

Extension of U.S. Immigration Law to the CNMI

Interagency Group on Insular Areas
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Background

- Public Law 110-229, the Consolidated Natural Resources Act of 2008 (“the CNRA”), extended the immigration laws of the United States (as defined by section 101(a)(17) of the Immigration and Nationality Act (INA)) to the Commonwealth of the Northern Mariana Islands (CNMI).
 - The CNRA was signed into law by President George W. Bush on May 8, 2008.
 - Secretary of Homeland Security, Janet Napolitano, announced a 180-day delay to the transition program effective date. Transition to U.S. immigration law thus began on November 28, 2009.
 - The transition period will continue until December 31, 2014, unless it is extended by the Secretary of Labor. Thereafter, all provisions of U.S. immigration laws will apply to the CNMI.



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Implementation date

- As of November 28, 2009, U.S. immigration law applies to the CNMI (with limited exceptions).
- Both the Guam-CNMI Visa Waiver Program (INA § 212(l)) and the Visa Waiver Program (INA § 217) are in effect.
- Beginning on the transition program effective date:
 - U.S. Customs and Border Protection (CBP) began operating ports of entry in the CNMI to inspect and admit aliens to the United States and conduct departure examinations of passengers departing directly to the Territory of Guam.
 - U.S. Immigration and Customs Enforcement (ICE) opened an office in the CNMI and began enforcing U.S. immigration laws in the CNMI.
 - U.S. Citizenship and Immigration Services (USCIS) began processing requests for parole and certain immigration benefits at the Application Support Center in Garapan, Saipan.



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Regulations

- Guam-CNMI Visa Waiver Program Rule: Interim final rule (IFR) published January 16, 2009 – effective immediately – with a 60-day public comment period. Established six (6) ports of entry in the CNMI and the Guam-CNMI Visa Waiver Program. Final rule is in development.
- E-2 CNMI Investor Rule: Notice of proposed rulemaking (NPRM) published on September 14, 2009 with a 30-day public comment period. Final rule is in development.
- CNMI Transitional Worker Rule: IFR published October 27, 2009 with a 30-day public comment period. Initially scheduled to be effective November 27, 2009.
 - On November 25, 2009, DHS was enjoined from implementing this IFR. DHS reopened the comment period on this rule and the comment period closed on January 8, 2010. Final rule is in development.
- Conforming Rule: IFR published jointly between DHS and DOJ on October 28, 2009 with a 30-day public comment period. Effective on November 28, 2009. Final rule is in development.



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Guam-CNMI Visa Waiver Program

- Admission for up to 45 days to Guam and/or the CNMI
- Does not permit onward travel to the rest of the U.S.

12 participating countries and geographic areas:

- Australia
- Brunei
- Hong Kong
- Japan
- Malaysia
- Nauru
- New Zealand
- Papua New Guinea
- Republic of Korea (South Korea)
- Singapore
- Taiwan*
- United Kingdom

*residents who begin travel in

Taiwan and fly to Guam or the CNMI without an intermediate layover or stop en route



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Policy

- On October 21, 2009, DHS announced CBP will grant parole on a case-by-case basis to eligible Chinese and Russian nationals visiting the CNMI only for business or pleasure.
 - Entry may be granted for up to 45 days.
 - Parole may be revoked or terminated at any time upon notice.
- On November 30, 2009, DHS announced USCIS will grant parole to eligible foreign nationals from four (4) groups in the CNMI:
 1. CNMI Permanent Residents
 2. Immediate relatives of CNMI Permanent Residents
 3. Immediate relatives of citizens of the Freely Associated States
 4. Spouses and children of deceased CNMI permanent residents
 - A grant of parole permits employment authorization. Parolees may apply for advance parole to travel.



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Outreach

- Between November 28 and December 7, a DHS team traveled to the CNMI to conduct public information sessions on Saipan, Tinian and Rota:
 - Immigration 101
 - Form I-9, Employment Eligibility Verification
 - Individual briefings with employers, hotels, religious organizations, worker groups, and the Chamber of Commerce
- DHS/CBP has conducted public outreach with the CNMI Legislature, travel industry, carriers, seaports, and media.
- DHS/ICE special agents have conducted outreach within the CNMI maritime community on harbor and port safety and security. DHS/ICE also has met in the CNMI with local law enforcement, nongovernmental organizations, and foreign consulates.



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