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2 **FOR PUBLICATION**

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4 **IN THE SUPERIOR COURT**  
5 **OF THE**  
6 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

7 **OFFICE OF THE ATTORNEY** ) **Civil Action No. 05-0018E**  
8 **GENERAL and DIVISION OF** )  
9 **IMMIGRATION SERVICES,** )  
10 **Petitioners,** )  
11 **v.** ) **ORDER OF DEPORTATION**  
12 **WEI XIA WANG,** )  
13 **Respondent.** )  
\_\_\_\_\_ )

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16 This matter came on for hearing May 5, 2005, at 1:30 p.m. pursuant to the Government's  
17 Petition for Order to Show Cause as to why the Respondent should not be deported to China. The  
18 hearing was continued on Monday, May 9, 2005 at 1:30 p.m.. Assistant Attorney General Ian  
19 Catlett appeared on behalf of the Government. The Respondent appeared and was represented by  
20 counsel, Steve Nutting. Mr. Wong appeared as translator.

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22 **I. BACKGROUND**

23 The Respondent, Wei Xia Wang, ("Wang") is a Chinese citizen and is an alien in the CNMI  
24 as defined in 3 CMC § 4303(a) of the Commonwealth Entry and Deportation Act of 1983, 3 CMC  
25 §§ 4301, *et seq.* Wang arrived in the NMI pursuant to the issuance of a Section 706K Non-Resident  
26 Worker's Entry Permit. ("Permit") The Permit entitled Wang to work as a masseuse and expired  
27 on January 29, 2005.  
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1 Beginning in October 2004, CNMI Immigration Enforcement officers began to observe  
2 Wang frequent the area in and around the DFS Galleria in Garapan, Saipan. The Government  
3 contends that Wang's presence in the area was for the purpose of promoting prostitution to  
4 Garapan's male tourists, in violation of the terms of her entry permit. Wang concedes that she was  
5 frequently loitering in and around the DFS Galleria during the evening hours for the purpose of  
6 soliciting business. Wang, however, contends that she was soliciting business for her employer, the  
7 Oasis massage parlor.  
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## 9 **II. EVIDENCE PRESENTED**

10 Evidence presented by the Government included a video tape produced by DFS Galleria's  
11 security officers; testimony by a DFS manager about the video tape and his own observations; the  
12 testimony of an undercover Department of Labor officer participating in an anti-prostitution sting;  
13 and the testimony of an expert on prostitution activity. The video tape established the following:  
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- 15 1. Wang was frequently observed loitering in and around DFS Galleria in the evening  
16 hours;
- 17 2. Wang approached Asian males, spoke with them, showed them small books, and  
18 handed them a business card;
- 19 3. Wang walked with the males to the Joy Hotel or, if Wang did not accompany the  
20 males, other women joined Wang and the males at the DFS Galleria and  
21 accompanied the males to the Joy Hotel after speaking with Wang;  
22
- 23 4. Wang did not approach women.  
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26 In addition to the video tape, the Government presented evidence through expert testimony  
27 and the testimony of a public safety officer showing that:  
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- 1 1. The books shown the Asian males in the video tape contained pictures of attractive
- 2 Asian women;
- 3 2. There is no massage parlor in the vicinity of the Joy Hotel;
- 4 3. Neither Wang nor any of the other women escorting the males to the Joy Hotel
- 5 carried massage equipment with them at any time;
- 6 4. The Joy Hotel is a known place of prostitution;
- 7 5. Wang's actions were consistent with prostitution activity;
- 8

9 Wang did not present any pay records, work schedules, or testimony from an employer that  
10 she was recruiting massage parlor business, although she did suggest that her presence at the DFS  
11 Galleria was for the purpose of recruiting massage parlor customers.  
12

### 13 **III. FINDINGS OF FACT**

14 Although the Government contends Wang was engaged in promoting prostitution, the  
15 Government is not seeking to deport Wang for engaging in criminal activity. Rather, the  
16 Government alleges that Wang violated 3 CMC § 4340(e) and (f), and 3 CMC § 4437(d) and (e),  
17 which prohibit a non-resident worker from engaging in commercial activity other than that  
18 designated on a Section 706K Non-Resident Worker's Entry Permit. In addition, this proceeding  
19 is pursuant to an Order to Show Cause why Wang should not be deported for violating the  
20 conditions of her entry into the CNMI. Because the proceeding is a deportation proceeding  
21 premised on violation of the CNMI's immigration statutes, the standard of proof is that of clear and  
22 convincing evidence. Applying that standard, the Court finds that, in viewing the totality of the  
23 circumstances presented, it is clear that Wang was involved in prostitution activity, which is outside  
24 that of a masseuse, as allowed by Wang's entry Permit. The Court further finds such evidence to  
25 be convincing.  
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1 Wang's argument that the Government is trying to circumvent the criminal law by failing  
2 to criminally prosecute the Respondent is without merit. Although the CNMI Legislature, in its  
3 campaign against the prostitutes that loiter and infest our tourist areas with their presence, has passed  
4 laws providing for criminal prosecution of a variety of prostitution activities, there is no requirement  
5 that a nonresident worker that has violated the CNMI's immigration laws must first be criminally  
6 prosecuted before she can be deported. Indeed, the CNMI has declared a campaign against the  
7 growing blight of prostitution and its infestation of Saipan's tourist areas, which, according to  
8 common knowledge, is having a significant adverse effect on the CNMI's tourist industry.  
9 However, if the Government finds it more feasible to proceed against nonresident workers engaged  
10 in prostitution by commencing deportation proceedings pursuant to work permit violations, it is the  
11 Government's prerogative to do so and the Court finds no impropriety in such actions. It follows  
12 that when the facts are so blatantly clear and convincing that a nonresident worker, issued a Permit  
13 as a masseuse, is promoting prostitution instead, and therefore, in violation of the terms and  
14 conditions of her entry permit, the Court will order such person to be deported.  
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#### 18 IV. CONCLUSION

19 For the aforementioned reasons, the Court finds that Wei Xia Wang is a deportable  
20 nonresident worker pursuant to 3 CMC § 4340(e) and (f) and 3 CMC § 4437(d) and (e), and Orders  
21 that Wei Xia Wang be deported for violating the terms of her work entry Permit.  
22

23 **SO ORDERED** this 23rd day of May 2005.

24 /s/  
25 DAVID A. WISEMAN  
26 Associate Judge  
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