



U.S. Citizenship and Immigration Services

USCIS Reaches CW-1 Cap for Fiscal Year 2018

As of May 25, 2017, USCIS has received a sufficient number of petitions to reach the maximum possible numerical limit (the “[cap](#)”) of workers who may be issued CNMI-Only Transitional Worker (CW-1) visas or otherwise provided with CW-1 status for fiscal year (FY) 2018. Although the FY 2018 cap has not been set, it is required by statute to be less than the 12,998 workers set for FY 2017.

We will issue subsequent guidance when the FY 2018 cap is set and when we are able to announce the final receipt date. Because the final receipt date will depend on the FY 2018 cap, it is also possible that USCIS will not accept some petitions received on or before May 25, 2017.

What Happens After the Cap is Reached

We will reject CW-1 petitions we received on or after May 26, 2017 that request an employment start date before Oct. 1, 2018. This includes CW-1 petitions for extensions of stay that are subject to the CW-1 cap. The filing fees will be returned with any rejected CW-1 petition.

If we reject an extension petition, the beneficiaries listed on that petition are not permitted to work beyond the validity period of the previously approved petition. Therefore, affected beneficiaries, including any CW-2 derivative family members of a CW-1 nonimmigrant, must depart the Commonwealth of the Northern Mariana Islands (CNMI) within 10 days after the CW-1 validity period expires, unless they have some other authorization to remain under U.S. immigration law.

Petitions that are Subject to the CW-1 Cap

The following types of [Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker](#) are generally subject to the CW-1 cap:

- New employment petitions; and
- Extension of stay petitions.

All CW-1 workers are subject to the cap **unless** the worker has already been counted towards the cap in the same fiscal year. The U.S. government’s fiscal year begins on Oct. 1 and ends on Sept. 30.

The CW-1 cap does not apply to CW-2 derivative family members.

When to File CW-1 Petitions

We encourage CW-1 employers to file a petition for a CW-1 nonimmigrant worker up to 6 months in advance of the requested employment start date, and to file as early as possible within that timeframe. Please note, however, that we will reject a petition if it is filed more than 6 months in advance.

Alternate Classifications

Go to the [Working in the U.S.](#) page for a list of all the immigration classifications available for temporary and permanent workers. A general description of each classification, along with eligibility criteria and other filing requirements, can be found by clicking on the links provided on the page.

For more information about the CW-1 work program, visit the [CW-1: CNMI-Only Transitional Worker](#) page or call the USCIS Contact Center at 1-800-375-5283.

