by the U.S. Department of Labor on the temporary labor certification.

Naming beneficiaries. All workers in a petition for CW-1 classification, an extension of stay, or change of status must be named in the petition. Unnamed beneficiaries are not permitted.

Additional Worker Attachment for Form I-129CW. Include a separate Additional Worker Attachment to Form I-129CW for each additional worker when more than one worker is included in the petition. Do not include the person you named in **Part 3. Worker Information** on Form I-129CW. You must also submit the appropriate fee.

NOTE: Part 7. Employer Attestation requires an attestation by the petitioning employer with the appropriate documentation. The authorizing official of the petitioning employer must complete, sign, and date the Employer Attestation. The attestation certifies, under penalty of perjury under the laws of the United States of America, that the contents of the attestation and the evidence submitted with it are true and correct for the worker included on the Form I-129CW and **EVERY** worker named in an Additional Worker Attachment. The attestation is subject to verification.

Ten-Day Admission Requirement. If the worker is outside the CNMI or is approved for consular processing, he or she must apply for admission within 10 days after the beginning of the petition validity period.

Limitation of Stay. A worker (other than a CW-1 long-term worker) may not be granted CW-1 status beyond three consecutive petition validity periods unless the worker has departed and remained outside of the United States for a continuous period of at least 30 days after the expiration of the third petition validity period and before the filing of a new petition.

Liability for Return Transportation. Under 8 CFR 214.2(w)(11), a petitioning employer is liable for the reasonable cost of return transportation for a CW-1 Worker who is dismissed before the end of the period of authorized employment.

Governor's Cap Reservation. USCIS sets aside a number of CW-1 permits for certain occupational categories per fiscal year, as recommended by the Governor of the CNMI. The reserved CW-1 numbers will be made available to eligible petitioners requesting such numbers for a fiscal year in order of filing until exhausted. See 8 CFR 214.2(w)(1)(x)(D)(2). Unused reserved numbers will not be available to other petitioners. USCIS publishes current information regarding the governor's cap reservation on the website at www.uscis.gov and provides notice of changes via Federal Register Notice.

E-Verify and CW-1 Petitions. Only employers who participate in good standing in the E-Verify program may file a Form I-129CW petition for a CW-1 worker. E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS). Provide your E-Verify Company ID or Client Company ID. For more information on E-Verify visit www.e-verify.gov.

See 8 CFR 274a.12(b)(21) for more information on this requirement.

Initial Evidence

The initial evidence listed below and the initial evidence listed under the instructions for an initial grant of status, a change of status, or an extension of stay must be included with a petition, as appropriate.

Additionally, the petitioner must submit:

1. For any petition requesting an employment start date on or after October 1, 2019, a single, valid temporary labor certification approved by the U.S. Department of Labor;
2. Evidence showing that each beneficiary meets the minimum job requirements, if any, stated on the temporary labor certification;
3. Evidence demonstrating that the petitioner meets the definition of an employer as defined by 8 CFR 214.2(w)(1)(iv), including but not limited to a copy of any written contract between you and the alien worker or a summary of the terms of the oral agreement under which the alien worker may be employed;
4. Evidence that supports the elements in the attestation, **Part 7**, of Form I-129CW, to the extent available;
5. A copy of any required Commonwealth or local license for an individual to fully perform or practice the duties of the occupation; and
6. Evidence demonstrating that the petitioner has posted a job vacancy announcement for the proffered position on the CNMI Department of Labor website as required by CNMI law.

Initial Grant of CW-1 Status

A worker 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, under the CNMI-Only Transitional Worker regulations the petitioner may in certain situations request that the alien be granted an initial CW-1 status in the CNMI. This will allow certain workers who were present in the CNMI prior to the transition date to be granted an initial CW-1 status without having to depart the CNMI. Additionally, a worker who is currently in parole status in the CNMI may also be granted an initial CW-1 status in the CNMI.

A petition for a grant of initial CW-1 status for a worker currently in the CNMI whose lawful status is solely based upon a CNMI issued permit must have been filed on or before November 27, 2011. In addition to the initial evidence for the CW-1 classification, a petition requesting an initial grant of CW-1 status must be accompanied by evidence that each beneficiary is currently lawfully present in the CNMI.

If you are requesting that the worker be granted initial CW-1 status in the CNMI, you must select **Item Number 3.b. in Part 2.**, and select **Item Number 4.a. in Part 2.**

NOTE: The worker's dependent family members (generally, spouses and children under 21) should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for an initial grant of CW-2 status.

A worker present in the CNMI with an unexpired nonimmigrant classification (such as F-1 or H-2B) should file the petition requesting a Change of Status as discussed in the "**Change of Status**" section below.

Change of Status

A worker who was lawfully admitted to the CNMI under Federal immigration laws on or after the transition program effective date of November 28, 2009 and who currently holds an unexpired eligible nonimmigrant status may change status to CW-1 status with this petition.

A nonimmigrant who must have a passport to be admitted must maintain a valid passport during his or her entire stay. If a required passport is not valid, include a full explanation with your petition. In addition to the initial evidence for CW-1 classification, a petition requesting a change of status must be filed with:

1. A copy of the worker's Form I-94, Nonimmigrant Arrival/Departure Record, passport, travel document, or Form I-797;
2. A copy of the worker's last two pay stubs and most recent W-2, if applicable; and
3. Evidence the worker continues to meet the licensing requirements for the profession or occupation, if applicable.

NOTE: The worker's dependent family members (generally, spouses and children under 21) should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for a change of status.

The following nonimmigrants are not eligible to change status:

1. An alien admitted under a visa waiver program;
2. An alien in transit (C) or in transit without a visa (TWOV);
3. A crewman (D);
4. A fiancé(e) (K-1) or his or her dependent (K-2);
5. A spouse of a U.S. citizen (K-3) or his or her dependent (K-4);
6. A J-1 exchange visitor who was admitted in J-1 status for the purpose of receiving graduate medical training; and
7. A J-1 exchange visitor subject to the foreign residence requirement who has not received a waiver of that requirement.

NOTE: If you are requesting a change of a Federal nonimmigrant status to that of CW-1 status, you must select **Item Number 3.b.** in **Part 2.**, and select **Item Number 4.b.** in **Part 2.**

Extension of Stay

A petition requesting an extension of stay for an employee in the CNMI may be filed only if the validity of the original petition has not expired. Requests for extensions of CW-1 status (other than CW-1 long-term workers) may be granted for periods up to 1 year until the end of the transition period, subject to the numerical limitation.

A nonimmigrant who must have a passport to be admitted must maintain a valid passport during his or her entire stay. If a required passport is not valid, include a full explanation with your petition.

In addition to the initial evidence for CW-1 classification, a petition requesting an extension of stay must be filed with:

1. A copy of the worker's Form I-94, Nonimmigrant Arrival/Departure Record, passport, travel document, or Form I-797;
2. A copy of the worker's last two pay stubs and most recent W-2, if applicable;
3. Evidence that the worker or workers:
 - A. Continuously maintained the terms and conditions of CW-1 status;
 - B. Remains admissible to the United States;
 - C. Remains eligible for CW-1 classification; and
4. Evidence the worker continues to meet the licensing requirements for the profession or occupation, if applicable.

NOTE: The worker's dependent family members (generally, spouses and children under 21) should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for an extension of status.

See information above about limits on status under "**Limitation of Stay.**"

Semiannual Report Requirement for All CW-1 Employers

When Must the Form I-129CWR, Semiannual Report for CW-1 Employers be filed?

If your petition is approved, you are required to file a Form I-129CWR, Semiannual Report for CW-1 Employers, to verify the continued employment and payment of the beneficiaries under the terms and conditions of this petition. You are required to file this semiannual certification as explained in the Instructions for the Form I-129CWR, Semiannual Report for CW-1 Employers. Failure to comply with the reporting requirement may be a basis for revocation of an approved petition or for denial of subsequent petitions filed by the employer.

What documents must be retained? If your petition is approved, you are required to retain (keep) all documents and records in support of an approved petition, and any semiannual report including as explained in the Instructions for the Form I-129CWR, Semiannual Report for CW-1 Employers. Failure to comply with the retention requirement may be a basis for revocation of an approved petition or for denial of subsequent petitions you file.

Worker Disclosure Requests. You are also required to provide copies of any written communication including petitions, forms, notices and attachments that has been exchanged between the employer and DOL, DHS, or any other Federal agency or department within 21 business days of receiving a written request from any former, current or prospective CW-1 worker. Failure to comply with this disclosure requirement may be a basis for revocation of an approved petition or for denial of subsequent petitions you file.

Terminated Employment. If you no longer employ a current CW-1, you must send a letter to the office at which the CW-1 petition was filed explaining the basis on which the CW-1 is no longer employed. This letter may also include a request to withdraw the petition on behalf of that specific CW-1.

Filing Deadlines. USCIS will reject any petitions received after the respective cap for each fiscal year is reached. USCIS will also stop accepting petitions under this program on December 31, 2029 or after the cap for the first quarter of Fiscal Year 2030 is reached, whichever occurs first. Petitions not approved before December 31, 2029 will be denied and any fees will not be refunded. Petitioners should file the petition as early as possible to ensure adjudication prior to December 31, 2029, as this is the expiration date of the CW program and all CW status.

Other Instructions for Filling Out Form I-129CW

Part 1. Information about the Employer Filing This Petition

Item Numbers 1.a. - 1.c. Legal Name of Individual Petitioner or Sole Proprietor. If you are an individual employer or sole proprietor (someone who owns a business, but the business is not organized as a separate legal entity) filing this petition, complete **Item Number 1.a. - 1.c. Legal Name of Individual Petitioner or Sole Proprietor**. If you are a company or an organization filing this petition, also complete **Item Number 3.a. Name of Employer/Organization**.

Item Numbers 4.a. - 4.f. Address of Petitioner. Provide the address of the petitioner's primary office within the CNMI. The primary office address must not be the address of petitioner's outside counsel or clients. Petitions filed with an address that is not the petitioner's primary office address within the CNMI may be rejected or denied. This address may be a P.O. Box if you do not have a physical address (see **Item Number 4.g.**).

Item Number 4.g. Employers Without a Physical Address. If you are only providing a P.O. Box in **Item Numbers 4.a. - 4.f.** and do not have a physical address, provide a description of your location, such as "3 miles southwest of Anytown Post Office, near the water tower" and attach a map.

Item Number 5. Trade Name or "Doing Business As" Name. If you are a company or an organization that is known by a different name than the one you provided in **Item Number 3.**, provide your trade name or "doing business as" name.

Item Numbers 7.a. - 7.c. Tax Payer Identification Numbers. Provide an Employer Identification Number (EIN), Individual Taxpayer Identification Number (ITIN), and/or U.S. Social Security Number (SSN), as applicable. Individual employers and sole proprietors must provide a U.S. Social Security Number.

Item Numbers 9.a. - 9.c. E-Verify Information. You must provide the employer's name as listed in E-Verify, along with the E-Verify Company Identification Number, or an E-Verify Client Company Identification Number in **Part 1. Item Numbers 9.a. - 9.c.** of Form I-129 CW.

Part 2. Information About This Petition

Item Numbers 1.a. - 1.f. Basis for Classification. Select only one of the following options:

1.a. New employment. Select this box if the worker:

(1) Is outside the United States and holds no classification;

-
-
- (2) Will begin employment in the United States for a new employer in a different nonimmigrant classification than the worker currently holds; or
- (3) Will work for the same employer but in a different nonimmigrant classification.

NOTE: Do not select this box if the worker will work for the same employer in the same classification, but there is a material change in the terms and conditions of employment, training, or the worker's eligibility as specified in the original approved petition. Select the box for **Item Number 1.f.**, Amended Petition, instead.

1.b. Continuation of previously approved employment without change with the same employer. Select this box if you are applying to continue the employment of the worker in the same nonimmigrant classification the worker currently holds and there has been no change to the employment.

1.c. Change in previously approved employment. Select this box if you are notifying USCIS of a non-material change to the previously approved employment, such as a change in job title without a material change in job duties.

1.d. New concurrent employment. Select this box if you are applying for a worker to begin new employment with an additional employer in the same nonimmigrant classification the worker currently holds while the worker will continue working for his or her current employer in the same classification.

1.e. Change of employer. Select this box if you are applying for a worker to begin employment working for a new employer in the same nonimmigrant classification that the worker currently holds.

1.f. Amended petition. Select this box if you are applying to notify USCIS of a material change in the terms or conditions of employment, training, or the worker's eligibility as specified in the original approved petition.

Item Numbers 3.a. - 3.d. Requested Action. The following information explains the actions petitioners/employers may request on their petition. Select only one action.

3.a. Notify the office listed in Part 4. so the beneficiary can seek a visa or admission. Select this box if the beneficiary is outside of the United States, or, if the beneficiary is currently in the United States, but he or she will leave the United States to obtain a visa/admission abroad.

3.b. Change the status and extend the stay of a beneficiary who is now in the United States in another status. Select this box if the beneficiary is currently in the United States in a different nonimmigrant classification and is applying to change to a new nonimmigrant status.

3.c. Extend the stay of a beneficiary who now holds this status. Select this box if the beneficiary is currently in the United States in a nonimmigrant classification and is requesting an extension of his or her stay in the same nonimmigrant classification.

3.d. Amend the stay of a beneficiary who now holds this status. Select this box if the beneficiary is currently in the United States in the same nonimmigrant classification and you are notifying USCIS of any material changes in the terms and conditions of employment, or the beneficiary's eligibility as specified in the original approved petition, but you are not seeking a change in previously approved validity dates.

NOTE: When filing the petition, an employer may not include more than one requested action; doing so may result in delay of the petition.

Part 3. Worker Information

Item Number 13. Form I-94, Arrival/Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued the beneficiary a Form I-94, Arrival/Departure Record, provide the beneficiary's Form I-94 number and date that the beneficiary's authorized period of stay expires or expired (as shown on the beneficiary's Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

NOTE: If the beneficiary was admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued an electronic Form I-94 instead of a paper Form I-94. The beneficiary may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013, with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If the beneficiary cannot obtain the Form I-94 from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for this service. See the USCIS website at www.uscis.gov/I-102 for more information.

Item Numbers 14.a. - 14.d. Passport and Travel Document Numbers. If the beneficiary used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the petition, even if the passport or travel document is currently expired.

Item Numbers 18.a. - 18.e. Beneficiary's current residential CNMI address. You must provide the applicant's current address if the applicant is in the CNMI. USCIS will use this address, unless otherwise updated through the AR-11 process, to notify the beneficiary if USCIS denies a request to change status or extend stay submitted on Form I-129CW.

Part 4. Processing Information

Item Numbers 9.a. - 9.b. Exempt Petition. If you are indicating that your petition is exempt from the CW-1 cap in **Item Number 9.a.** because the beneficiaries have been previously counted against the CW-1 cap in the same fiscal year, you must provide the receipt number for the previously approved petition in **Item Number 9.b.** USCIS will reject your Form I-129CW if the relevant numerical limitation has been reached and you have not properly indicated the beneficiaries are cap exempt. USCIS may deny your Form I-129CW if USCIS determines that beneficiaries you indicate as exempt from the cap are subject to the numerical limitation.

Item Number 10. Governor's Cap Reservation. Additional information is available above in the "Governor's Cap Reservation" section of the Instructions. If you are indicating that your petition is eligible for the Governor's Cap Reservation, this must be supported by the SOC code you provide in **Part 5. Item Number 3.** Also submit any additional evidence that establishes that your petition qualifies for the Governor's Cap Reservation.

Part 5. Basic Information About the Proposed Employment and Employer

Item Number 3. SOC Code. You can obtain the Standard Occupational Classification (SOC) codes from DOL, Bureau of Labor Statistics at www.bls.gov/soc. Type or print the code from left to right, one digit in each of the six boxes.

To determine whether the worker's proposed employment qualifies for a CW-1 visa, USCIS will review the totality of the record, including the listed SOC code, Job Vacancy Announcement and any additional evidence submitted by the CW-1 petitioner. USCIS may request additional information if the SOC code is blank or if the evidence submitted with the Form I-129CW does not establish that the proposed employment matches the SOC code listed on the petition. In determining whether the proposed employment matches the listed SOC code, USCIS will consider factors, including, but not limited to the job duties and responsibilities of the proposed employment, and any educational, experience, and/or training requirements.

Part 7. Employer Attestation. The authorizing official of the petitioning employer must complete, sign, and date the Employer Attestation. The attestation certifies, under penalty of perjury under the laws of the United States of America, that the contents of the attestation are true and correct for the worker included on the Form I-129CW and every worker named in a Named Worker Attachment. The attestation is subject to verification.

What Is the Filing Fee?

The filing fee for Form I-129CW is **\$460**.

An employer filing Form I-129CW for a CW-1 worker must submit the **\$460** petition filing fee and a **\$50** fraud prevention and detection fee per petition. An additional **\$200** supplemental CNMI education fee per worker, per year is also required. For example, petitioners filing for a three-year validity period pay a supplemental CNMI education fee of **\$600** per worker.

An additional biometric services fee of **\$85** per worker is required if the worker is present in the CNMI when filing for **initial** grant of CW-1 status. (See 8 CFR 103.7(b)). After submission of the petition, USCIS will notify the worker about when and where to go for biometric services.

NOTE: Fees are not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Payments by Checks or Money Orders

Use the following guidelines when you prepare your checks or money orders for the Form I-129CW filing fee and biometric services fee:

1. The checks or money orders must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the checks or money orders payable to **U.S. Department of Homeland Security**.
NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”
3. If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment.

Notice to Those Making Payment by Check. If you send USCIS a check, we will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your petition and charge you a returned check fee.

How To Check If the Fees Are Correct

Form I-129 CW’s filing fee and biometric services fee are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS website at www.uscis.gov, select “FORMS,” and check the appropriate fee; or
2. Call the USCIS Contact Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Fee Waiver

You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this petition. You can review the fee waiver guidance at www.uscis.gov/feewaiver.

NOTE: The fraud prevention and detection fee and the CNMI education funding fee cannot be waived.

When To File?

If you are submitting a petition to extend the employment of a worker already in CW-1 status, you may file up to 180 days before the expiration of current CW-1 petition but not before you have an approved temporary labor certification from the U.S. Department of Labor. If you are submitting a petition to employ a new worker, you may file up to 120 days before the employment start date but not before you have an approved temporary labor certification from the U.S. Department of Labor.

Where To File?

Please see our website at www.uscis.gov/I-129CW or visit the USCIS Contact Center at www.uscis.gov/contactcenter to connect with a USCIS representative for the most current information about where to file this petition. Petitions filed at the incorrect location may be rejected or denied. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Address Change

A petitioner or beneficiary who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. USCIS will use the most recent address to notify the beneficiary that a petition requesting an extension of stay or change of status has been denied. For information on filing a change of address, go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS Contact Center at www.uscis.gov/contactcenter for help. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Processing Information

You, the Petitioner, must have a United States address to file this petition (a P.O. box is acceptable).

Initial Processing. Once USCIS accepts your petition, we will check it for completeness. If you do not completely fill out this petition, you will not establish a basis for your eligibility and USCIS may reject or deny your petition.

Requests for More Information. We may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. If we request an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your petition. At the time of any interview or other appearance at a USCIS office, we may require that you provide your biometrics to verify your identity and/or update background and security checks.

Decision. The decision on Form I-129CW involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this petition, visit the USCIS website at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at www.uscis.gov. Select “Make an Appointment” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-129CW, we will deny your Form I-129CW and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

DHS Privacy Notice

AUTHORITIES: The information requested on this petition, and the associated evidence, is collected under Title VII of the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110-229, the Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113-235; the Northern Mariana Islands Economic Expansion Act, Public Law 115-53; and the Northern Mariana Islands U.S. Workforce Act of 2018 (the Workforce Act), Public Law 115-218 (all codified in 48 U.S.C. section 1806(d)); Immigration and Nationality Act section 214 (8 U.S.C. section 1184); and 8 CFR section 214.2(w).

PURPOSE: The primary purpose for providing the requested information on this petition is for an employer to petition for an alien to perform labor as a CW-1, CNMI-Only Transitional Worker. DHS uses the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your petition.

ROUTINE USES: DHS may share the information you provide on this petition and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notice [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessment [DHS/USCIS/PIA-016a Computer Linked Application Information Management System and Associated Systems] which you can find at www.dhs.gov/privacy. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 4 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0111. **Do not mail your completed Form I-129CW to this address.**