

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

**Article 4. Entry Requirements and Procedures.
[Repealed by PL 17-1 § 5(F)]**

- § 4331. Entry Permits: Application and Issue. [Repealed by PL 17-1 § 5(F)]
- § 4332. Denial, Duration, Extension, and Modification of Entry Permit.
[Repealed by PL 17-1 § 5(F)]
- § 4333. Entry Inspections. [Repealed by PL 17-1 § 5(F)]
- § 4334. Investigations. [Repealed by PL 17-1 § 5(F)]
- § 4335. Review of Arrest. [Repealed by PL 17-1 § 5(F)]
- § 4336. Examinations, Exclusions and Procedures. [Repealed by PL 17-1 § 5(F)]
- § 4337. Temporary Admission Pending Examination. [Repealed by PL 17-1 § 5(F)]
- § 4338. Appeal of Exclusion to Attorney General. [Repealed by PL 17-1 § 5(F)]

§ 4331. Entry Permits: Application and Issue [Repealed].

Source: PL 3-105, § 9, modified; amended by PL 6-28, §§ 5, 8; PL 10-44, § 3; new subsection (j) added by PL 11-51, § 4, modified; (k) added by PL 15-16, § 2(b), modified; (l) added by PL 15-60, modified; (e) amended by global amendment PL 15-108, § 5; repealed by PL 17-1 § 5(F).

Commission Comment: An amendment to this section by PL 6-28, § 5, deleting a subsection concerning entry permits for relatives of nonimmigrant aliens (effective May 10, 1989), was inadvertently omitted in code supplements published in 1990 and 1992. The Commission rectified the error.

PL 10-44, § 3, that amended subsection (e) of this section, took effect February 7, 1997.

With respect to the former references to the “Department of Commerce and Labor” 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](#).

PL 11-51, which added new subsection (j) of this section, took effect December 21, 1998. PL 11-51 contained findings and intent as follows:

Section 1. Findings. Non-resident businesses which require their own employees be present at certain phases of production or service contracts by CNMI businesses require that their employees, including their non-resident employees, be allowed entry into the CNMI for these special industry requirements. It is necessary to immediately provide such non-resident employees or foreigners businesses special entry permits for the continued and uninterrupted business operations of CNMI businesses. In order to provide for this continued and uninterrupted business operation it is necessary to provide a special category for a 180-day Special Entry Permit and establish the criteria for the issuance of such permits.

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Section 2. Intent. It is the intent of the Legislature to remove unreasonable bureaucratic or regulatory obstacles and allow the more efficient use and employment of alien labor, thus achieving a sustainable and equitable balance between resident and alien labor. Additionally, it is the intent of this legislation to allow workers to be assigned to different jobs in the same occupational category, as defined in [3 CMC 4412\(k\)](#), as the employees' original contract.

PL 11-51 also contained severability and savings clauses as follows:

Section 5. 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 6. 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.

The Commission deleted figures that were a repetition of words pursuant to the authority granted by [1 CMC § 3806\(e\)](#). 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 § 4303\(q\)\(10\)](#), [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 allow 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

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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 and purpose provisions in addition to other enactments, and severability and savings clauses. The Commission replaced “this Act” with “[3 CMC §§ 4303\(q\)\(2\), 4332\(b\)\(4\), and 4332\(b\)\(5\)](#)” in former subsection (l) above pursuant to its authority under [1 CMC § 3806](#).

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.

§ 4332. Denial, Duration, Extension, and Modification of Entry Permit [Repealed].

Source: PL 3-105, § 10; amended by PL 5-32, § 16; (b)(1) amended by PL 14-6, § 2; (b)(4) amended and (b)(5) added by PL 15-60, § 3(b); (b)(4) amended by global amendment PL 15-108, § 5; repealed by PL 17-1 § 5(F).

Commission Comment: With respect to the former references to the “chief” of Immigration and the “Department of Commerce and 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](#).

PL 14-6 was enacted on May 20, 2004 and contained findings and purpose, regulations, severability, and savings clause provisions. PL 14-6 stated in pertinent part:

Section 1. Findings and Purpose. The Legislature finds that there are a number of foreign tourists to the CNMI who would spend an extended amount of vacation time in the Commonwealth if the permitting process for entry were more- efficient. Specifically, the Legislature finds that elderly retirees from Japan could be expected to spend the winter season in the CNMI with its warm tropical climate, possibly renting

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condominiums or apartments, thereby contributing significantly to the CNMI economy. Visiting family members could be expected to take shorter trips to the Commonwealth further contributing to the islands' economy. The Legislature, accordingly, finds that the current practice of DOLI granting 30-day entry permits to visitors, should be amended to extend the duration of stay to 90 days to accommodate our elderly visitors. Presently, DOLI will grant a 60-day extensions to those qualifying non-immigrant aliens choosing to stay in the Commonwealth beyond their original 30-day entry permit. To facilitate this process the Legislature proposes to grant 90-day initial entry permits to all non-immigrant aliens visiting the Commonwealth as tourists.

...

Section 3. Regulations. The Office of the Attorney General is authorized promulgate regulations to implement the intent and provisions of this act.

PL 15-60 was enacted on May 17, 2007, and contained the following findings, purpose, and authorization (codified as [3 CMC § 4331\(1\)](#)) provisions in addition to other enactments, and severability and savings clauses:

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.

§ 4333. Entry Inspections [Repealed].

Source: PL 3-105, § 11; repealed by PL 17-1 § 5(F).

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Commission Comment: With respect to the former reference to the “chief” 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](#).

§ 4334. Investigations [Repealed].

Source: PL 3-105, § 12; repealed by PL 17-1 § 5(F).

Commission Comment: With respect to the former references to 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](#).

§ 4335. Review of Arrest [Repealed].

Source: PL 3-105, § 13, modified; repealed by PL 17-1 § 5(F).

Commission Comment: The Commission corrected an erroneous cross-reference in this former section.

§ 4336. Examinations, Exclusions and Procedures [Repealed].

Source: PL 3-105, § 14; repealed by PL 17-1 § 5(F).

Commission Comment: With respect to former subsection (d), see the comment to [3 CMC § 4121](#).

§ 4337. Temporary Admission Pending Examination [Repealed].

Source: PL 3-105, § 15; repealed by PL 17-1 § 5(F).

§ 4338. Appeal of Exclusion to Attorney General [Repealed].

Source: PL 3-105, § 16; repealed by PL 17-1 § 5(F).