

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

**Article 3. Persons Entering the Commonwealth.  
[Repealed by PL 17-1 § 5(E)]**

- § 4321. Entry Into the Commonwealth. [Repealed by PL 17-1 § 5(E)]
- § 4322. Excludable Aliens. [Repealed by PL 17-1 § 5(E)]
- § 4323. Members of the Armed Forces. [Repealed by PL 17-1 § 5(E)]

**§ 4321. Entry Into the Commonwealth [Repealed].**

**Source:** PL 3-105, § 6; amended by PL 5-32, § 15; PL 6-39, § 3 (repealing PL 6-28, § 5(b)); (d) amended by global amendment PL 15-108, § 5; repealed by PL 17-1 § 5(E).

**Commission Comment:** With respect to the former reference to the “Chief of Labor,” 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](#).

**§ 4322. Excludable Aliens [Repealed].**

**Source:** PL 3-105, § 7; amended by PL 6-28, § 7; PL 8-20, § 3; subsection (d) amended by PL 12-25, § 2; (g) and (h) amended and (j) and (k) added by PL 14-92, § 2; repealed by PL 17-1 § 5(E).

**Commission Comment:** PL 12-25, which took effect October 19, 2000, contained the following purpose and severability provisions:

Section 1. Purpose. The purpose of this Act is to prevent the reentry of aliens who have been deported from the Commonwealth.

...

Section 3. Severability. If any Section of this Act should be declared invalid by a court of competent jurisdiction, the remainder fo this Act shall not be affected thereby.

PL 14-92 was enacted on October 14, 2005 and contained the following findings, in addition to savings and severability provisions and an amendment to [4 CMC § 4343](#). PL 14-92 stated:

Section 1. Findings. The Legislature finds that the “Excludable Aliens” provision of the Commonwealth Entry and Deportation Act, set forth at 3 CMC § 4322 does not, in its current form, expressly provide authority for the exclusion of foreign nationals who the government has reason to believe will threaten the safety or security of Commonwealth residents. The absence of such a provision makes it more likely that suspected terrorists or members of organized criminal syndicates are able to enter the Commonwealth. Nor does the current law adequately address foreign nationals who refuse to cooperate with officials pursuing criminal prosecutions. Specifically, the Legislature finds that persons often flee the Commonwealth in order to avoid criminal prosecution or to avoid an appearance as a material witness in a criminal case. Such persons routinely

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**DIVISION 4: IMMIGRATION**

return to the Commonwealth and enjoy the benefits afforded by life in the islands, though they have demonstrated willingness to impair essential government functions, to thwart the interests of justice, and thus to threaten the safety and security of all Commonwealth residents. The aforementioned addendums are necessary to close the door to foreign nationals who seek refuge and opportunity, but hinder the Commonwealth government and endanger the Commonwealth's citizens.

The Legislature finds that the "Voluntary Departure" provision of the Commonwealth Entry and Deportation Act, set forth at [3 CMC § 4343](#) does not, in its current form, provide an adequate penalty for foreign nationals who violate the terms of their entry, and it is therefore an impractical alternative to deportation. Specifically, the Legislature finds that persons who are offered the opportunity to voluntarily depart may immediately return to the Commonwealth without suffering any consequence beyond the cost of a plane ticket. As a result, voluntary departures are rarely considered by the Office of the Attorney General and immigration officials as a practical option. On the other hand, a deportation action is a costly and time-consuming procedure that permanently bars a person from the Commonwealth. Foreign nationals will usually avoid deportations at all costs, which greatly inhibits the Attorney General's ability to reach plea agreements in criminal cases involving foreign national defendants. This, in turn, has needlessly overwhelmed the prosecutor's office, the Office of the Public Defender and the Commonwealth Superior Court with cases that would typically be resolved by a non-trial disposition.

Accordingly, the Legislature finds that it is necessary to amend 3 CMC § 4322 and [3 CMC § 4343](#) and that such amendments are a proper use of the Legislative power.

**§ 4323. Members of the Armed Forces [Repealed].**

**Source:** PL 3-105, § 8; repealed by PL 17-1 § 5(E).