

**TITLE 3: HUMAN RESOURCES
DIVISION 4: IMMIGRATION**

**Article 1. General.
[Repealed by PL 17-1 § 5(C)]**

- § 4301. Short Title. [Repealed by PL 17-1 § 5(C)]
- § 4302. Legislative Intent and Policy. [Repealed by PL 17-1 § 5(C)]
- § 4303. Definitions. [Repealed by PL 17-1 § 5(C)]

§ 4301. Short Title [Repealed].

Source: PL 3-105, § 1; repealed by PL 17-1 § 5(C).

Commission Comment: PL 3-105 took effect May 13, 1984. PL 3-105, § 29 repealed Trust Territory Code title 53, chapter 2 (previously codified as Commonwealth Code title 3, division 4, chapter 3) and “rules and regulations promulgated pursuant thereto.”

§ 4302. Legislative Intent and Policy [Repealed].

Source: PL 3-105, § 2, modified; repealed by PL 17-1 § 5(C).

Commission Comment: With respect to the former reference to the “Office of Immigration,” see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#); see also the comment to [3 CMC § 4121](#).

§ 4303. Definitions [Repealed].

Source: PL 3-105, § 3; amended by PL 9-5, § 13, modified; subsection (q)(10) added by PL 11-60, § 2; new subsection (u) added and subsections (u) and (v) relettered to (v) and (w) by PL 11-86, § 2; (m) amended by PL 14-8, § 2(a); (q)(10) repealed and reenacted by PL 15-16, § 2(a), modified; (q)(2) amended by PL 15-60, § 3(a); (q)(8)(B) amended by global amendment PL 15-108, § 5; subsection (a) repealed and reenacted by PL 16-5 § 2; repealed by PL 17-1 § 5(C).

Commission Comment: In former subsection (e) of this section, the Commission replaced a reference to “Subsection 4339 of this chapter” with “subsection (q) of this section,” correcting a typographical error. With respect to the former references to the “Department of Commerce and Labor,” the “Chief of Immigration” and the “Office of Immigration,” see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#); see also the comment to [3 CMC § 4121](#).

PL 11-60 that added new subsection (q)(10) to this section took effect on February 10, 1999. PL 11-60 contained purpose, severability, and savings clauses that read as follows:

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Section 1. Purpose. The Legislature finds that it is vested with the authority to control immigration into the Commonwealth pursuant to Article V, Section 503(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America. This same authority allows the Commonwealth to regulate foreign investment within its borders. The purpose of this Act is to provide for a category of non-immigrants eligible for entry into the CNMI under [3 CMC 4321\(c\)](#) for alien retirees over the age of 55 years of age who have invested and maintained a minimum of \$150,000.00 in a residence in the Commonwealth by amending the definition of “Non-immigrant” under the Commonwealth Entry and Deportation Act of 1983 to allow for such a class.

...

Section 9. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 10. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

PL 11-86 that added new subsection (u) and relettered subsequent subsections took effect on July 28, 1999. PL 11-86 contained findings, severability, and savings clauses that read as follows:

Section 1. Findings. The Legislature finds that throughout Title 3 Chapter 4 of the CMC references is made to the “Secretary, intending to mean the Secretary of Labor and Immigration. This definition was omitted from the applicable section of Title 3, and as such should be added for clarity.

...

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any

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way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

PL 14-8 was enacted on May 27, 2004 and contained a findings and purpose and severability provision. PL 14-8 stated:

Section 1. Findings and Purpose. The Legislature finds that there is a fixed number of children of aliens and permanent residents who were born in the Northern Mariana Islands between and including January 1, 1974 to November 3, 1986. These children live in the Commonwealth with their parents under immediate relative status. The Legislature further finds that some of the children have reached the age of 21 and can no longer be considered immediate relatives under the Labor and Immigration laws of the Commonwealth. It is the intent of the Legislature to allow these children to live and work in the Commonwealth of the Northern Mariana Islands.

Several conforming changes were made by the Commission to the original numbering scheme of PL 15-16, § 2(a), pursuant to the authority granted by [1 CMC § 3806\(a\)](#). PL 15-16 was enacted on June 20, 2006 and contained findings and purpose, severability, and savings clause provisions, in addition to amendments to [3 CMC § 4331\(k\)](#), [4 CMC §§ 50101-50103](#), and creation of new [4 CMC §§ 50107-50109](#). PL 15-16 stated in pertinent part:

Section 1. Findings and Purpose. Public Law 11-60 established a new class of qualified non-immigrant aliens that are allowed to live in the Commonwealth as retirees for renewable 5-year periods, subject to certain conditions. The Legislature finds there is still a market of foreign investors who want to retire in the Commonwealth. Proximity to Asia, a healthy climate, clean environment, and slower pace of living ideally make the Commonwealth a competitive market for foreign retirees. The Legislature further finds that allowing foreign retirees to maintain a residence in the CNMI would generate much needed revenue, especially now, for our ailing economy. Retirees and their extended families that could be expected to visit, would bring into the Commonwealth much needed foreign capital.

However, the Legislature finds that since the enactment of PL 11-60 very few foreign retirees have chosen to retire in the Commonwealth. One major obstacle is that the \$150,000 minimum investment required is too high. There is also a need to address the matter of the retiree's dependents and what happens upon the death of the retiree. Therefore, the purpose of the this Act is to attract more foreign retirees to make the Commonwealth their home by lowering the minimum amount of investment required and establishing sound policies to address matters regarding the retiree's dependents while ensuring that the Commonwealth will not be burdened with having retirees and their families who are not able to sustain themselves financially.

PL 15-60 was enacted on May 17, 2007, and contained the following findings, purpose, and authorization (codified as [3 CMC § 4331\(l\)](#)) provisions in addition to other enactments, and severability and savings clauses:

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Section 1. Findings. The Commonwealth Legislature finds that certain visitors from abroad have been traveling into the CNMI for the purpose of utilizing the health services of the Commonwealth Health Center (CHC) and other clinics within the Commonwealth. The Legislature recognizes that these visitors traveling as patients to the CNMI are an economic activity within the medical community. While it is not the purpose of this legislation to restrict visiting patient tourists to seek medical services within the CNMI, it is however the intent of this legislation to ensure that these tourist patients who do enter for the purpose of seeking medical attention will not pose an economic burden to CHC and the taxpayers.

Section 2. Purpose. The purpose of this legislation is to set guidelines and public policy affecting traveling patients. Traveling patients should, prior to entry, show proof of (1) financial capability to pay for such medical services, and (2) prior confirmation from the Secretary of Public Health that an approval to seek medical treatment within the CNMI has been granted.

...

Section 4. Authorization. The Division of Immigration shall promulgate regulations establishing a medical entry permit consistent with this Act. Requirements for the permit shall, at a minimum, include:

- (a) Proof of the patient's ability to pay for medical services,
- (b) Approval from the Secretary of Public Health to seek medical treatment, and
- (c) Any other requirement the Division of Immigration deems necessary.

PL 16-5 took effect on June 5, 2008. PL 16-5 contained severability and savings clause provisions and the following:

Section 1. Findings and Purpose. The Commonwealth Legislature finds that the definition of "alien" has not been updated to consider the dissolution of the Trust Territory of the Pacific. The Legislature further finds that the current definition of the term is ambiguous because of references to the Trust Territory, and has resulted in time-consuming litigation. *See, e.g., Office of the Attorney General v. Phillip*, 2008 MP 1. The Legislature further finds that the statutory definition of the term "alien" in both the Commonwealth Entry and Deportation Act (CEDA) and in Title 4, Division 5, Chapter 9, Regulation of Foreign Investment, should be brought in line with the law of the United States, Article III of the Covenant, and the current state of political affairs.