



Highlights of [GAO-10-553](#), a report to congressional committees

Why GAO Did This Study

In May 2008, the United States enacted the Consolidated Natural Resources Act (CNRA), amending the United States' Covenant with the Commonwealth of the Northern Mariana Islands (CNMI) to establish federal control of CNMI immigration in 2009, with several CNMI-specific provisions affecting foreign workers and investors during a transition. CNRA requires that GAO report on implementation of federal immigration law in the CNMI. This report describes the steps federal agencies have taken to (1) secure the border in the CNMI and (2) implement CNRA with regard to workers, visitors, and investors. GAO reviewed federal laws, regulations, and agency documents; met with U.S. and CNMI officials; and observed federal operations in the CNMI.

What GAO Recommends

To enable DHS to implement federal border control and immigration in the CNMI, GAO recommends that the Secretary of Homeland Security work with the heads of CBP, ICE, and USCIS to conclude negotiations with the CNMI government regarding access to CNMI airport space, access to detention facilities, and information about the status of aliens. DHS agreed with the recommendation. The CNMI government raised concerns about this report's scope and support for several findings. In response, GAO modified the report as appropriate.

View [GAO-10-553](#) or [key components](#). For more information, contact David Gootnick at (202) 512-3149 or gootnickd@gao.gov.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DHS Should Conclude Negotiations and Finalize Regulations to Implement Federal Immigration Law

What GAO Found

The Department of Homeland Security (DHS) components Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS) have each taken steps to secure the border in the CNMI in accordance with CNRA. From November 28, 2009, to March 1, 2010, CBP processed 103,565 arriving travelers at CNMI airports (see photo below), and ICE processed 72 aliens for removal proceedings. In calendar year 2009, USCIS processed 515 CNMI applications for permanent U.S. residency and 50 CNMI applications for U.S. naturalization or citizenship. However, the DHS components face operational challenges and have been unable to negotiate solutions with the CNMI government. First, airport space available to CBP does not meet facility standards and CBP has not reached a long-term occupancy agreement with the CNMI. Second, ICE has not come to an agreement with the CNMI for access to detention space and as a result has transferred 3 of 30 aliens—convicted criminals under CNMI or U.S. law—to correctional facilities in Guam and Honolulu. Third, DHS efforts to gain direct access to the CNMI's immigration databases have been unsuccessful, hampering U.S. enforcement operations.

Saipan International Airport, CBP Primary Screening Area



Source: GAO.

DHS has begun to implement work permit and visa programs for foreign workers, visitors, and investors, but key regulations are not final and certain transition programs therefore remain unavailable. A lawsuit filed by the CNMI government challenging some provisions of the CNRA resulted in a court injunction delaying implementation of the CNMI-only transitional worker program until DHS considers public comments and issues a new rule. As a result this program is unavailable to employers as of May 1, 2010. DHS has established the Guam-CNMI visa waiver program. However, DHS did not include China and Russia, two countries that provide significant economic benefit to the CNMI. Currently, DHS allows nationals from these two countries into the CNMI temporarily without a visa under the DHS Secretary's parole authority. DHS is reconsidering whether to include these countries in the Guam-CNMI visa waiver program. Although DHS has proposed rules that apply temporary U.S. nonimmigrant treaty investor status to investors with CNMI foreign investor entry permits, the program is not yet available.