



By the order of the court, Judge David A Wiseman

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FOR PUBLICATION

**IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

IN RE THE MATTER OF:

**OFFICE OF THE ATTORNEY
GENERAL AND DIVISION OF
IMMIGRATION**

**GENERAL ORDER
DISMISSING ALL PENDING
IMMIGRATION CASES**

This is the final and last order of one of the only two non federal immigration courts under the United States Flag and is one of historical significance as it marks the end of an unusual era and closes the chapter on what could be categorized as one of the most unique immigration arrangements in US history.¹

The immigration calendar of the Commonwealth Superior Court is the only one in the CNMI judiciary that the U.S. Public Law No. 110-229, which takes effect at midnight tonight, affects directly. It was therefore deemed appropriate by this Court to briefly document the history of the unique opportunity it was for the CNMI to have controlled its own immigration.

The unusual era I speak of is the exemption from the U.S. Immigration law which commenced when the Commonwealth of the Northern Mariana Islands was established in 1978 as a commonwealth in political union with the United States. The document that detailed the very special and unique relationship that the

¹American Samoa is exempt from U.S. Immigration and exercises its own power of immigration control.

1 CNMI would have in its relations with the United States is the COVENANT TO ESTABLISH A
2 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE
3 UNITED STATES OF AMERICA, (Covenant). This document became a United States Public Law codified
4 as 48 U.S.C. 1801 and was a proud and historical moment for the people of the Northern Mariana Islands,
5 which, among other things, granted the people of the NMI U.S. citizenship.

6 Within the Covenant were provisions providing for self government and the exemptions of the
7 applicability of several U.S. laws. One in particular, was the CNMI's exemption from US immigration law,
8 which in effect, allowed the continued control of immigration that the former jurisdiction of the Trust
9 Territory had in the Trust Territory District of the Northern Mariana Islands. The CNMI continued to use
10 the immigration law as set forth by the Trust Territory until it adopted its own law in 1983.

11 The power to formulate immigration policy in the CNMI has been vested in the Commonwealth
12 Legislature pursuant to Section 503 of the Covenant. The Commonwealth, since January 9, 1978 has been
13 its own sovereign with respect to immigration matters. The Commonwealth has been analyzing, deciding
14 and deliberating on immigration issues, whether it is in allowing aliens entry to enter the CNMI or to deport
15 them from the CNMI, as well as to prescribe conditions for their stay here, and it has been the application
16 of Commonwealth immigration law and not the immigration law of the United States that has controlled.
17 Said power ceases to exist midnight of this day.

18 Over the years, the Commonwealth Superior Court has been deeply involved in the immigration
19 powers exercised by the Commonwealth, and this Court has handled the immigration calendar for eight
20 years. Along with my colleagues and other Judges before us, we have acted upon thousands of deportation
21 cases over the last 32 years, as well as conducting judicial reviews of administrative decisions to refuse
22 entry to persons arriving in the CNMI. The said U.S. Public Law, also referred to as the federalization law,
23 removes the CNMI's right to exercise any jurisdiction whatsoever with respect to immigration within the
24 CNMI, and will officially close this chapter of CNMI history.

