

SUBCHAPTER 80-20.8
REFUGEE EMPLOYMENT REGULATIONS

Chapter Authority: 3 CMC § 4421; 3 CMC § 4424(a)(1); Executive Order 94-3 § 301.

Chapter History: Proposed 27 Com. Reg. 23827 (Jan. 17, 2005).*

As of December 2005, a notice of adoption had not been 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from the Commonwealth Code, and on April 15, 2010, the Office of the Attorney General, Division of Immigration, repealed the Division of Immigration Rules and Regulations (NMIAC Title 5, Chapter 40). The CNMI Department of Labor’s regulations relating to the admission of aliens in this subchapter were not specifically repealed, and therefore, remain.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 Department of Labor, see the general commission comments to NMIAC subchapters 80-10.1 and 80-20.1.

Article 17 of the 1967 United Nations Protocol Relating to the Status of Refugees, 19 U.S.T. 6223 (entered into force November 1, 1968) is applicable to the Commonwealth pursuant to section 102 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America. Article 17 establishes the terms of employment for persons with refugee status under the treaty. 3 CMC § 4424(a) authorizes the Secretary of Labor to promulgate regulations pertaining to the employment of nonresident workers in the Commonwealth.

[Reserved for Refugee Employment Regulations.]