



U.S. Citizenship and Immigration Services

Form I-9 Information for Employers Hiring Individuals in the Commonwealth of the Northern Mariana Islands (CNMI)

The CNMI and Federal Immigration Law

On November 28, 2009, the Immigration and Nationality Act (INA) and other federal immigration laws took effect in the Commonwealth of the Northern Mariana Islands (CNMI), as provided by the Consolidated Natural Resources Act of 2008. Under U.S. immigration law, CNMI employers are required to verify the identity and employment authorization of their new hires on Form I-9, and are subject to the same civil fines and criminal penalties as other U.S. employers for Form I-9 violations.

CNMI Employers' Use of Form I-9

As of November 28, 2011, CNMI employers must use [Form I-9](#) for all new hires and reverifications in the CNMI.¹ An employer does not need to complete Form I-9 for an employee who was hired for employment in the CNMI before November 28, 2009 and has been continuing in his or her employment and has had a reasonable expectation of employment with such employer at all times. However, the employer may be subject to penalties if the employer knows that such an employee does not have work authorization under U.S. law.

Employment Eligibility in the CNMI

To work or continue working in the CNMI, workers must obtain work authorization under U.S. law. This includes parole with an Employment Authorization Document, CNMI-Only Nonimmigrant Transitional Worker (CW-1) status, or other federal basis for [temporary work authorization](#).

CNMI-Only Transitional Workers

The CNMI-Only Transitional Worker (CW-1) visa classification allows employers in the CNMI to apply for temporary permission to employ foreign (nonimmigrant) workers who are otherwise ineligible to work under other nonimmigrant worker categories.

Employers must file a petition with USCIS to legally hire a nonimmigrant as a CW-1- temporary foreign worker. If a potential employee is in the CNMI, he or she can begin working once USCIS approves the Form I-129 petition provided the petition approved a change or grant of status and the employer completes Form I-9. If a potential employee is outside of the CNMI or ineligible to change his/her status while in the CNMI, the petition will be sent to a U.S. Consulate nearest the potential employee's residence so that the potential employee can then apply for a nonimmigrant visa.

CW-1 status is normally valid for one year but the employer may request an extension of status by filing a new I-129CW petition. When the employee's initial CW-1 validity period has ended, the employee is

¹ Between November 28, 2009 and November 28, 2011 a special version of the Form I-9, the Form I-9 CNMI, was in use in the CNMI. With the phase-out of work authorization based on prior CNMI law as of the latter date, a CNMI-specific Form I-9 was no longer needed.

not authorized to continue to work. However, USCIS has a rule pending that would allow transitional workers to continue working for the same employer for up to 240 days or until USCIS makes a decision on the I-129CW petition, whichever is sooner.

Under certain circumstances a CW-1 worker may begin working for a new employer pending approval of the new employer's I-129CW petition.

Form I-9

Employers in the CNMI must complete Form I-9 to document verification of identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 27, 2011. Employers are responsible for completing and retaining Form I-9 and may be fined if the form is not complete. The employer is responsible for ensuring that all information on Form I-9 is accurate. When completing Form I-9, employers must make available to the employee the complete instructions to the form and the List of Acceptable Documents.

Form I-9 consists of three sections: Section 1 is completed by the employee; Section 2 and Section 3 are completed by the employer. A newly hired employee must complete and sign Section 1 of Form I-9 no later than their first day of employment. Within three business days of the date of hire of a new employee, the employer must complete Section 2. Employers complete Section 3 when:

- An employee's employment authorization or documentation of employment authorization has expired ("reverification").
- An employee is rehired within three years of the date that Form I-9 was originally completed.
- An employee changes his or her name.

For more information about completing Form I-9, visit our website at <http://www.uscis.gov/i-9-central> or call us at 888-464-4218.