



U.S. Citizenship and Immigration Services

Commonwealth of the Northern Mariana Islands

Form I-9 Guidance for Employers Hiring Individuals in the Commonwealth of the Northern Mariana Islands

CNMI and Federal Immigration Law

On Nov. 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. As a result, since Nov. 28, 2009, CNMI employers have been required to verify the identity and employment authorization of their new hires as required under U.S. law. Employers in the CNMI are subject to the same civil fines and criminal penalties for Form I-9 violations as U.S. employers.

Form I-9 CNMI

From Nov. 28, 2009 until Nov. 27, 2011, employers used Form I-9 CNMI rather than the standard Form I-9 to verify the identity and employment authorization of their new hires. Form I-9 CNMI is the same as the standard Form I-9, with one exception: Form I-9 CNMI contains additional List A documents issued by the CNMI government that are not acceptable on the standard Form I-9. These additional documents are only acceptable until Nov. 27, 2011.

By Nov. 28, 2011, all workers who previously held CNMI-issued employment authorization must have another basis of work authorization under U.S. law, or have a petition pending for CNMI-only transitional worker status as described below, to continue working in the CNMI.

Employers Must Begin Using Standard Form I-9 on November 28, 2011

Employers hiring individuals for employment in the CNMI may only use Form I-9 CNMI until Nov. 27, 2011. Beginning on Nov. 28, 2011, employers must use the [standard Form I-9](#) for all new hires and reverifications in the CNMI.

Reverifying Employees with Umbrella Permits and other CNMI documents

An umbrella permit is the common name for several types of Transitional Conditional permits issued by the CNMI Department of Labor or the CNMI Department of Commerce shortly before the transition to U.S. immigration law on Nov. 28, 2009. All umbrella permits, CNMI permanent resident cards, or other evidence of work authorization issued by the CNMI government expire on Nov. 27, 2011. An individual must obtain other work authorization under U.S. law to continue to work in the CNMI after that date.

If an individual's umbrella permit expires on Nov. 27, 2011, and the employer previously completed Form I-9 CNMI for this employee, the employer must reverify that he or she is

eligible to work in the CNMI in Section 3 of the standard Form I-9 no later than Nov. 28, 2011. To do this, the employer should write the employee's name in Section 1 of the standard Form I-9 and complete Section 3. The employer does not need to complete the rest of Section 1 or Section 2. To complete Section 3, the employee must present a document that shows current employment authorization. This means that the employee must present any document from List A or List C of the standard Form I-9, including an unrestricted social security card. The employer should attach the newly completed standard Form I-9 to the employee's previously completed Form I-9 CNMI and retain both forms as directed in Part 3 of the Handbook for Employers (M-274).

There is one exception to this reverification requirement. An employer who files a Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker, on or before Nov. 28, 2011 seeking approval to continue to employ a worker in the CNMI, as described below, is not required to reverify an employee who previously presented CNMI-issued documentation to complete Form I-9 CNMI until USCIS issues a decision on the petition.

Employees Hired Before Nov. 28, 2009

An employer does not need to complete a standard Form I-9 for an employee who was hired for employment in the CNMI before Nov. 28, 2009. However, employers may be subject to penalties if they know that such an employee does not have work authorization under U.S. law. Umbrella permits and other CNMI-issued work authorization expire on Nov. 27, 2011, whether or not the employer is required to complete a Form I-9 for the employee.

CNMI-Only Transitional Workers

If an employer files a petition (Form I-129CW) on or before Nov. 28, 2011 for a current employee who is lawfully present in the CNMI to obtain CNMI-only Transitional Worker (CW) status, the employer may continue to employ the worker until USCIS makes a decision on the application.

If the employer previously completed Form I-9 CNMI with this employee, the employer should make a note in the margin of the previously completed form that it has filed a Form I-129CW petition on the employee's behalf. When USCIS makes a favorable decision on the petition, and the employee is granted CW status, the employer should reverify the employee's work authorization by completing Section 3 of the standard Form I-9, as described above. In that case, the employee will receive a Form I-94 indicating CW status which, along with the foreign passport, constitutes evidence of work authorization (see item no. 5 in List A of Form I-9). Attach the newly completed standard Form I-9 to the employee's Form I-9 CNMI and retain both forms as directed in Part 3 of the Handbook for Employers (M-274).

If USCIS denies the Form I-129CW, the individual's work authorization ceases at that time, and the employer cannot continue to employ the worker after receiving the denial notice.

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<http://www.uscis.gov/portal/site/uscis/template.PRINT/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=ce75ffac357b3310VgnVCM100000082ca60aRCRD&vgnextchannel=ad3e1921c6898210VgnVCM100000082ca60aRCRD> 2/21/2012