



Highlights of [GAO-11-805T](#), a testimony before the Fisheries, Wildlife, Oceans, and Insular Affairs Subcommittee, Committee on Natural Resources, House of Representatives

## 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 5-year transition period that began on November 28, 2009, and ends in 2014. One of these provisions authorizes a transitional CNMI-only work permit program that may be extended for up to 5 years at a time past 2014. In addition, CNRA amends existing U.S. immigration law to establish a joint visa waiver program for the CNMI and Guam. CNRA requires that GAO report on implementation of federal immigration law in the CNMI 2 years after enactment.

In May 2010, GAO reported that the Department of Homeland Security (DHS) had established border control operations in the CNMI in 2009 but had not concluded negotiations with the CNMI government to resolve certain challenges involving access to CNMI airport space, detention facilities, and databases. GAO also noted that DHS had not yet finalized regulations needed to fully implement CNRA provisions affecting foreign workers, visitors, and investors.

This statement updates GAO's May 2010 findings regarding the transition to federal immigration law and discusses several pending issues. GAO based its statement on prior reports, information provided by DHS and the Department of the Interior (DOI), and interviews with CNMI private sector officials.

View [GAO-11-805T](#) or key components. For more information, contact David Gootnick at (202) 512-3149 or [gootnickd@gao.gov](mailto:gootnickd@gao.gov).

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# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

## Status of Transition to Federal Immigration Law

### What GAO Found

DHS component units Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS) have continued immigration and border control operations in the CNMI. As of April 2011, CBP had processed approximately 515,000 arriving travelers in Saipan and Rota. As of May 2011, ICE had identified approximately 1,700 individuals in potential violation of U.S. immigration laws, processing about 240 for removal. As of June 2011, USCIS had processed approximately 1,000 CNMI applications for permanent residency and 100 CNMI applications for naturalization or citizenship. CBP has concluded negotiations with the CNMI for operational space at the Saipan and Rota airports, and ICE completed negotiations for access to the Saipan detention facility in April 2011.

DHS has not finalized regulations for a federal CNMI-only transitional permit program for foreign workers, required by CNRA, but has completed regulations implementing other required programs for visitors and investors. In June 2011, DHS submitted a draft final rule for the CNMI-only permit program to the Office of Management and Budget (OMB); currently, the permits remain unavailable. In 2009, DHS issued an interim final rule for a Guam-CNMI visa waiver program and the program became operational. However, DHS is still considering whether to include China and Russia in the program, according to CBP officials. In 2010, DHS issued a final rule allowing a large proportion of investors holding CNMI long-term foreign investor permits to obtain U.S. CNMI-only nonimmigrant treaty investor status during the 5-year transition period that began in 2009. DHS has approved about 20 applications for this status.

Several pending issues could affect the CNMI's labor market and economy. First, the content and implementation of DHS's final rule for the federal CNMI-only work permit program will affect CNRA's potential impact on the CNMI economy. CNRA requires DHS to determine the number, terms, and conditions of the permits, reducing them to zero by the end of the transition period in November 2014 or any extension of the program past that date. Because of foreign workers' prominence in key CNMI industries, any substantial, rapid decline in the permits would negatively affect the CNMI economy. Second, CNMI government-issued permits to remain in the commonwealth will expire on November 27, 2011. Thus, limited time is available for employers to submit petitions for workers to receive the federal work permits, for workers and dependents to submit biometrics such as fingerprints, and for USCIS to process these submissions. Third, with the transition to federal immigration law, it is uncertain whether Filipino and Korean workers previously admitted under a specific CNMI immigration category—about 75 percent of foreign workers in the CNMI in 2009—who obtain CNMI-only work permits will be covered by Social Security. In addition to these issues, legislation introduced in Congress proposes CNMI resident status for certain long-term residents, and DOI has recommended that Congress consider allowing certain foreign workers in the CNMI to apply for long-term resident status.