

# TITLE 80: DEPARTMENT OF LABOR

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## SUBCHAPTER 80-20.5

### LIMITED IMMUNITY FOR ILLEGAL ALIENS RULES AND REGULATIONS

Subchapter Authority: 3 CMC § 4507.

Subchapter History: Emergency and Proposed 20 Com. Reg. 16278 (Nov. 15, 1998) (effective for 120 days from Nov. 13, 1998).\*

\*A notice of adoption for the proposed Limited Immunity for Illegal Aliens Rules and Regulations was never published.

Commission Comment: Under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (Covenant, Pub. L. No. 94-241, § 301, 90 Stat. 263), the CNMI government retained nearly exclusive control over immigration. After the enactment of the Consolidated Natural Resources Act of 2008 (CNRA, Pub. L. No. 110-229, 122 Stat. 754) on May 8, 2008, federal immigration law became applicable to the CNMI beginning on November 28, 2009. Under CNRA § 702(a), the CNRA made the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) applicable to the CNMI. The CNRA further amended the Covenant to state that the “immigration laws,” as well as the amendments to the Covenant, “shall ... supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.” On March 22, 2010, the Governor of the CNMI signed P.L. 17-1 into law, which effectively removed all references to immigration and deportation functions from the Commonwealth Code, and on April 15, 2010, the Office of the Attorney General, Division of Immigration, repealed the Division of Immigration Rules and Regulations (NMIAC Title 5, Chapter 40). The CNMI Department of Labor’s regulations relating to the admission of aliens in this subchapter were not specifically repealed, and therefore, remain.

For a complete history of the authority of the Department of Labor, see the commission comment to NMIAC subchapters 80-10.1 and 80-20.1.

PL 11-33 (effective Sept. 2, 1998), codified at 3 CMC §§ 4501-4507, granted limited immunity to qualified illegal aliens, as defined by the act, present in the Commonwealth on September 2, 1998, who voluntarily reported themselves to the Department of Labor and Immigration (DOLI) (now the Department of Labor) within six months of September 2, 1998. See 3 CMC § 4502. 3 CMC § 4507 directs DOLI to promulgate rules and regulations to implement the act.

DOLI promulgated emergency regulations implementing PL 11-33 effective November 13, 1998. The regulations remained in effect for 120 days pursuant to the Administrative Procedure Act, 1 CMC §§ 9101, et seq. A notice of permanent adoption was never published.

[Reserved for future regulations pursuant to PL 11-33.]