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USCIS Proposes Investor Program for the CNMI

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Submitted by Editor on Sep 15th 2009

The U.S. Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) will publish a proposed rule in the Sept. 14, 2009 Federal Register that would recognize a Commonwealth of the Northern Mariana Islands (CNMI) specific nonimmigrant investor visa classification. This "E-2 CNMI Investor" status is one of several CNMI specific provisions contained in the Consolidated Natural Resources Act of 2008 (CNRA), which extends most provisions of federal U.S. immigration law to the CNMI.

These temporary provisions are proposed to provide for an orderly transition from the current CNMI permit system to the immigration laws of the U.S., to lessen potential effects on the CNMI economy, and to give foreign long-term investors time to identify and obtain appropriate U.S. immigrant or nonimmigrant status. The transition period will begin Nov. 28, 2009 and end on Dec. 31, 2014.

This proposed special status of E-2 investors would allow eligible CNMI investors to remain in the CNMI for the duration of the transition period under E-2 CNMI Investor status, and to exit and enter the CNMI with valid E-2 CNMI Investor visas. It is proposed that the E-2 CNMI Investor Visa be issued for two years and be renewable. Derivative visas would be available for spouses and children of the primary applicant.

In line with CNRA, this proposed classification includes "long-term investors" so only those CNMI investor permits that mandated a fixed minimum threshold amount of investment and are renewable over a period of multiple years would be considered to be "long-term investor" statuses: the Long-Term Business Investor, the Foreign Investor, and the Retiree Investor. Other CNMI investor permits, including the 2-year non-renewable retiree investor program for Japanese and those with short- or regular-term business entry permits, may be eligible to apply for existing nonimmigrant classifications under the INA, such as B-1/B-2 visas.

USCIS proposes that, to be eligible, investors must have been admitted to the CNMI in long-term investor status under CNMI immigration law before the transition program effective date; have continuously maintained residence in the CNMI under long-term investor status; currently maintain the investment(s) that formed the basis for the CNMI long-term investor status; and are otherwise admissible to the United States under the INA.

USCIS proposes using existing Form I-129 (Petitioner for a Nonimmigrant Worker) with Supplement E, for requesting E-2 CNMI Investor status. The current processing fee is \$320 plus an \$80 biometrics fee.

USCIS encourages the public to submit comments on this proposal by Oct. 14, 2009. All submissions must include "USCIS" and "DHS Docket No. USCIS-2008-0035" and can be submitted in one of the following ways:

- Internet - at the Federal e-Rulemaking Portal: <http://www.regulations.gov> [2];
- E-mail to USCIS at rfs.regs@dhs.gov [3] and include "DHS Docket No. USCIS- 2008-0035" in subject line; or
- Mail/Hand Delivery/Courier - Paper, disk, or CD-ROM submissions to: Chief, Regulatory Management Division, DHS-USCIS, 111 Massachusetts Avenue, NW, Suite 3008, Washington, D.C. 20529. Reference "DHS Docket No. USCIS-2008-0035" on the correspondence. Contact telephone number is (202) 272-8377.

Nonimmigrant Visas:

E-2 Visa [4]

E Visa [5]

Agency:

USCIS [6]

DHS [7]

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