

**TITLE 3: HUMAN RESOURCES**  
**DIVISION 4: EMPLOYMENT AND REGISTRATION**

**§ 4911. Foreign National Workers: Definitions.**

The definitions in 3 CMC § 4511 are hereby incorporated by reference and, in addition, as used in this chapter, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(a) "Approved employment contract" means a written contract between a foreign national worker and an employer, which has been approved by the Secretary, specifying the terms and conditions for work to be performed by the foreign national worker within the Commonwealth;

(b) "Approved health insurance contract" means a written contract executed by an employer, providing coverage for health care costs of one or more foreign national workers, in a form that has been approved by the Secretary of Public Health;

(c) "Approved security contract" means a written contract executed by an employer providing full security for all employer obligations with respect to the employment of foreign national workers as required by this chapter, in a form that has been approved by the Secretary;

(d) "Bona fide non-profit religious undertaking" means a religious organization legally established or incorporated in the Commonwealth that is exempt from Commonwealth taxation, or U.S. taxation as an organization described in 26 U.S.C. § 501(c)(3);

(e) "Debarment" means, pursuant to an administrative order, the temporary or permanent prohibition on employment by an employer of foreign national workers;

(f) "Foreign national worker" means a person who is not a United States citizen, a United States permanent resident, a CNMI permanent resident, or an immediate relative of a United States citizen or a United States permanent resident, or an immediate relative of a CNMI permanent resident and who entered the CNMI as a nonimmigrant for the declared purpose of being employed in the Commonwealth;

(g) "Identification card" means an identification card issued by the Department using the Labor Information Data System (LIDS) or comparable system to assign a unique identification number to a particular person;

(h) "Immediate relative" means a parent, spouse, or child, whether natural or adopted, if adopted before his or her eighteenth birthday, up to twenty-one years of age including step children. A disabled child of any age qualifies as an immediate relative if in the continuous custody and care of the parent;

(i) "Mediation" means an informal, non-public, confidential meeting attended by the parties to a labor dispute or potential labor dispute together with a mediator at the Administrative Hearing Office in order to seek a voluntary resolution of the dispute satisfactory to all parties and reflected in a written agreement;

(j) "Repatriation" means the exit from the Commonwealth and travel to the point of hire for a foreign national worker or member of the immediate family of a foreign national worker by voluntary action of the foreign national worker; and

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in the case of the death of a foreign national worker while in the Commonwealth, the embalming and shipment of the body to the point of hire;

(k) "Termination" means, with respect to an approved employment contract, the expiration of the contract according to its terms, termination by a party for cause or as otherwise permitted by this chapter during the term of the contract, or termination by the Secretary for cause during the term of the contract; and

(l) "Transfer" means any process by which a foreign national worker who is a party to an approved employment contract with one employer becomes employed by a different employer without first exiting the Commonwealth.

(m) "Umbrella permit" means a two-year permit issued prior to November 28, 2009 by the Department of Labor, the Department of Commerce, or under the authority of the Attorney General, to expire on November 27, 2011, that protects the status of the holder to remain in the Commonwealth until revoked or expired.

**Source:** PL 15-108, § 4(4911); (m) added and (f)-(h), (j) and (l) amended by PL 17-1 § 5(Q)(1) (March 22, 2010),\* modified

**Commission Comment:** See the comment to 3 CMC § 4401 regarding PL 15-108. The Commission replaced section and chapter references with proper code citations, changed capitalization and changed periods to semi-colons in subsections (f) and (h) pursuant to 1 CMC § 3806(c), (f) and (g), respectively.

\*PL 17-1 (enacted on March 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to 3 CMC § 4511.