

TITLE 3: HUMAN RESOURCES
DIVISION 4: EMPLOYMENT AND REGISTRATION

§ 4963. Prohibitions.

(a)(1) No person who enters the Commonwealth as a nonimmigrant resident alien may obtain a financial interest in, operate, or engage in any business, or become an employer without first qualifying under Chapter 9 of Division 5 of Title 4, or under other applicable provisions of Commonwealth law; provided however that only U.S. citizens may qualify as a notary public.

(2) No person who enters the Commonwealth as a nonimmigrant resident alien may employ a foreign national worker.

(3) No person who has at any time entered the Commonwealth for employment may maintain a financial interest in, operate, or engage in any business, or employ others without first qualifying under Chapter 9 of Division 5 of Title 4, or under other applicable provisions of Commonwealth law.

(b) No foreign national worker under the age of twenty-one shall be employed in the Commonwealth.

(c) A foreign national worker shall not perform any services or labor within the Commonwealth for any employer other than the employer with whom the foreign national worker has an approved employment contract except as provided by regulation.

(d) An employer or a foreign national worker shall not make a materially false statement or give materially misleading information, orally or in writing, to the Department or any employee or officer of the Executive Branch with respect to any requirement of this chapter.

(e) A foreign national worker shall not work in any capacity, including but not limited to employment or engagement for training, other pre-employment purposes, or any other arrangement that constitutes an employment relationship, prior to the issuance or after the expiration of an identification card.

(f) A foreign national worker, after filing a labor complaint, shall not perform services or labor for any employer other than under an approved employment agreement or under a temporary work authorization issued by the Department.

(g) An employer with a total full-time work force of ten or more employees shall not employ foreign national workers who hold temporary work authorizations in more than ten percent of all positions. An employer with a total full-time work force of fewer than ten employees shall not employ more than one foreign national worker who holds a temporary work authorization.

(h) An employer shall not pay a foreign national worker at a rate of pay lower than the minimum wage as provided by Commonwealth law or applicable federal law or at a rate of pay higher than the rate at which the job was advertised in compliance with 3 CMC § 4523.

(i) An employer shall not make any deduction from the wages of a foreign national worker in violation of Commonwealth law.

(j) An employer shall not employ a person who is not a citizen or permanent resident and who has entered the Commonwealth without authorization to work; provided however, the Attorney General may authorize a witness or victim of

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human trafficking or a material witness or victim in another civil or criminal proceeding to work in the Commonwealth without regard to this provision.

(k) An employer shall not file an application for an approved employment contract with the Department without the intent or present capability to provide a viable wage-paying job for the foreign national worker within the Commonwealth.

(l) This section shall not stay or bar any civil or criminal action in any court.

Source: PL 15-108, § 4(4963);(a), (c), (e), (j) and (k) amended by PL 17-1 § 5(Q)(6)(a)(March 22, 2010),* modified.

Commission Comment: The Commission replaced section references with proper code sections, deleted figures that repeated written words and changed capitalization pursuant to 1 CMC § 3806(c), (e) and (f). *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.