



Fact Sheet

September 29, 2011

CNMI Immigration: Myth or Fact

There are many rumors circulating in the Commonwealth of the Northern Mariana Islands (CNMI) about immigration benefits. USCIS provides some facts in response to some myths about the federal immigration transition in the CNMI.

MYTH - False	FACT - True
Aliens in the CNMI will get green cards.	Aliens in the CNMI will NOT get green cards unless otherwise eligible under U.S. immigration law.
Aliens in the CNMI will get U.S. citizenship.	CNMI non-residents will NOT get U.S. citizenship unless otherwise eligible under U.S. nationality law.
CNMI transitional worker (CW) status is automatic.	CW status is NOT automatic; your employer must petition for you.
CW status allows me to travel to the rest of the United States.	CW status does NOT allow you to travel to other parts of the United States; it is only good in the CNMI.
CW status allows me to travel to Guam.	CW status does NOT allow you to travel to Guam.
CW status allows me to transit Guam.	CW status only allows workers from the Philippines to transit Guam.
Employers must hire a U.S. citizen.	An employer must consider all available U.S. workers for a position, including a position currently filled by a foreign worker with an umbrella permit, before filing a petition with USCIS to hire a foreign worker. "U.S. workers" include U.S. citizens, U.S. permanent residents and Freely Associated States (FAS) including FSM, Marshall Islands, Palau) nationals. If the employer files a CW petition to hire a foreign worker, the employer must attest under penalty of law that no qualified U.S. worker is available to fill the position. The CW rule does not require that the employer hire a U.S. worker who applies for a position for which he or she is not qualified. An employer is not required by U.S. immigration law to hire a qualified U.S. worker applicant, but if they do not, they will not be approved to fill the position with a CW worker.
I must repay my employer for the application fees associated with my CW worker application.	There are three USCIS fees associated with CW status – the application fee of \$325, a CNMI Education Funding Fee of \$150 per beneficiary (worker) and an \$85 biometrics fee per worker who is present in the CNMI. The employer is required to pay the first two fees and cannot seek reimbursement from the worker. However, the biometrics fee may be paid by the worker, employer or a third party.
I am out of status, but I can pay someone to get status for me so that I will be legally in the CNMI and able to work.	An employer can only file a CW or other nonimmigrant petition for you if you are lawfully present in the CNMI or are outside of the CNMI. An employer can only petition for you if he/she intends to employ you in an actual qualifying job. The employer must pay the petition application fees.
Someone guaranteed that they can get me a green card or visa.	NO ONE can guarantee you a green card or visa no matter how much you pay them.
I must leave the CNMI to get CW status.	If you have a valid umbrella permit or parole status you DO NOT need to leave the CNMI in order to get CW status, as long as the employer's petition is filed while you are lawfully present, and your parole status remains current.
Since I am a CNMI permanent resident, I will be deported.	CNMI permanent residents and their immediate family members are eligible for parole. You should apply immediately at the USCIS office in Saipan if you do not currently have parole. You can find instructions at www.uscis.gov/cnmi or on the handout available at the USCIS office.

<p>Since I am a CNMI permanent resident, I do not need to worry about my immigration status after Nov. 27, 2011.</p>	<p>Everyone, including a CNMI permanent resident must be lawfully present. CNMI permanent residence does not itself provide any lawful presence in the CNMI after Nov. 27, 2011. You can maintain status by:</p> <ul style="list-style-type: none"> ▪ Obtaining a grant or extension of parole; ▪ Being the beneficiary of a CW petition filed by an employer; or ▪ Obtaining another federal immigration status.
<p>The immediate relatives of FAS citizens will be deported.</p>	<p>Immediate family members of FAS citizens are eligible for parole. You should apply immediately at the USCIS office in Saipan if you do not currently have parole. You can find instructions at www.uscis.gov/cnmi or on the handout available at the USCIS office.</p>
<p>I am an 18 year old U.S. citizen and if I join the military I can petition for my parents to get their green cards.</p>	<p>All U.S. citizen children must be 21 years old to petition for their parents whether they are in the military or not.</p>
<p>I must pay for blank USCIS forms.</p>	<p>All immigration forms are free and are available at www.uscis.gov/forms, at your local USCIS office or by calling 1-800-375-5283.</p>
<p>I can get immigration information anywhere on the internet.</p>	<p>All official immigration information comes from www.uscis.gov and other government websites. Official federal government sites such as that of USCIS include “.gov,” NOT “.com.”</p>

Who Can Help You

You can represent yourself before USCIS. Many people, including family members, may be willing to help you fill out USCIS forms with the information you provide. These people may do this for free or charge a small fee. However, **only** certain qualified individuals can give you legal advice or represent you before USCIS. Legal advice may include:

- How to answer questions on your immigration forms; and
- What immigration options you have.

By law, the only people who may give you this legal advice or represent you before USCIS are:

- Attorneys;
- Non-attorney representative who are accredited by the Board of Immigration Appeals (BIA); or
- Law students and law student graduates of accredited U.S. law schools with direct supervision of an attorney, accredited representative or faculty member in some cases.

To confirm that an attorney or BIA-accredited representative is eligible to represent you before USCIS, visit www.uscis.gov/avoidscams.

Beware of Immigration Scams

Sometimes people pretend to be “immigration experts” to deceive you and take your money. This is against the law. Scammers often make promises that sound too good to be true. They may tell you that they have a special relationship with the government, or can get you an immigration benefit, like a work permit or green card quickly, or that they can help you get a benefit for which you are not eligible. Do not be fooled by these scammers.

Sometimes websites that look very professional can lead you to a scam. Remember that the USCIS site contains “.gov.” Scammers also advertise in phone books, fliers and on signs in stores. They may take advantage of radio stations and newspapers to advertise through the media. They may also be recommended by someone you know. Be careful. Before going to someone selling immigration advice, find out first if he or she is an attorney or BIA- accredited representative. Even a well-meaning friend, neighbor or family member can give you advice that will hurt you.

Learn the facts about how to protect you and your family at www.uscis.gov/avoidscams. To report immigration fraud, please call U.S. Immigration and Customs Enforcement at 1-670-233-0788 or 1-877-347-2423. For more information about federal immigration law and the transition in the CNMI, please visit our website at www.uscis.gov/cnmi or call us at 1-800-375-5283.