



U.S. Citizenship  
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Services

# **CNMI-Only Transitional Workers (CW-1): Eligibility, Petition Process, and the Semiannual Reporting Requirement**



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## **USCIS Presentation**

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April 19, 2023

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# Reminders



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1. Questions from media – [media@uscis.dhs.gov](mailto:media@uscis.dhs.gov)

2. Questions from congressional offices -  
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3. Today's engagement will not be recorded.

4. You can submit written questions through the Q&A box on the right side of your screen.

5. Send questions outside the scope of today's engagement to  
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# Topics of Discussion



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- ✓ CW-1 General Eligibility Requirements
- ✓ Temporary Departure Requirement
- ✓ Filing a CW-1 Petition
- ✓ Period of Stay
- ✓ Semiannual Reporting Requirement for CW-1 Employers
- ✓ Review of Form I-129CWR, Semiannual Report for CW-1 Employers
- ✓ Helpful Websites and Other Resources



# CW-1 General Eligibility Requirements



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## CW-1 Employer Requirements:

- Obtain an approved temporary labor certification (TLC) from the U.S. Department of Labor (DOL) and consider all available U.S. workers for the position;
- Be engaged in a legitimate business, including participation in the E-Verify program as defined in 8 CFR 214.2(w)(1)(vii);
- Offer terms and conditions of employment consistent with the nature of the employer's business in the CNMI;



# CW-1 General Eligibility Requirements



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## CW-1 Employer Requirements, continued:

- Comply with all federal and CNMI requirements relating to employment;
- Pay reasonable transportation costs if the noncitizen is involuntarily dismissed from employment for any reason before the end of the period of authorized admission; and
- Comply with the semiannual reporting requirement by timely filing Form I-129CWR, Semiannual Report for CW-1 Employers.



# CW-1 General Eligibility Requirements



## CW-1 Worker Requirements:

A CW-1 Worker is eligible if he or she:

- Is ineligible for any other employment-based nonimmigrant status under U.S. immigration law;
- Will enter or stay in the CNMI to work in an occupational category designated as needing foreign workers to supplement the resident workforce;



# CW-1 General Eligibility Requirements



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## CW-1 Worker Requirements, continued:

- Is the beneficiary of a petition filed by a legitimate employer who is doing business in the CNMI;
- Is not present in the United States, other than in the CNMI;
- Is lawfully present in the CNMI if present in the CNMI; and
- Is admissible to the United States as a nonimmigrant or is granted any necessary waiver of ground of inadmissibility.



# CW-1 Temporary Departure Requirement



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- A beneficiary may not be granted CW-1 status beyond three consecutive petition validity periods unless the beneficiary has departed and remained outside of the United States, including the CNMI, for a continuous period of at least 30 days after the expiration of the third consecutive petition validity period and before the filing of any new petition on behalf of the beneficiary.
- This requirement does not apply to “CW-1 long-term workers” who were admitted to the CNMI, or otherwise granted status, as a CW-1 worker during fiscal year 2015 and during each of fiscal years 2016 through 2018.

# CW-1 Temporary Departure Requirement



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- For additional information on the temporary departure requirement, see the following USCIS resources:

[USCIS Will Only Consider CW-1 Petitions Approved and with Starting Validity on or after June 18, 2020, when Applying the Temporary Departure Requirement | USCIS](#)

[USCIS Presentation: CW-1 Temporary Departure and 10-Day Admission Requirements](#)

[NMI SHRM post-meeting questions and answers \(uscis.gov\)](#)

# Filing a CW-1 Petition



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- All CW-1 workers must be named in the petition.
- Employers may include multiple workers on the same petition, provided they are requesting the same action for each worker, and all the workers will be: working in the same occupational category; working under the same terms and conditions; employed for the same period of time; and employed in the same location(s).

# Filing a CW-1 Petition



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- All CW-1 workers on the same petition must request the same consideration as long-term or non-long-term workers.
- Employers may file one petition to request all of the CW-1 workers authorized by a single TLC.

# Form I-129CW Filing Tips



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- Review the Instructions for Form I-129CW to determine which “Basis for Classification” located on Part 2 is most appropriate for your petition.
- Provide complete information for each beneficiary in Part 3 of Form I-129CW and the “Additional Worker Attachment for Form I-129CW” (when appropriate). Complete information includes the I-94 number and passport information.

# Form I-129CW Filing Tips



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- Provide a copy of a valid, unexpired business license.
- Ensure the Employment and Training Administration (ETA) Case Number for the temporary labor certification (TLC) entered on Part 5 of Form I-129CW matches the ETA Case Number on the TLC you submit with your petition.
- If the TLC includes any education, training, experience and/or other special requirements, submit supporting documentation demonstrating that each worker is qualified for the certified position.

# Form I-129CW Filing Tips



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- When requesting an extension of stay, submit documentation (such as paystubs) as close to the time of filing as possible. Also include a copy of the previously issued Form I-797 Approval Notice.
- Please provide complete and clear copies of documentation. Documents that are not able to be clearly read or that are missing information may result in a Request for Evidence.

# Period of Stay for CW-1s



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- CW status is generally valid for up to 1 year and may be extended for two consecutive petition validity periods (for a maximum total of 3 years).
- A CW-1 worker, and his or her dependent(s), are admitted for the period of CW-1 petition validity, plus up to 10 days before the validity period begins and 10 days after the validity period ends.



# Period of Stay for CW-1s



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- CW status for long-term workers is valid for up to 3 years.
- These long-term workers are exempt from the voluntary departure requirement.

# Semiannual Reporting Requirement



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- During the validity of a CW-1 petition, employers are required to file a semiannual report with USCIS every 6 months after the petition validity start date.
- Employers file Form I-129CWR with USCIS to certify the continued employment and payment of each worker under the terms and conditions of the approved petition.
- USCIS may revoke an employer's approved petition or deny their future petitions if they do not comply with the reporting requirement.



# Semiannual Reporting Requirement



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- No evidence is required at the time of filing the semiannual report.
- Employers are required to retain documents and records that support Form I-129CWR for a period of 3 years after the ending date of the petition validity period.
- Form I-129CWR must be filed no earlier than 30 days before and no later than 30 days after the 6-month anniversary of the petition validity start date.

# Semiannual Reporting Requirement



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**All CW-1 petitioners, approved for a validity period of 6 months or more, must submit a semiannual report during the petition's validity period.**

If your approved CW-1 petition has a validity period of:	Then you must file Form I-129CWR:
Less than 6 months	Never—Form I-129CWR is not required.
6 months or more, up to 12 months	6 months after the petition validity start date.
More than 12 months, up to 36 months	Every 6 months after the petition validity start date, up to and including the 6th month preceding the petition validity end date.



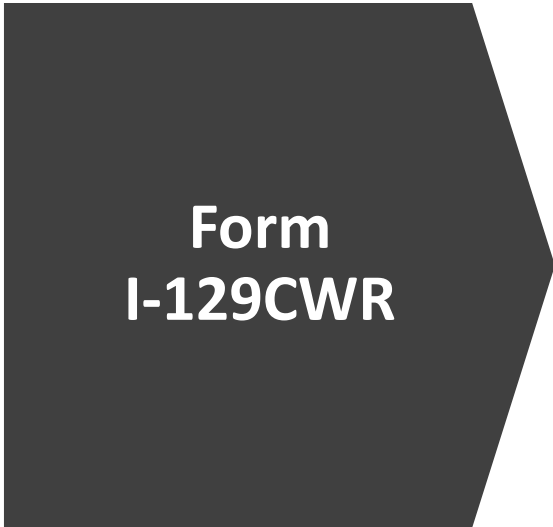
## Semiannual Report for CW-1 Employers

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

USCIS  
Form I-129CWR  
OMB No. 1615-0111  
Expires 09/30/2024



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▶ **START HERE - Type or print in black ink.**

### Part 1. Information about the Employer

If you are an individual employer or sole proprietor filing this form, you must complete **Item Numbers 1.a. - 2.** If you are a company or an organization filing this petition, complete **Item Number 3.** All petitioners should fill out **Item Numbers 5. - 14.**

#### Legal Name of Individual Employer or Sole Proprietor

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name
- 2. Date of Birth (mm/dd/yyyy)

#### Employing Company or Organization Name

- 3. Name of Employer/Organization

#### Employer Address (USPS ZIP Code Lookup)

- 4.a. In Care Of Name (if any)
- 4.b. Street Number and Name
- 4.c.  Apt.  Ste.  Flr.
- 4.d. City or Town
- 4.e. State  4.f. ZIP Code
- 4.g. If your place of business does not have a physical address, provide a description of your location, (for example: "3 miles southwest of Anytown Post Office, near the water tower") and provide a map with your petition. If you need more space to provide your explanation, use the space provided in **Part 10. Additional information.**

- 5. Trade Name or "Doing Business As" Name (if applicable)

### Employer's Contact Information

- 6. Daytime Telephone Number
- 7. Mobile Telephone Number (if any)
- 8. Email Address (if any)

### Taxpayer Identification Numbers

Provide the following information as applicable:

- 9. Employer Identification Number (EIN)
- 10. Individual Taxpayer Identification Number (ITIN)
- 11. U.S. Social Security Number (if any)
- 12. USCIS Online Account Number (if any)

### E-Verify Information

- 13. Employer's Name as Listed in E-Verify
- 14. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

### Part 2. Reporting Information

Reporting Period

- 1.a. Date From (mm/dd/yyyy)
- 1.b. Date To (mm/dd/yyyy)
- 2. Receipt Number of Approved Form I-129CW Petition
- 3. Employment and Training Administration (ETA) Case Number For Temporary Labor Certification (TLC)



# Form I-129CWR

## Part 2. Reporting Information

### Reporting Period

1.a. Date From (mm/dd/yyyy)

1.b. Date To (mm/dd/yyyy)

2. Receipt Number of Approved Form I-129CW Petition  
▶

3. Employment and Training Administration (ETA) Case Number For Temporary Labor Certification (TLC)

## Part 2. Reporting Information (continued)

4. Total Number of Workers Approved on the Petition  
▶

5. Total Number of Workers on the Approved Petition Who Are Currently Working For the Employer Named in Part 1.  
▶





# Form I-129CWR

## Part 3. Worker Information

Provide the information requested in **Item Numbers 1.a. - 4.** as reported on the approved Form I-129CW petition. If the approved petition included more than one worker, use the **Additional Worker Attachment for Form I-129CWR** to provide the information for each additional worker.

### Worker's Information

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name
- 2. Date of Birth (mm/dd/yyyy)
- 3. U.S. Social Security Number (if any)
  - ▶
- 4. Alien Registration Number (A-Number) (if any)
  - ▶ A-
- 5. Is the approved worker currently in CW-1 status?
  - Yes  No
- 6.a. Is the approved worker currently working for the employer named in **Part 1.**?
  - Yes  No
- 6.b. If you answered "No," to **Item Number 6.a.**, provide an explanation about why the worker is not currently working for the employer named in **Part 1.**
  - 
  - 
  -
- 7.a. What was the wage offered, per week or year, on the approved Form I-129CW petition?
  - Wages: \$  per

**NOTE:** The wage frequency reported on this form must match the frequency reported on the approved petition.





# Form I-129CWR



## Additional Worker Attachment for Form I-129CWR

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

USCIS  
Form I-129CWR  
OMB No. 1615-0111  
Expires 09/30/2024



U.S. Citizenship and Immigration Services

Complete a separate attachment for each additional worker who was approved on Form I-129CW. Provide the information requested in **Item Numbers 3.a. - 6.** as reported on the approved Form I-129CW petition. (Do not complete a copy of this Attachment for the worker you already named in **Part 3.**)

In **Item Numbers 1.a. - 2.**, provide the same information as listed in **Part 1.** of Form I-129CWR.

### Legal Name of Individual Employer or Sole Proprietor

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name

### Employing Company or Organization Name

2. Name of Employer/Organization

### Worker's Information

- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name
4. Date of Birth (mm/dd/yyyy)
5. U.S. Social Security Number (if any)
6. Alien Registration Number (A-Number) (if any)

7. Is the approved worker currently in CW-1 status?  Yes  No
- 8.a. Is the approved worker currently working for the employer name **Item Number 2.**?  Yes  No
- 8.b. If you answered "No," to **Item Number 8.a.**, provide an explanation about why the worker is not currently working for the employer named in **Item Number 2.**

- 9.a. What was the wage offered, per week or year, on the approved Form I-129CW petition?

Wages: \$  per

**NOTE:** The wage frequency reported on this form must match the frequency reported on the approved petition.

- 9.b. What is the actual wage, per week or per currently paid to this worker?

Wages: \$  per

- 10.a. What are the hours, per week, offered on the approved Form I-129CW petition?

- 10.b. What are the actual hours this worker worked per week?

11. What is the current job title of the worker's position?

12. What are the worker's current job duties? (Provide a detailed explanation.)

- 13.a. Is the worker working at the location in **Part 1. Item Number 3.** of Form I-129CWR?  Yes  No

- 13.b. If you answered "No" to **Item Number 13.a.**, provide the address where the worker will work. If the location has no address, describe the location where the worker will work and provide a map with your Form I-129CWR.

- 14.a. Street Number and Name

- 14.b.  Apt.  Ste.  Flr.

- 14.c. City or Town

- 14.d. State  14.e. ZIP Code





# Semiannual Reporting Requirement



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Petition approved from 10/1/22 to 9/30/23

6-Month Reporting Period	Filing Date	Filing Window
10/1/22 - 4/1/23	4/1/23	3/1-23 – 5/1/23

Petition approved from 10/1/22 to 9/30/25

6-Month Reporting Period	Filing Date	Filing Window
10/1/22 - 4/1/23	4/1/23	3/1/23 – 5/1/23
4/2/23 - 10/1/23	10/1/23	9/1/23 – 11/1/23
10/2/23 - 4/1/24	4/1/24	3/1/24 – 5/1/24
4/2/24 - 10/1/24	10/1/24	9/1/24 - 11/1/24
10/2/24 - 4/1/25	4/1/25	3/1/25 – 5/1/25



# Semiannual Reporting Requirement



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You are still subject to the semiannual reporting requirement even when:

- The worker was never admitted to the CNMI;
- The worker is no longer working for you;
- The worker may have subsequently changed status; or
- You are a CW-1 employer of a long-term worker and you previously submitted Form I-129CWR.

# Helpful Websites



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- Find the form and instructions at <https://www.uscis.gov/i-129cwr>
- USCIS guidance on the Semiannual Reporting Requirement:
  - [Most CW-1 Employers Must File Required Semiannual Report \(Form I-129CWR\) | USCIS](#)
  - [CW-1 Employers Must Verify Continued Employment and Payment of CW-1 Workers by Submitting Form I-129CWR | USCIS](#)
- Find additional information about the CW-1 program at [CW-1: CNMI-Only Transitional Worker | USCIS](#)

# Self-Help Resources



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- The [USCIS webpage](#) offers the following:
  - ✓ Check your [case status](#)
  - ✓ [Explore My Options](#)
  - ✓ [Change your address](#)
  - ✓ [Ask Emma](#)
  - ✓ Check [processing times](#)
  - ✓ Create an account on [myUSCIS](#)
  - ✓ Download [forms](#)

**Or, call the USCIS Contact Center at 800-375-5283.**

# The Wrong Help Can Hurt

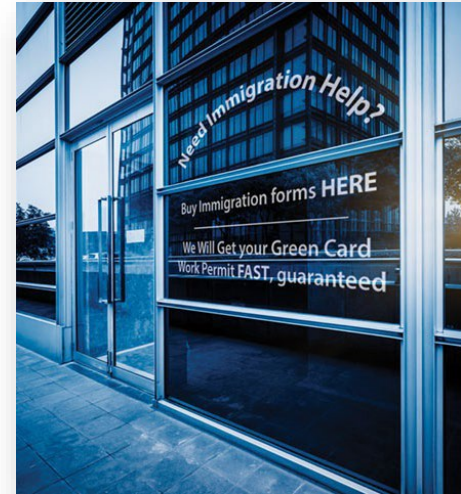


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- Visit the [USCIS Avoid Scams](#) webpage to learn more about:
  - ✓ [Form filing tips](#);
  - ✓ Common immigration scams;
  - ✓ How to [report immigration scams](#); and
  - ✓ How to find [legal services and help](#).

**THE WRONG HELP  
CAN HURT**

BEWARE OF IMMIGRATION SCAMS



# Concluding Remarks



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- For additional questions, please email [public.engagement@uscis.dhs.gov](mailto:public.engagement@uscis.dhs.gov).
- For more information on our national engagements, visit [uscis.gov/outreach](https://uscis.gov/outreach).
- Access this PowerPoint on the USCIS Electronic Reading Room at [uscis.gov/records/electronic-reading-room](https://uscis.gov/records/electronic-reading-room).

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