



Highlights of [GAO-08-466](#), a report to congressional committees

## Why GAO Did This Study

The Commonwealth of the Northern Mariana Islands (CNMI) is subject to most U.S. laws but, under the terms of its 1976 covenant with the United States, administers its own immigration system. It has applied this flexibility to admit substantial numbers of foreign workers, in addition to admitting tourists and foreign investors.

The covenant grants Congress the right to apply federal immigration law to the CNMI. On December 11, 2007, the House of Representatives passed legislation applying U.S. immigration law to the CNMI; as of report issuance, this legislation was pending in the Senate. If passed, it will amend the covenant and will apply federal immigration law to the CNMI 1 year after the legislation's enactment, subject to a transition period that begins 1 year after enactment but may be delayed 180 days.

GAO was asked to review key provisions of the pending legislation, current U.S. immigration law, and current CNMI immigration law, particularly regarding (1) foreign workers, (2) tourists, and (3) foreign investors.

The Departments of Homeland Security and the Interior generally agreed with the findings in this report, and the Department of Labor provided no comments. The CNMI government disagreed with some key findings related to GAO's interpretation of the legislation. GAO continues to interpret the legislation as stated in this report.

To view the full product, including the scope and methodology, click on [GAO-08-466](#). For more information, contact David Gootnick at (202) 512-3149 or [gootnickd@gao.gov](mailto:gootnickd@gao.gov).

# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

## Pending Legislation Would Apply U.S. Immigration Law to the CNMI with a Transition Period

### What GAO Found

The pending legislation applies U.S. immigration law to the CNMI and provides federal agencies some flexibility in preserving the CNMI's access to workers, tourists, and foreign investors as it transitions to a federal system. However, without implementing regulations, key details remain unknown.

- Foreign workers.** During the transition period, foreign workers may be admitted to the CNMI through exemptions from caps that restrict the number of U.S. visas for nonimmigrant workers. Workers not otherwise eligible under federal law may be admitted through a CNMI-only permit program, which may be extended indefinitely for up to 5 years at a time. Current workers who do not obtain U.S. immigration status may continue to live and work in the CNMI for a limited time. During and after the transition period, CNMI employers also can petition for nonimmigrant and employment-based permanent immigration status for workers under the same procedures as other U.S. employers. However, access to foreign workers in low-skill jobs will be limited after the end of the transition period in 2013 or 2014 and after any extensions of the CNMI-only permit program, because the demand for certain U.S. nonimmigrant worker visas recently has exceeded the supply and because no nonimmigrant visas are available for workers in continuous low-skill positions. While fees for the CNMI-only work permit will be determined by federal regulations and are unknown, the current fees for U.S. foreign worker permits that would apply after the end of the transition period and any extensions range higher than the CNMI's current foreign worker permit fees.
- Tourists.** The pending legislation establishes a joint visa waiver program by adding the CNMI to an existing Guam visa waiver program. The program exempts tourism and business visitors from certain countries to the CNMI and Guam from the standard U.S. visa documentation requirements. Citizens of countries not included in the CNMI-Guam or other U.S. visa waiver programs may apply for U.S. visitor visas, which require in-person applications and higher fees than the CNMI currently assesses. Changes in tourists' access to the CNMI will depend on the countries included in the CNMI-Guam visa waiver program. Until the joint program's implementing regulations are established, GAO cannot determine whether the program will be more or less restrictive than the current CNMI and Guam waiver programs.
- Foreign investors.** After federal immigration law applies, new CNMI foreign investors must meet federal law's more stringent investment requirements to obtain immigrant investor status, which allows investors to petition for U.S. permanent resident status that is currently unavailable in the CNMI. New investors also could apply for nonimmigrant treaty investor status. In addition, the pending legislation allows current CNMI foreign investors to convert to CNMI-only nonimmigrant treaty investors during the transition period.