



Commonwealth of the Northern Mariana Islands  
Office of the Governor  
Saipan, Mariana Islands 96950

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GOV. NMI SAIPAN  
REPLY TO:

DEPT. or ACTIVITY

FEB 13 1984

The Honorable Ponciano C. Rasa  
President of the Senate  
Fourth Northern Marianas Commonwealth  
Legislature  
Saipan, CM 96950

and

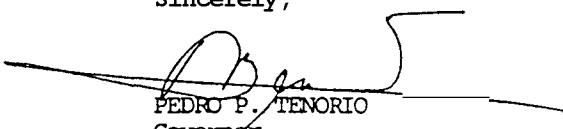
The Honorable Vicente M. Sablan  
Speaker, House of Representatives  
Fourth Northern Marianas Commonwealth  
Legislature  
Saipan, CM 96950

Dear Mr. President and Mr. Speaker:

*This* is to inform you that I have signed into law Senate Bill No. 3-119, S.D.1, entitled, "To establish an Immigration Entry and Deportation Law in the Northern Mariana Islands and for other purposes," which was passed by the Third Northern Marianas Commonwealth Legislature.

*This* bill becomes public Law No. 3-105. Copies bearing my signature are forwarded herewith for your ready reference.

Sincerely,

  
PEDRO P. TENORIO  
Governor

CC: Special Assistant for Programs and Legislative Review

THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH REGULAR SESSION, 1984

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AN ACT

To establish an Immigration Entry and Deportation Law in the Northern Mariana Islands and for other purposes.

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Offered by Senator Ignacio K. Quichocho

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Date: September 14, 1983

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SENATE ACTION

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No. 3-267

First Reading: November 22, 1983

Second Reading: December 6, 1983

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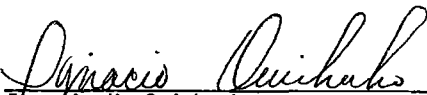
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HOUSE ACTION

Referred to: Committee on Resources and Development

Standing Committee Report No. 3-182

First and Second Reading: January 6, 1984

  
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Ignacio K. Quichocho  
Senate Legislative Secretary

FOURTH REGULAR SESSION, 1983

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AN ACT

To establish an Immigration Entry and Deportation Law in the Northern Mariana Islands and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. Short Title. This Act shall be known and may be  
2 cited as the "Commonwealth Entry and Deportation Act of 1983".

3           Section 2. Legislative Intent and Policy. It is the purpose of  
4 this Act to organize the office of immigration and naturalization in  
5 conformity with Public Law 1-8, Chapter 3, Section 5, to establish  
6 hearing mechanisms, to regulate the entry of non-immigrating aliens  
7 into the Commonwealth and provide entry and deportation procedures.  
8 The Legislature asserts its authority over the subject matter of  
9 this Act pursuant to U.S. Public Law 94-241, 90 Stat. 263, The  
10 Covenant to Establish a Commonwealth of the Northern Mariana Islands  
11 in Political Union with the United States of America, Section 5.3.  
12 The purposes of this Act do not include defining "Citizen of the  
13 Northern Mariana Islands", authorizing immigration, or providing  
14 for naturalization of aliens.

15           No alien may seek or obtain entry into the Commonwealth as a  
16 matter of right. Entry to the Commonwealth is a privilege extended  
17 to aliens only upon such terms and conditions as may be prescribed  
18 by law.

19           Section 3. Definitions. The following words and phrases, for  
20 purposes of this Act, have the following meanings unless a different  
21 meaning is clearly specified.

1           (a) "Alien" means any person who is not or will not become  
2           a citizen or national of the United States as defined by United  
3           States law or in the Constitution of the Northern Mariana  
4           Islands, or who is not a citizen of the Trust Territory of  
5           the Pacific or the Northern Mariana Islands, or who is not a  
6           permanent resident.

7           (b) "Application for Admission" means the application for  
8           admission into the Commonwealth of the Northern Mariana Islands  
9           by an alien and not the application for issuance of the Entry  
10          Permit.

11          (c) "Attorney General" means the Attorney General of the  
12          Commonwealth of the Northern Mariana Islands or his designee.

13          (d) "Chief" means the Chief of Immigration or the  
14          Immigration and Naturalization Officer.

15          (e) "Class" means one of the nonimmigrant alien classes  
16          defined in Subsection 17 of this Section.

17          (f) "Commonwealth" means the Commonwealth of the Northern  
18          Mariana Islands.

19          (g) "Covenant" means U.S. Public Law 94-241, Covenant to  
20          Establish a Commonwealth of the Northern Mariana Islands in  
21          Political Union with the United States of America.

22          (h) "Crewman" means a person serving in any capacity on  
23          board a vessel or aircraft.

24          (i) "Dependent" means a person whose financial, mental or  
25          physical condition causes him to be unable to provide for his

1 own basic human needs for food, shelter, and safety.

2 (j) "Entry" means any coming of an alien into the  
3 Commonwealth from a foreign port or place whether voluntarily  
4 or otherwise, except that an alien having a lawful permanent  
5 residence in the Commonwealth of the Northern Mariana Islands  
6 shall not be regarded as making entry into the Commonwealth  
7 for the purpose of this Act.

8 (k) "Entry Permit" means documentation authorizing the  
9 entry of a non-immigrant alien into the Commonwealth including  
10 but not limited to a passport stamp or visa.

11 (l) "Examiner" means an employee or class of employees  
12 of the office of Immigration and Naturalization, designated  
13 individually by the Chief pursuant to regulation, or by the  
14 Attorney General, to perform the functions of an Examiner.  
15 Examiners are subject to such supervision and shall perform  
16 such duties as may be directed by the Chief pursuant to  
17 regulation.

18 (m) "Immediate Relative" means children under the age  
19 of 21, spouse and parents.

20 (n) "Immigration and Naturalization Officer" shall mean  
21 the Immigration and Naturalization Officer as defined in  
22 Chapter 3, Section 5 of Public Law 1-8, who may be known as  
23 the Chief of Immigration.

24 (o) "Immigration Certificate" means documentation  
25 authorizing the entry of an alien, other than a non-immigrant

1 alien into the Commonwealth.

2 (p) "Inspector" means an employee or class of employees  
3 of the Office of Immigration and Naturalization designated by  
4 the Chief pursuant to regulation or by the Attorney General,  
5 individually, to perform the function of an inspector.  
6 Inspectors are subject to such supervision and shall perform  
7 such duties as may be directed by the Chief pursuant to  
8 regulation.

9 (q) "Non-immigrant" means every alien who falls within  
10 one of the following classes:

11 (1) A designated principal resident representing a  
12 foreign government which government is recognized in law  
13 by the United States, and members of his immediate  
14 family;

15 (2) A visitor for business or pleasure, (other than  
16 one coming for the purpose of study or of performing  
17 skilled or unskilled labor or as a representative of  
18 foreign press, radio, film, or other foreign information  
19 media coming to engage in such vocation) having a  
20 residence in a foreign country which he has no intention  
21 of abandoning and who is visiting the Commonwealth of  
22 the Northern Mariana Islands temporarily for business  
23 or for pleasure. Visitor shall not include nonresident  
24 workers;

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1                   (3) An alien in immediate and continuous transit  
2 through the Commonwealth;

3                   (4) An alien crewman serving in good faith as such  
4 in any capacity required for normal operation and service  
5 on board a vessel (other than a fishing vessel having its  
6 home or an operating base in the Commonwealth) or  
7 aircraft who intends to land temporarily and solely in  
8 pursuant of his calling as a crewman and to depart from  
9 the Commonwealth with the vessel or aircraft on which  
10 he arrived or some other vessel or aircraft;

11                  (5) An alien who has been granted a Certificate  
12 of Foreign Investment by the Department of Commerce and  
13 Labor;

14                  (6) A foreign student, who is an alien having a  
15 resident in a foreign country which he has no intention of  
16 abandoning, who is a bona fide student qualified to pursue  
17 a full course of study at an established institution of  
18 learning or other recognized place of study in the  
19 Commonwealth of the Northern Mariana Islands, particularly  
20 designated by him and approved by the Immigration and  
21 Naturalization Officer pursuant to regulation;

22                  (7) An alien who is a bona fide representative of  
23 foreign press, radio, film, or other foreign information  
24 media, who seeks to enter the Commonwealth solely to  
25 engage in such vocation, and the spouse and children of

1           such representative if accompanying or following to  
2           join him;

3           (8) An alien having a residence in a foreign  
4           country which he has no intention of abandoning (i) who  
5           is of distinguished merit and ability and who is  
6           coming temporarily to the Commonwealth of the Northern  
7           Mariana Islands to perform temporary service of an  
8           exceptional nature requiring such merit and ability;  
9           or (ii) who is coming temporarily to the Commonwealth  
10          of the Northern Mariana Islands to perform temporary  
11          service or labor, and has been certified as an eligible  
12          nonresident worker by the Department of Commerce and  
13          Labor;

14          (9) An alien who is an immediate relative of a  
15          person who is a citizen or national of the United States  
16          as defined by the Constitution or the Covenant, or of  
17          the Northern Mariana Islands, as may be defined by law,  
18          or of a permanent resident;

19          (r) "Office" means the Office of Immigration and  
20          Naturalization established by Section 5 of Chapter 3 of  
21          Title I of Public Law 1-8, and includes the Chief of  
22          Immigration and all immigration inspectors.

23          (s) "Passport" means any travel documents issued  
24          by competent authority showing the bearer's origin,  
25          identity and nationality if any.



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1           (t) "Permanent Resident" means a person granted  
2 permanent resident status in the Commonwealth of the  
3 Northern Mariana Islands by operation of statute.

4           (u) "Territory or Possession" with respect to the  
5 United States includes the District of Columbia, the  
6 Commonwealth of Puerto Rico, the Virgin Islands, Guam,  
7 and American Samoa.

8           (v) "Visa" means a passport stamp evidencing a  
9 non-immigrant Entry Permit.

10 Section 4. The Immigration and Naturalization Officer.

11           (a) The Immigration and Naturalization Officer established  
12 pursuant to Public Law 1-8, Chapter 3, Section 6, shall be the  
13 Chief of Immigration and shall be responsible for the day-to-day  
14 supervision and administration of this Act.

15           (b) The Chief of Immigration shall be appointed by and  
16 served at the pleasure of the Attorney General. The Chief  
17 Immigration and Naturalization Officer shall be exempt from  
18 civil service.

19           (c) The powers and duties of the Chief of Immigration  
20 shall be:

21           (1) to administer the Office of Immigration and  
22 Naturalization established by Public Law 1-8, Chapter 3,  
23 Section 5, including hiring, control, direction, and  
24 supervision of inspectors, examiners and all other  
25 employees of the office, in conformity with such

1 civil service requirements as may by law apply;  
2 (2) to patrol the borders of the Commonwealth.  
3 For purposes of this part, patrolling the borders of the  
4 Commonwealth means conducting such activities as are  
5 customary or reasonable and necessary to prevent illegal  
6 entry of aliens;  
7 (3) to issue entry permits for non-immigrant aliens  
8 as provided in this Act;  
9 (4) to administer such immigration and naturalization  
10 programs as may be provided by law;  
11 (5) to supervise the entry of all persons into the  
12 Commonwealth;  
13 (6) to inspect persons seeking to enter the  
14 Commonwealth;  
15 (7) to make investigations pursuant to Section 12  
16 of this Act.  
17 (d) The Chief of Immigration shall have such authority  
18 as is expressly conferred upon him by this Act, or as may be  
19 assigned to him by the Attorney General. The authority, duties,  
20 and responsibilities of the Chief may by regulation be delegated  
21 to such inspectors and examiners as may be employed by the  
22 Office.  
23 Section 5. Powers and Duties of the Attorney General. Pursuant  
24 to Public Law 1-8, Chapter 3, the Attorney General shall have overall  
25 supervision of the Office of Immigration and Naturalization and the

1 Immigration Officer. The Attorney General shall have the authority  
2 expressly conferred upon him or reasonably implied from this Act.

3 (a) The Attorney General shall execute his duties and  
4 enforce this Act.

5 (b) The Attorney General may:

6 (1) Promulgate such rules and regulations, in  
7 accordance with Title 17 of the Trust Territory Code, as  
8 may from time to time be useful or required in executing  
9 his duties and enforcing this Act;

10 (2) Represent the Office of Immigration and  
11 Naturalization;

12 (3) Have final review over decisions of the Chief,  
13 Inspectors, and Examiners;

14 (4) Issue warrants for the arrest of or order  
15 continued detention of aliens pending exclusion or  
16 deportation proceedings where it appears in his  
17 discretion that arrest or detention of the alien is  
18 necessary and desirable;

19 (5) Review the detention of persons arrested pursuant  
20 to Section 12(b) or Section 13(c) of this Act.

21 Section 6. Entry Into the Commonwealth.

22 (a) Any person who is a citizen or national of the United  
23 States as defined by United States law, or by the Constitution  
24 of the Commonwealth of the Northern Mariana Islands, or who is  
25 a citizen of the Northern Mariana Islands as may be defined

1 law, or who is a permanent resident, shall immediately  
2 be admitted into the Commonwealth upon proof of such  
3 status, unless entry is otherwise prohibited by  
4 law.

5 (1) A person claiming status under this  
6 Subsection (a) must establish that fact to the  
7 satisfaction of the Immigration Inspector.

8 (2) A person failing to satisfy the immigration  
9 inspector of his status as defined in this Section 6(a)  
10 shall thereafter be inspected as an alien.

11 (b) Aliens. Aliens seeking to immigrate to the  
12 Commonwealth may be admitted pursuant to statute.

13 (c) Nonimmigrant Aliens. Except as otherwise  
14 specified herein nonimmigrant aliens who are not excludable  
15 pursuant to Section 7 of this Act may be admitted to the  
16 Commonwealth upon presentation of such entry permit and  
17 other documentation as may be required by law. Immediate  
18 relatives of non-resident workers may enter and remain in  
19 the Commonwealth for such time as the non-resident worker  
20 resides in the Commonwealth provided that such immediate  
21 relative status existed prior to the entry of the  
22 non-resident worker. Nothing in this section shall be  
23 deemed to revoke, repeal, amend or otherwise alter the  
24 requirements of Public Law 3-66, the Non-resident Worker  
25 Act of 1983.

1           (d) Crew members. Alien crewmembers may be admitted,  
2           subject to the provisions of this Act, if his name appears  
3           in the crew list of the vessel or aircraft on which he  
4           arrives, providing the crewmember carries a valid  
5           passport.

6           Section 7. Excludable Aliens. The following classes of  
7           aliens shall be excludable from entry into the Commonwealth:

8           (a) Aliens who have been convicted of a crime carrying  
9           a penalty of one year or more in prison;

10          (b) Aliens who have been convicted of a crime of  
11          moral turpitude;

12          (c) Aliens who have no demonstrable means of support;

13          (d) Aliens who have been deported from the Commonwealth  
14          and seek reentry within one year from the date of such  
15          deportation;

16          (e) Aliens who are stowaways;

17          (f) Aliens who seek or have sought or have aided another  
18          in seeking to procure an entry permit, or other official  
19          documentation related to entry, or otherwise to enter the  
20          Commonwealth, by fraud, deceit, bribery or wilful  
21          misrepresentation of a material fact or other unlawful  
22          act;

23          (g) Aliens who are not in possession of a lawfully  
24          issued passport valid for at least sixty (60) days after  
25          the date of entry and which authorizes the holder to

1 return to the country issuing the passport or some other  
2 country;

3 (h) Aliens who pose a threat to the public health  
4 of the Commonwealth:

5 (i) Aliens who do not have evidence of a valid entry  
6 permit.

7 Section 8. Members of the Armed Forces. Nothing contained  
8 in this Act shall be construed so as to limit, restrict, deny,  
9 or affect the coming into or departure from the Commonwealth of  
10 an alien member of the Armed Forces of the United States who is  
11 in the uniform of, or who bears documents identifying him as a  
12 member of such Armed Forces, and who is coming to or departing  
13 from the Commonwealth under official orders or permit of such  
14 Armed Forces. Nothing contained in this Section shall be  
15 construed to give to or confer upon any such alien any other  
16 privileges, rights, benefits, exemptions, or immunities under  
17 this Act which are not otherwise specifically granted by this  
18 Act.

19 Section 9. Entry Permits: Application and Issue.

20 (a) Application process for an entry permit shall be pursuant  
21 to regulation of the Office of Immigration and Naturalization.  
22 The Office may by regulation require application to be accompanied  
23 by but not limited to photographs, fingerprints or health  
24 certificates.

25 (b) Entry permits when issued shall include:

1                   (1) The nonimmigrant classification applicable  
2                   pursuant to Section 3(q) of this Act;

3                   (2) the duration of the permit's validity and its  
4                   expiration date.

5                   (c) The Office may by regulation provide for (1) waiver  
6                   of entry permit for members of certain nonimmigrant classes  
7                   pursuant to Section 3(q) of this Act or of certain nationalities;  
8                   (2) issuance of group entry permits for organized tours of  
9                   visitors for business or pleasure; waiver of fees under  
10                  this Act.

11                  (d) The issuance of an entry permit may be evidenced by  
12                  a stamp placed by the Immigration and Naturalization Officer  
13                  in the applicant's passport, such stamp and any other form of  
14                  entry permit being subject nonetheless to Subsection (b) of  
15                  this Section 9.

16                  (e) No entry permit for nonimmigrants applying for  
17                  nonresident worker or foreign investor classification shall  
18                  be issued until such classification has been certified by  
19                  the Department of Commerce and Labor pursuant to law.

20                  (f) No entry permit shall be issued if it appears to  
21                  the Immigration and Naturalization Officer, from evidence  
22                  in the application, or in the papers submitted therewith,  
23                  that such alien is excludable or otherwise ineligible to  
24                  receive an entry permit or the application fails to comply  
25                  with the provisions of law.

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1           (g) Nothing in this Act shall be construed to entitle  
2 any alien, to whom an entry permit has been issued, to enter  
3 the Commonwealth of the Northern Mariana Islands, if upon  
4 arrival at a port of entry in the Commonwealth, he is found  
5 to be excludable under any provisions of law. A printed  
6 advisement of the substance of this subsection shall appear  
7 on all entry permit application forms.

8           (h) In instances where provision is made for entry of  
9 immediate relatives of members of a nonimmigrant alien class,  
10 as defined in Section 3(g) of this Act, the entry permits  
11 for such immediate relatives shall be applied for, issuable,  
12 renewable and extendable only on the same terms and conditions  
13 as the entry permit for the nonimmigrant alien. The Office  
14 may by regulation provide that applications for entry permits  
15 for immediate relative to be included in the nonimmigrant  
16 alien's application.

17           (i) In no case shall the issuance of an entry permit  
18 give rise to any claim of right of entitlement to citizenship  
19 or permanent residency, or benefit or privilege under this  
20 Act where requirements for such benefit or privilege have  
21 not been met.

22           Section 10. Denial, Duration, Extension, and Modification of  
23 Entry Permit.

24           (a) Denial of Entry Permit. An entry permit and other  
25 documentation may be denied an alien if:



- 1                   (1) the application forms prescribed and any  
2                   required supporting documents are not in order; or  
3                   (2) there is reasonable cause to believe that  
4                   the alien is excludable as defined in Section 7 of  
5                   this Act; or  
6                   (3) there is reasonable cause to believe that the  
7                   alien poses a threat to the public health or safety of  
8                   the Commonwealth.

9                   Denial shall be in writing, shall state the reasons for denial  
10                  and shall be provided to the applying alien. Denial of an  
11                  entry permit may be reviewed by the Attorney General pursuant  
12                  to procedures established by regulation.

13                  (b) Duration of Stay, Extension and Modification of  
14                  Permit.

15                  (1) The length of stay or period of validity of  
16                  an entry permit for each class of nonimmigrant aliens  
17                  defined in Section 3, Subsection 17 shall be fixed by  
18                  regulation and shall appear on any issued entry permit  
19                  or visa.

20                  (2) The Chief upon application of an alien may,  
21                  pursuant to regulation, extend the length of stay,  
22                  modify conditions of issuance, change nonimmigrant  
23                  classification, or renew an entry permit.

24                  (3) An entry permit required to be based on the  
25                  certification of the Department of Commerce and Labor,

1 or other Commonwealth agency, shall be issued only for  
2 the period indicated in the required certification.  
3 Any extension, modification or renewal of such entry  
4 permit shall likewise be granted only for such period  
5 as the Department of Commerce and Labor or other  
6 Commonwealth agency shall have certified.

7 (4) No person shall be required to leave the  
8 Commonwealth as a condition of obtaining any extension,  
9 modification, renewal or change of nonimmigrant  
10 classification pursuant to this Section 10.

11 Section 11. Entry Inspections. All persons seeking to enter  
12 the Commonwealth shall be inspected by the Chief or a designated  
13 Inspector.

14 (a) A person seeking entry by right of status pursuant  
15 to Section 6(a) shall be inspected only for proof of status  
16 and dangerous contagious disease.

17 (b) Inspection of aliens shall include review of entry  
18 permit or entry permit application, and may include:

19 (1) questioning the alien;

20 (2) requiring documentation;

21 (3) search without warrant of the person and  
22 possessions of the alien seeking entry;

23 (4) arrest or detention without warrant of any alien  
24 who is attempting to enter the Commonwealth contrary to law.

25 (c) If upon inspection it appears to an immigration inspector

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1       that a person seeking entry is excludable for any reason, he may  
2       deny entry. If entry is denied, the inspector shall advise the  
3       person seeking to enter that he may request further examination  
4       pursuant to Section 14 of this Act.

5       Section 12. Investigations. The Chief or any Inspector may conduct  
6       investigations to enforce this Act. Whenever the Chief or any Inspector  
7       has reason to believe that there has been a violation punishable under  
8       any criminal provision of the laws administered or enforced by the Office  
9       of Immigration and Naturalization, or whenever there is reason to believe  
10      an alien is deportable, an investigation shall be made immediately of  
11      all the pertinent facts and circumstances and the investigator shall take  
12      or cause to be taken such further action as the result of the investigation  
13      warrants. In addition to such other powers as may be conferred by law  
14      as part of an investigation, the Chief or an Inspection may:

- 15           (a) board and search vessels and aircraft without warrant;  
16           (b) arrest any alien on warrant of the Attorney General;  
17           (c) arrest and detain any alien without warrant, if he has  
18      reason to believe the alien is present in the Commonwealth in  
19      violation of law and may escape before a warrant can be obtained;  
20           (d) to search without warrant the person and possessions  
21      of an alien where he has reason to believe that the search would  
22      disclose evidence of grounds for deportation, or when incident to  
23      arrest.

24      Section 13. Review of Arrest. The arrest of any person pursuant  
25      to Section 12(a) or Section 14(c) shall be reviewed by the Attorney

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1 General without unnecessary delay and in no event later than twenty-four  
2 (24) hours. The provisions of Section 19(d) shall apply to such review.  
3 At the time of arrest the person shall be advised of his rights.

4 Section 14. Examinations and Exclusion and Procedures.

5 (a) Any person denied entry at a Port of the Commonwealth on  
6 his request shall be examined by an immigration Inspector, other  
7 than the Inspector denying entry or causing the arrest or detention.  
8 The examining inspector shall be a designated Examiner. The denying  
9 Inspector shall advise the person seeking entry of the right to an  
10 examination pursuant to this section.

11 (b) Examiners have power to administer oaths, compel  
12 testimony, to take and consider evidence of or from any person and  
13 on any matter which may be pertinent to the examination.

14 (c) Any person subject to an examination pursuant to this  
15 Section may be required to state under oath his purpose in seeking  
16 entry, his intended length of stay, his means of support and  
17 such other items of information as may assist the Examiner in  
18 resolving the issue of entry. Refusal to truthfully answer  
19 questions posed by the Examiner shall constitute unreviewable  
20 grounds for exclusion and any person who knowingly refuses to  
21 answer shall be denied entry. The substance of this subsection  
22 shall be made known to any person subject to examination before  
23 the examination begins.

24 (d) If as a result of any examination it appears to the  
25 Examiner that there is reason to exclude the person being examined

1 he shall deny entry and advise the person excuded that he may  
2 appeal To the Attorney General. There shall be no further  
3 inquiry except through the appeal.

4 (e) The Examiner shall keep such record of the examination  
5 as may be required by regulation.

6 (f) No Examiner shall conduct an examination or make a  
7 determination of exclusion or entry if he participated in any  
8 part of the inspection giving rise to the examination.

9 (g) If the examination is based on threat to public  
10 health or suspicion of dangerous contagious disease the person  
11 seeking entry shall be examined by a physician licensed in the  
12 United States or by the Commonwealth of the Northern Mariana  
13 Islands.  
14 Islands.

15 Section 15. Temporary Admission Pending Examination. If an  
16 Examiner denies entry, he may temporarily admit the person at his  
17 discretion and under such conditions as will insure the person's  
18 availability for further proceedings. Temporary admission pursuant  
19 to this Section is for humanitarian reasons only and no presumption  
20 shall arise therefrom. A person so admitted shall be deemed not to  
21 have entered the Commonwealth. The exclusion or removal of a  
22 temporarily admitted person shall not require deportation proceedings.  
23 Temporary admission of a person suspected to be a threat to public  
24 health or to have a dangerous contagious disease shall not be made  
25 except to a medical facility.

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1       Section 16. Appeal of Exclusion to Attorney General.

2               (a) The decision of an Examiner to deny entry may be  
3       appealed to the Attorney General by the person excluded. Such  
4       appeal shall be reviewed within twenty-four (24) hours. The  
5       request for appeal may be made verbally by the excluded person  
6       to the Examiner.

7               (b) In resolving an appeal from an excluded person the  
8       Attorney General at his discretion may rely solely on the  
9       record of the examination, may supplement the record or may  
10      reexamine.

11              (c) The Attorney General shall have all the power and  
12      authority of an Examiner for purposes of executing this Section.

13              (d) On appeal from an Examiner's decision, the Attorney  
14      General may affirm, modify or reverse the decision of the  
15      Examiner on any reasonable ground. The decision of the Attorney  
16      General shall be final and unreviewable.

17      Section 17. Deportable Aliens. The following are grounds for  
18      deportation of an alien from the Commonwealth:

19              (a) at the time of entry the alien was excludable;

20              (b) entry was without inspection, or was at a time and  
21      place other than as designated in the entry permit, or was in  
22      violation of law;

23              (c) the alien has become a public charge, or has been  
24      institutionalized, in any type of facility, at public expense;

25              (d) the alien is convicted in the Commonwealth of a

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1 felony, or two or more misdemeanors, or any crime of moral  
2 turpitude, or any firearms control offense;

3 (e) the alien has failed to comply with the requirements  
4 or conditions of his entry;

5 (f) the alien by reason of conduct, behavior, or activity  
6 at any time after entry has become an excludable alien pursuant  
7 to Section 7 of this Act;

8 (g) the alien has, prior to, at the time of, or after entry,  
9 knowingly and for gain encouraged, induced, assisted, abetted  
10 or aided, in any way, any other alien to enter or attempt to  
11 enter the Commonwealth in violation of law;

12 (h) the alien has failed to comply with the registration  
13 requirements of Section 24 of this Act.

14 Section 18. Deportation.

15 (a) Commencement of Proceedings. Deportation proceedings  
16 shall commence in the Commonwealth Trial Court by filing and  
17 service of a petition to show cause by the Attorney General.  
18 In the proceeding the alien shall be known as the respondent.

19 (b) Statement of Nature of Proceeding. The petition for an  
20 order to show cause shall contain a statement of the nature of the  
21 proceeding, the factual allegations giving rise to grounds for  
22 deportation, and any statutory or regulatory provisions alleged to  
23 have been violated. The petition will require the respondent to  
24 show cause why he should not be deported. The petition will call  
25 upon the respondent to appear before the Commonwealth Trial Court

1 at a time and place which may be stated in the petition or may be  
2 later specified. Respondent shall be notified of the time and  
3 place of the hearing not less than 7 days before the hearing date  
4 unless the court believes that public interest, safety or  
5 security requires the hearing to be scheduled on shorter notice.

6 (c) Service. Service of the petition to show cause may  
7 be personal service or by any other means authorized by rules  
8 of procedure of the Trial Court service. When means other than  
9 personal service are used and the respondent does not appear it  
10 shall be re-served by personal service. The petition shall be  
11 accompanied by a written advisement to the respondent of his  
12 right to be represented by counsel of his own choice.

13 (d) Arrest. Pending a determination of deportability  
14 in the case of any alien, such alien may, upon warrant of the  
15 Attorney General, be arrested and taken into custody. Any  
16 alien taken into custody may, in the discretion of the Attorney  
17 General and pending such final determination of deportability  
18 or excludability:

19 (1) be continued in custody; or

20 (2) be released under bond with security approved by  
21 the Attorney General, containing such conditions as the  
22 Attorney General may prescribe; or

23 (3) be released on conditional parole.

24 Conditions of bonding or parole may include confiscation of  
25 passport. Bond or parole may be revoked at any time by the



1 Attorney General, in his discretion, and the alien may be  
2 returned to custody under the warrant which initiated the  
3 proceedings against him and detained until final determination  
4 of his deportability. The Commonwealth Trial Court shall have  
5 authority to review or revise any determination of the Attorney  
6 General concerning detention, release on bond, or parole  
7 pending final decision of deportability upon a conclusive  
8 showing in habeas corpus proceedings that the Attorney General  
9 is not proceeding with such reasonable dispatch as may be  
10 warranted by the particular facts and circumstances in the  
11 case of any alien to determine deportability or excludability.  
12 When an arrest warrant is served the respondent shall have  
13 explained to him the contents of the petition to show cause,  
14 the reason of his arrest and his rights to counsel. The  
15 respondent shall be advised that any statement he makes may be  
16 used against him.

17 (e) Hearing. A hearing on the petition to show cause  
18 shall be before the Commonwealth Trial Court. A determination  
19 of deportability shall be made if there is clear and  
20 convincing evidence that the facts alleged as grounds for  
21 deportation are true. The court may receive in evidence any  
22 oral or written statement previously made by the respondent which  
23 is material and relevant to any issue in the case. Testimony  
24 of witnesses appearing shall be under oath or affirmation. The  
25 hearing shall be recorded pursuant to Trial Court procedure.

1           (f) Disposition. If the Trial Court makes a determination  
2 of deportability, an order of deportation shall be entered and  
3 the respondent shall forthwith be deported.

4           (g) Prison Sentence. An alien sentenced to prison shall not  
5 be deported until actual imprisonment has been terminated. Parole,  
6 probation, or possibility of rearrest or further confinement in  
7 respect of the same offense shall not be a ground for staying  
8 of deportation.

9           Section 19. Appeal of Deportation Order. Appeal of an order of  
10 deportation may be had as an appeal in any civil case.

11           Section 20. Voluntary Departure. Any time prior to actual  
12 commencement of the hearing on the order to show cause the respondent  
13 may be permitted to voluntarily depart the Commonwealth at the  
14 discretion of the Attorney General. A person so departing shall not  
15 be considered to have been deported.

16           Section 21. Excluded and Deported Persons - Country of Return;  
17 Supervision.

18           (a) A person excluded or deported shall be transported to  
19 any country designated by the excluded or deported person, if  
20 that country is willing to accept the person. The Attorney  
21 General may designate another destination if he determines  
22 that transportation to the country designated by the person  
23 excluded or deported would be prejudicial to the interests of  
24 the Commonwealth.

25

1           (b) The designation of destination made by the person  
2 excluded or deported shall be disregarded if confirmation or  
3 acceptance of the person is not received from the country  
4 designated in 15 days.

5           (c) If the destination chosen by the excluded or deported  
6 person is unconfirmed, or if the Attorney General determines that  
7 destination is prejudicial to the interests of the Commonwealth,  
8 the person at the discretion of the Attorney General, shall be  
9 deported:

10           (1) to the country from which such person last  
11 entered the Commonwealth; or

12           (2) to the the country in which is located the  
13 foreign port from which the person embarked for the  
14 Commonwealth; or

15           (3) to the country in which the person was born; or

16           (4) to the country in which the place of the person's  
17 birth is situated at the time he is to be transported; or

18           (5) to any country in which the person resided prior  
19 to travelling to the Commonwealth; or

20           (6) to any country willing to accept the person  
21 excluded or deported.

22           (d) The Attorney General may decline to designate as  
23 destination any country where in his opinion the excluded or  
24 deported person would be subject to persecution on account of  
25 race, religion or political persuasion.

1           (e) If it appears to an immigration Inspector that the  
2           mental or physical condition of an excluded or deported person  
3           is such as to require personal care and attendance, or other  
4           supervision, the Chief may assign a suitable person for that  
5           purpose to accompany the person excluded or deported to his  
6           destination.

7           (f) Upon the certificate of an examining physician to the  
8           effect that an excluded or deported person is helpless from  
9           sickness or mental or physical disability, or infancy, if such  
10          alien is accompanied by another alien whose protection or  
11          guardianship is required by the person excluded or deported,  
12          such accompanying person may also be excluded and deported,  
13          and the master, commanding officer agent, owner, or consignee  
14          of the vessel or aircraft in which such alien and accompanying  
15          alien arrived in the Commonwealth shall be required to return  
16          the accompanying alien in the same manner as other aliens  
17          denied admission or ordered deported.

18          (g) The Attorney General at his discretion may discontinue  
19          issuance of entry permits to nationals, citizens, subjects or  
20          residents of any country that denies or unduly delays accepting  
21          the return of an excluded or deported person who is a national,  
22          citizen, subject or resident of that country.

23          Section 22. Carrier Responsibility - Excluded Aliens.

24          (a) As a condition of operating in the Commonwealth, any  
25          vessel, aircraft, transportation line or the masters, commanding

1 officers, purser agents, person in charge, owners or consignees of  
2 any vessel or aircraft upon which any alien subsequently excluded  
3 is brought to any port of the Commonwealth, shall assume return  
4 transportation costs and costs of maintenance in the Commonwealth  
5 including food, shelter, medical care of an excluded alien.  
6 However, costs shall not be assessed under this section if the  
7 excluded alien arrived in possession of a valid passport and  
8 entry permit as required by Section 7.

9 (b) It shall be unlawful for any master, commanding officer,  
10 purser, person in charge, agent, owner or consignee of any vessel  
11 or aircraft:

12 (1) to refuse to receive a person lawfully excluded or  
13 deported under this Act back on board such vessel or  
14 aircraft or another vessel or aircraft owned or operated by  
15 the same interest;

16 (2) to fail or refuse to detain any person on board  
17 any such vessel or aircraft if so ordered by an Immigration  
18 Inspector;

19 (3) to fail or refuse to deliver a person for  
20 examination when so ordered by an Immigration Inspector;

21 (4) to fail or refuse to remove a person from the  
22 Commonwealth when so ordered;

23 (5) to fail or refuse to pay any costs assessable  
24 pursuant to subsection (a) of this Section;

25

1                   (6) to take any fee, deposit or consideration on a  
2 contingent basis to be kept or returned in case the person  
3 is landed or excluded;

4                   (7) to knowingly bring into the Commonwealth any person  
5 excluded or deported from the Commonwealth unless such person  
6 is lawfully entitled to reapply for entry to the Commonwealth;

7                   (8) to knowingly bring, or attempt to bring or aid,  
8 abet or assist in bringing any person into the Commonwealth  
9 in violation of any provision of this Act or rules and  
10 regulations promulgated.

11                  (c) Violations of any provision of this Section are punishable  
12 by civil penalty of not more than \$5,000 for each occurrence.

13 Section 23. Health Requirements; Examinations.

14                  (a) Whenever an Inspector has reason to believe that any  
15 person seeking to enter the Commonwealth has any dangerous  
16 contagious disease, or has embarked at a place or is coming  
17 from a country where any such disease is prevalent or epidemic,  
18 he may cause such person to be detained on board the vessel or  
19 aircraft, or at the port of arrival and shall immediately refer  
20 the matter to an Immigration Examiner.

21                  (b) Physical or mental examinations required of persons  
22 seeking to enter the Commonwealth shall be conducted by a  
23 physician licensed in the United States or by the Commonwealth  
24 of the Northern Mariana Islands. Upon conclusion of the  
25 examination the examining physician shall report his findings

1 in writing to the Immigration Examiner requesting the examination.  
2 The physician's report shall include any condition of serious  
3 contagious disease, or any condition that threatens the health  
4 or safety of the inhabitants of the Commonwealth, or that could  
5 require prolonged medical care and treatment while the person  
6 is in the Commonwealth.

7 Section 24. Registration of Aliens.

8 (a) Every alien who remains in the Commonwealth longer than  
9 ninety (90) days shall by regulation be required to be registered  
10 with the Office. Registration may be renewable annually. The  
11 parents or legal guardian of aliens under the age of 18 are  
12 responsible for such child's registration.

13 (b) Such registration information as the Office may require,  
14 including but not limited to fingerprints, is confidential and may  
15 be made available only on request of law enforcement authorities  
16 in connection with immigration, criminal, or juvenile delinquency  
17 investigations.

18 (c) Registration information required by the office  
19 may be taken on oath or by declaration. Persons employed  
20 by the Office as registrars are authorized to administer  
21 oaths for purposes of this Section.

22 (d) Registered aliens will be issued a Registered Alien  
23 card or certificate by the Office, which will indicate date of  
24 expiration and nonimmigrant class, as well as such other  
25 information, including photographs, as the office may require.

1           (e) Registered Aliens 18 years old or older shall keep  
2           their Registered Alien card or certificate in their personal  
3           possession at all times.

4           (f) Any alien who knowingly fails to comply with this  
5           Section shall be guilty of a misdemeanor and upon conviction  
6           shall be punished by imprisonment for not more than 90 days,  
7           or fine of not more than \$500.00 or both.

8           Section 25. Unlawful Acts:

9           (a) Unlawful Entry. Any person who unlawfully enters  
10          or attempts to enter the Commonwealth or any alien who enters  
11          or attempts to enter at a place other than a designated Port  
12          of Entry, is guilty of a misdemeanor and shall be punished  
13          by not more than 90 days imprisonment, or a fine of not more  
14          than \$500 or both. A subsequent conviction pursuant to  
15          this part is a felony and shall be punished by not more than  
16          two years imprisonment, or a fine of not more than \$1,000 or  
17          both.

18          (b) Aiding, Abetting and Encouraging Illegal Entry. Any  
19          person who aids, abets, encourages, solicits or in any way assists  
20          another to enter the Commonwealth unlawfully is guilty of a  
21          misdemeanor and shall be punished by not more than 90 days  
22          imprisonment, or a fine of not more than \$500 or both. A  
23          subsequent conviction pursuant to this part is a felony and  
24          shall be punished by not more than two years imprisonment, or  
25          a fine of not more than \$1,000 or both.



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1           (c) Harboring Illegal Aliens. Any person who knowingly  
2 helps, assists, shelters, conceals or harbors an alien who has  
3 unlawfully entered the Commonwealth is guilty of a felony and  
4 shall be punished by not more than five years imprisonment, or  
5 a fine of not more than \$5,000 or both.

6           (d) Entry for Unlawful Purposes. Any person who enters  
7 or attempts to enter, or aids, abets, encourages, or solicits  
8 another to enter or attempt to enter, for purposes of  
9 committing any unlawful act, is guilty of a felony and  
10 shall be punished by not more than five years imprisonment,  
11 or a fine of not more than \$5,000 or both. A subsequent  
12 conviction pursuant to this part shall be punished by not  
13 more than ten nor less than two years in prison, or a fine  
14 of not more than \$10,000 or both.

15           (e) For purposes of this Section 25, "unlawful" or  
16 "unlawfully" means in violation of any provision of this Act,  
17 or rules and regulations promulgated pursuant to this Act,  
18 or violation of any other provision of Commonwealth law.

19           (f) The penalties authorized or required by this  
20 Section 25, are in addition to, and not exclusive of any  
21 other sanctions, including exclusion or deportation or  
22 civil fine, that may be authorized by law.

23           Section 26. Designated Ports of Entry. The Attorney General  
24 shall designate by regulation Ports of Entry for arriving aliens,  
25 and may promulgate requirements for aircraft in civil traffic for

1 giving notice of intent to land in advance of landing, and such  
2 other requirements as may be necessary to effect and enforce this  
3 Act.

4 Section 27. Jurisdiction of the Commonwealth Trial Court.  
5 The Commonwealth Trial Court has jurisdiction of all causes, civil  
6 and criminal arising under this Act, unless such case is determinable  
7 by administrative action and specifically made unreviewable.

8 Section 28. Disposition of Funds. All fees, civil and penal  
9 fines, and other monies collected pursuant to this Act shall be  
10 credited to the General Fund unless another disposition is  
11 specifically required.

12 Section 29. Repealer. Chapter 2 of Title 53 of the Trust  
13 Territory Code, and rules and regulations promulgated pursuant  
14 thereto are hereby repealed in its entirety.

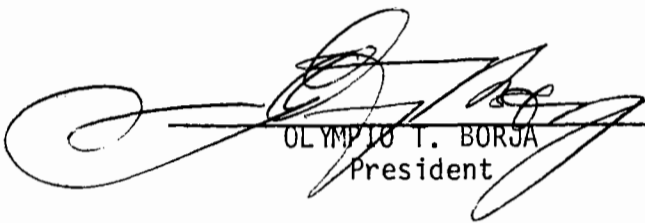
15 Section 30. Severability. If any provision of this Act, or any  
16 rules, regulations, or order issued under this Act, or the application  
17 of any such provision, rule, regulation, or order to any person or  
18 circumstances shall be held invalid by a court of competent jurisdiction,  
19 the remainder of this Act and other rules, regulations, or orders issued  
20 under this Act, or the application of such provision, rule, regulation,  
21 or order to person or circumstances other than those to which it is held  
22 invalid, shall not be affected thereby.

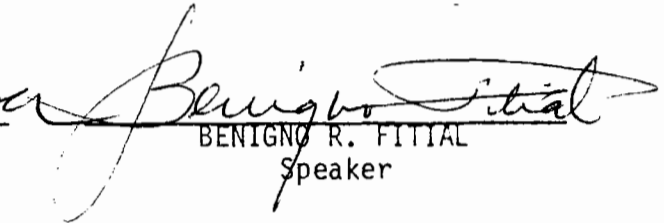
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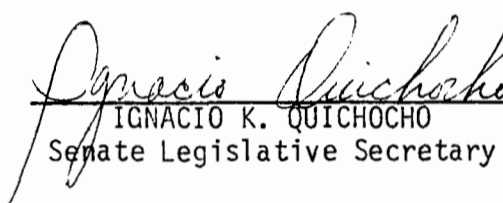
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1           Section 31. Effective Date. This Act shall take effect ninety  
2   (90) days after either its approval by the Governor or its becoming  
3   law without such approval.

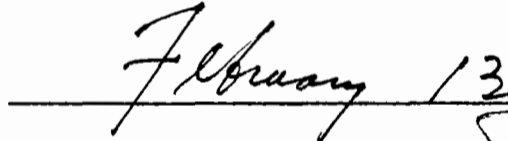
  
OLYMPIO T. BORJA  
President

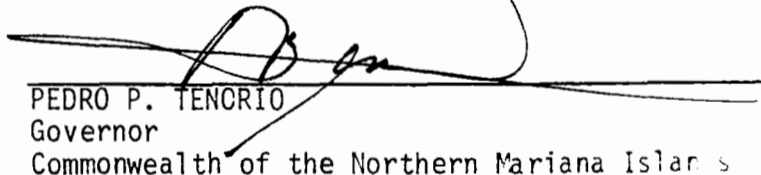
  
BENIGNO R. FITIAL  
Speaker

ATTEST:

  
IGNACIO K. QUICHOCHO  
Senate Legislative Secretary

  
HERBERT S. DEL ROSARIO  
Chief Clerk

  
February 13, 1984

  
PEDRO P. TENORIO  
Governor  
Commonwealth of the Northern Mariana Islands