

## TITLE 20: DEPARTMENT OF COMMERCE

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### SUBCHAPTER 20-30.4 RETIREE INVESTMENT

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History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

Commission Comment: Section 702 of the Consolidated Natural Resources Act of 2008 (PL 110-229, codified at 48 U.S.C. § 1806) removed the CNMI's authority to create and manage its own immigration laws. On March 22, 2010, the Governor signed PL 17-1, removing all references to immigration and deportation functions from the Commonwealth Code. These regulations have not been amended, but portions of the regulations pertaining to immigration are superseded by 48 U.S.C. § 1806.

#### **Part 001 -      General Provisions**

##### **§ 20-30.4-001 Definitions**

For the purposes of this subchapter, the following definitions shall apply:

(a) "Alien" means a person who is not a citizen or national or permanent resident (green card holder) of the United States;

(b) "Immediate relative" means a legally recognized spouse, and a child under the age of twenty-one years, whether natural or adopted before the age of eighteen years, and a stepchild if the marriage that created the stepchild relationship took place before the child's eighteenth birthday, and, in the case of a citizen, the parents, whether natural or adoptive of the citizen, provided that no alien shall derive immediate relative status from a child who is under the age of twenty-one years;

(c) "Residential dwelling investment" means an investment of \$75,000 or more in a dwelling place to be occupied by a retiree investor and his or her immediate relatives.

(d) "Retiree investor" means an alien who is 55 years of age or older and who has made or within 90 days will have made a residential dwelling investment in the Commonwealth.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

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Commission Comment: The Commission corrected the semicolons at the ends of subsections (a) and (b) to periods pursuant to 1 CMC § 3806(g). The Commission struck the numbers “18” and “21” from subsection (b) pursuant to 1 CMC § 3806(e).

### **Part 100 Eligibility of Retirees**

#### **§ 20-30.4-101 Applications**

- (a) The immigration class for retiree investors is 240(o). See regulations issued by the Division of Immigration, § 5-40.3-240(o).
- (b) Applications for entry permits shall be made on forms provided by the Secretary and signed by the applicant. Information on and supporting documentation for an application is submitted under penalty of perjury.
- (c) Applications shall be accompanied by the fee required under § 20-30.4-310.
- (d) Applications for a two-year permit will be accepted, at the discretion of the Secretary, upon the Secretary’s finding that a two-year permit is in the interests of the Commonwealth.
- (e) Applications shall not be accepted from aliens present in the Commonwealth whose presence is permitted solely because they have a pending labor, immigration or legal matter. However, once said matter is decided, settled, or dismissed, the alien may apply for an entry permit, renewal or change of status if the alien prevailed in the matter.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

Commission Comment: The Commission redesignated subsections (1) through (5) as subsections (a) through (e) pursuant to 1 CMC § 3806(a). The Division of Immigration section referenced in subsection (a) is no longer in effect. See 32 Com. Reg. 30094 (Apr. 19, 2010).

#### **§ 20-30.4-105 Qualified Retiree**

An alien applying for a retiree entry permit is qualified if the following requirements are met:

- (a) The retiree shall provide the biographical information required by the Secretary. A form is provided for this purpose by the Department.
- (b) The retiree is age 55 years or older at the time the retiree enters the Commonwealth under a Retiree Investor Entry Permit. The retiree shall provide a copy of a birth certificate or other documentation as to age acceptable to the Secretary.
- (c) The retiree shall provide documentation as required by the Secretary including a copy of a valid passport, a color photo, and, a police clearance reflecting the applicant’s criminal record
- (d) The retiree shall provide documentation satisfactory to the Secretary demonstrating that a residential dwelling investment has been made or will be made within 90 days of the date of grant of the application.

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(e) The retiree shall provide documentation satisfactory to the Secretary demonstrating that sufficient funds are or will be available from identified and reliable financial sources to defray living, medical, and other expenses for the retiree while resident in the Commonwealth.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

### **§ 20-30.4-110 Certification and Authorization for Entry**

The Secretary or his or her designee shall provide to the Director of Immigration an authorization for entry, certifying that an alien has met the requirements for a retiree investment certificate, before an entry permit is processed by the Division of Immigration. The certification by the Secretary shall be consistent with the recommendation by the Foreign Investment Review Committee. No entry permit shall be issued by the Director of Immigration without an authorization for entry from the Secretary.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

### **§ 20-30.4-115 Term**

The certification and entry permit for a qualified retiree investor shall have a term that is co-extensive with the continuing qualification of the retiree investor.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

## **Part 200 - Eligibility of Immediate Relatives of Retirees**

### **§ 20-30.4-201 Credentials of Immediate Relatives of Retiree Investor**

(a) A parent or step-parent of a retiree investor shall produce birth certificates or adoption certifications to demonstrate the relationship.

(b) A spouse to whom a retiree investor is legally married shall produce marriage certificates or records to demonstrate the relationship.

(c) A child who is the natural or adopted son or daughter of a retiree investor, shall produce birth certificates or adoption records to demonstrate the relationship.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

Commission Comment: The Commission corrected the section number to § 20-30.4-201 pursuant to 1 CMC § 3806(a).

### **§ 20-30.4-205 Financial Support**

The retiree or the immediate relative shall provide documentation satisfactory to the Secretary demonstrating that sufficient funds are or will be available from identified and reliable financial sources to defray living, medical, and other expenses for the immediate relative while resident in the Commonwealth.

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History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

### **§ 20-30.4-210 Certificate**

An immediate relative of the holder of a Retiree Investor Entry Permit may be issued an immediate relative certificate and authorization for an entry permit for the same duration as the holder of the Retiree Entry Permit, provided that the immediate relative is not an excludable alien.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

Commission Comment: The Commission redesignated this section as 20-30.4-210 pursuant to 1 CMC § 3806(a).

## **Part 300 Other Provisions**

### **§ 20-30.4-301 Employment**

The holder of a Retiree Investor Entry Permit or an immediate relative may be employed for less than 20 hours a week in the Commonwealth.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

### **§ 20-30.4-305 Annual Registration**

Each holder of a Retiree Investor Permit and all immediate relatives of a Retiree Investor Permit shall register annually with the Department.

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).

### **§ 20-30.4-310 Fees**

The following fees shall apply:

- |                                    |           |
|------------------------------------|-----------|
| (a) Retiree Investor Certificate   | \$1000.00 |
| (b) Immediate Relative Certificate | \$500.00  |
| (c) Annual registration            | \$100.00  |

History: Adopted 31 Com. Reg. 29371 (Apr. 27, 2009); Proposed 31 Com. Reg. 29224 (Feb. 25, 2009).