

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

**Article 5. Deportation and Departure.
[Repealed by PL 17-1 § 5(G)]**

- § 4340. Deportable Aliens. [Repealed by PL 17-1 § 5(G)]
- § 4341. Deportation. [Repealed by PL 17-1 § 5(G)]
- § 4342. Appeal of Deportation Order. [Repealed by PL 17-1 § 5(G)]
- § 4343. Voluntary Departure. [Repealed by PL 17-1 § 5(G)]
- § 4344. Excluded and Deported Persons: Country of Return Supervision. [Repealed by PL 17-1 § 5(G)]
- § 4345. Carrier Responsibility: Excluded Aliens. [Repealed by PL 17-1 § 5(G)]
- § 4346. Health Requirements; Examinations. [Repealed by PL 17-1 § 5(G)]
- § 4347. Deportation Fund. [Repealed by PL 17-1 § 5(G)]
- § 4348. Annual Report. [Repealed by PL 17-1 § 5(G)]

§ 4340. Deportable Aliens [Repealed].

Source: PL 3-105, § 17; amended by PL 5-32, § 18; PL 6-28 § 9; (k) and (l) added by PL 15-17, § 5; repealed by PL 17-1 § 5(G).

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](#).

PL 15-17 was enacted on June 20, 2006 and contained findings, severability, and savings clause provisions and changes to the Commonwealth Entry and Deportation Act (codified at [3 CMC §§ 4361 et seq.](#)) and [4 CMC §§ 5181 et seq.](#) PL 15-17 stated in pertinent part:

Section 1. Findings. The Legislature finds that in large part, the criminal provisions contained within the Commonwealth Entry and Deportation Act, [3 CMC §§ 4301 et seq.](#), which criminally punish violations of Commonwealth immigration law, have not been amended or updated in recent years to reflect the changing nature of international travel and entry into the Commonwealth. The Legislature further finds that the Commonwealth immigration laws in their present form do not adequately punish the full scope of undesirable activities that may be committed in connection with attempts by aliens to enter into, remain in, or exit from the Commonwealth. Finally, the Legislature finds that the Commonwealth presently does not have criminal laws that explicitly punish undesirable activities associated with attempts by aliens to travel from the Commonwealth into Guam or other areas of the United States without satisfying the proper United States entry requirements that apply to those areas.

Accordingly, the Legislature finds that it is necessary to repeal and replace [3 CMC § 4361-4369](#) and that such amendments to the Commonwealth Code are a proper use of the Legislative power.

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The Legislature further finds and declares that private individuals and businesses who assist persons with immigration and residency matters have a significant impact on the ability of their clients to reside and work within the Commonwealth and the United States as well as establish and maintain stable families and business relationships.

The Legislature finds that, brokered honestly, immigration and residency advice and services greatly benefit individual clients as well as society as a whole. The Legislature further finds that, dispensed dishonestly, immigration and residency advice and services may harm people by resulting in a loss of liberty, resident status or property. The Legislature also finds that those who would engage in the dishonest provision of immigration and residency advice and services are more likely to prey upon those in society who do not enjoy the advantages of wealth or education.

The Legislature further finds that the provision of immigration and residency advice and services also has a significant effect on the cultural, social, and economic life of the Commonwealth and thereby substantially affects the public interest. Accordingly, the regulation of the provision of immigration and residency advice and services is a necessary and proper exercise of Legislative power. It is therefore the intent of the Legislature to establish rules of practice and conduct for those individuals and businesses who provide immigration and residency advice and services to promote honesty and fair dealing with residents and non-resident workers and to preserve public confidence.

§ 4341. Deportation [Repealed].

Source: PL 3-105, § 18; repealed by PL 17-1 § 5(G).

Commission Comment: Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”

§ 4342. Appeal of Deportation Order [Repealed].

Source: PL 3-105, § 19; repealed by PL 17-1 § 5(G).

§ 4343. Voluntary Departure [Repealed].

Source: PL 3-105, § 20; amended by PL 14-92, § 3, modified; repealed by PL 17-1 § 5(G).

Commission Comment: The Commission made modifications to the former subsection (a) by deleting figures that were a repetition of words pursuant to its authority by [1 CMC § 3806\(e\)](#), and to former subsection (a)(1) by deleting an extra “§” symbol and subsection (b)(3) by deleting a comma after “4340(b)” and

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an extra “§” symbol to correct manifest errors pursuant to its authority by [1 CMC § 3806\(g\)](#).

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 § 4322](#). 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 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.

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**§ 4344. Excluded and Deported Persons: Country of Return Supervision
[Repealed].**

Source: PL 3-105, § 21; (d) amended by PL 13-61, § 2, modified; repealed by PL 17-1 § 5(G).

Commission Comment: The Commission inserted a colon in place of a dash in the heading of this section to conform the heading to the style used elsewhere in the code. According to PL 3-90, § 7(a) (reprinted in the preface material, prior to title 1), “section headings ... do not in any manner affect the scope, meaning, or intent of the provisions of this Code.”

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](#).

PL 13-61 sought to amend the Commonwealth Entry and Deportation Act which is codified in Title 3 ([3 CMC §§ 4301 et seq.](#)) of the Commonwealth Code; the actual text of PL 13-61 made an obvious incorrect reference to Title 4. See [1 CMC § 3806](#). PL 13-61 was enacted on January 8, 2004 and contained findings, severability, and savings clause provisions. The findings of PL 13-61 stated:

Section 1. Findings. The Legislature finds that the “Commonwealth Entry and Deportation Act of 1983,” set forth at [3 CMC §§ 4301 et seq.](#), must be amended to conform with certain applicable international conventions and treaties to which the United States of America is a party as required by Section 102 of [the] Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Covenant). The Legislature reiterates, however, that pursuant to Section 503 of the Covenant, the Commonwealth retains exclusive jurisdiction regarding matters related to immigration and that provisions set forth in the United States Code related to immigration, asylum, or refugee status do not apply within the Commonwealth and may not be relied upon by any individual within the Commonwealth seeking relief pursuant to any such provision of the United States Code.

The Legislature further reiterates that pursuant to its exclusive jurisdiction over matters related to immigration that the public policy of the Commonwealth of the Northern Mariana Islands (Commonwealth), set forth at [3 CMC § 4301\(b\)](#), is that “[n]o alien may seek or obtain entry into the Commonwealth as a matter of right” and that “[e]ntry to the Commonwealth is a privilege extended to aliens only upon such terms and conditions as may be prescribed by law.” The Legislature, therefore, adopts the amendments to the “Commonwealth Entry and Deportation Act of 1983,” as set forth herein, solely for the limited purpose of authorizing the Office of the Attorney General to promulgate rules and regulations implementing the requisite provisions of applicable international conventions and treaties related to the status and treatment of persons

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fearing persecution, torture, cruel, inhumane or degrading treatment or punishment in their country of origin.

§ 4345. Carrier Responsibility: Excluded Aliens [Repealed].

Source: PL 3-105, § 22; amended by PL 9-5, § 11; repealed by PL 17-1 § 5(G).

Commission Comment: The Commission inserted a colon in place of a dash in the heading of this section to conform the heading to the style used elsewhere in the code. According to PL 3-90, § 7(a) (reprinted in the preface material, prior to title 1), “section headings ... do not in any manner affect the scope, meaning, or intent of the provisions of this Code.”

§ 4346. Health Requirements; Examinations [Repealed].

Source: PL 3-105, § 23; amended by PL 5-32, § 17; repealed by PL 17-1 § 5(G).

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](#).

§ 4347. Deportation Fund [Repealed].

Source: PL 10-1, § 3; amended by PL 11-5, § 1; repealed by PL 17-1 § 5(G).

Commission Comment: PL 10-1, the “Commonwealth Alien Deportation Fund Act,” took effect February 28, 1996. According to PL 10-1, § 2:

Section 2. Findings. The Legislature finds that the Department of Labor and Immigration lacks the necessary financial resources to adequately investigate, apprehend and deport illegal aliens within the Commonwealth. The Legislature further finds that the Department of Labor and Immigration requires additional funding to ensure effective deportation and related administrative operations. Also, if during the process of deportation, the Department of Labor and Immigration discovers that an employer has failed to secure the departure of a former employee, (as provided in [\[3 CMC § 4435\(a\)\]](#)), then said employer shall be responsible for all deportation costs incurred.

With respect to the former references to the “Secretary of Finance,” the “Department of Labor and Immigration” and the “Secretary” of the latter agency in 3 CMC § 4347, 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 11-5 took effect on March 24, 1998.

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§ 4348. Annual Report [Repealed].

Source: PL 10-1, § 4, modified; amended by PL 11-5, § 1; repealed by PL 17-1 § 5(G).

Commission Comment: With respect to the former references to the “secretary” of the Department of Labor and 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](#).