

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

Article 7. Criminal Penalties and Miscellaneous Provisions.

[Repealed by PL 17-1 § 5(I)]

- § 4361. Additional Definitions. [Repealed by PL 17-1 § 5(I)]
- § 4362. Illegal Entry into the Commonwealth by an Alien. [Repealed by PL 17-1 § 5(I)]
- § 4363. Improper Entry into the United States by an Alien. [Repealed by PL 17-1 § 5(I)]
- § 4364. Smuggling Persons. [Repealed by PL 17-1 § 5(I)]
- § 4365. Document Fraud. [Repealed by PL 17-1 § 5(I)]
- § 4366. Marriage Fraud. [Repealed by PL 17-1 § 5(I)]
- § 4367. Aliens: Unlawful Employment. [Repealed by PL 17-1 § 5(I)]
- § 4368. Bribery for Immigration Gain, Exploitation of a Position of Authority. [Repealed by PL 17-1 § 5(I)]
- § 4369. Inducement by Fraudulent Misrepresentation. [Repealed by PL 17-1 § 5(I)]
- § 4370. Immigration and Labor Entrepreneurship Fraud. [Repealed by PL 17-1 § 5(I)]
- § 4371. Conspiracy, Attempt, Solicitation. [Repealed by PL 17-1 § 5(I)]
- § 4372. Authority to Revoke or Deny Entry Permits. [Repealed by PL 17-1 § 5(I)]
- § 4373. Effect of Conviction. [Repealed by PL 17-1 § 5(I)]
- § 4374. Enforcement. [Repealed by PL 17-1 § 5(I)]
- § 4375. Admissibility of Testimony. [Repealed by PL 17-1 § 5(I)]
- § 4376. Forfeiture. [Reserved.] [Repealed by PL 17-1 § 5(I)]
- § 4377. Dismissal Upon Conviction. [Repealed by PL 17-1 § 5(I)]
- § 4378. Designated Ports of Entry. [Repealed by PL 17-1 § 5(I)]
- § 4379. Jurisdiction of the Commonwealth Superior Court. [Repealed by PL 17-1 § 5(I)]

§ 4361. Additional Definitions [Repealed].

Source: PL 3-105, § 25; amended by PL 9-5, § 12; repealed and reenacted by PL 15-17, § 3 (4361); repealed by PL 17-1 § 5(I).

Commission Comment: PL 15-17 was enacted on June 20, 2006 and contained findings, severability, and savings clause provisions and changes to [3 CMC § 4340](#), 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

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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.

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.

§ 4362. Illegal Entry into the Commonwealth by an Alien [Repealed].

Source: PL 9-5, § 6, modified; repealed and reenacted by PL 15-17, § 3 (4362); repealed by PL 17-1 § 5(I).

Commission Comment: PL 9-5, the “Immigration Enforcement Act of 1994,” took effect July 22, 1994.

§ 4363. Improper Entry into the United States by an Alien [Repealed].

Source: PL 9-5, § 7, modified; amended by PL 13-49, § 2, modified; repealed and reenacted by PL 15-17, §§ 2 and 3 (4363); repealed by PL 17-1 § 5(I).

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Commission Comment: PL 13-49 was enacted on April 21, 2003 and contained findings, severability, and savings clause provisions. The findings of PL 13-49 stated:

Section 1. Findings. The Legislature finds that there are increasing numbers of persons entering into fraudulent marriages for the purpose of becoming permanent residents of the Commonwealth. Reports indicate that aliens seeking to become permanent residents by entering into fraudulent marriages are paying up to \$20,000 to those willing to enter into a sham marriage. There is presently no CNMI law specifically prohibiting this conduct. The Legislature finds that it is in the best interest of the people of the Commonwealth to deter such conduct, to prevent unqualified persons from becoming permanent residents by subverting the institution of marriage within the Commonwealth.

Prior to PL 15-17, the above section was entitled “Immigration Fraud.”

§ 4364. Smuggling Persons [Repealed].

Source: PL 9-5, § 8; repealed and reenacted by PL 15-17, § 3 (4364); repealed by PL 17-1 § 5(I).

§ 4365. Document Fraud [Repealed].

Source: PL 9-5, § 9; repealed and reenacted by PL 15-17, § 3 (4365); repealed by PL 17-1 § 5(I).

§ 4366. Marriage Fraud [Repealed].

Source: PL 9-5, § 10; repealed and reenacted by PL 15-17, § 3 (4366); repealed by PL 17-1 § 5(I).

§ 4367. Aliens: Unlawful Employment [Repealed].

Source: PL 3-105, § 26; renumbered by PL 9-5, § 5; repealed and reenacted by PL 15-17, § 3 (4367); repealed by PL 17-1 § 5(I).

§ 4368. Bribery for Immigration Gain, Exploitation of a Position of Authority [Repealed].

Source: PL 3-105, § 27; renumbered by PL 9-5, § 5; repealed and reenacted by PL 15-17, § 3 (4368); repealed by PL 17-1 § 5(I).

§ 4369. Inducement by Fraudulent Misrepresentation [Repealed].

Source: PL 3-105, § 28; renumbered by PL 9-5, § 5; repealed and reenacted by PL 15-17, § 3 (4369); repealed by PL 17-1 § 5(I).

§ 4370. Immigration and Labor Entrepreneurship Fraud [Repealed].

Source: PL 15-17, § 3 (4370); repealed by PL 17-1 § 5(I).

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§ 4371. Conspiracy, Attempt, Solicitation [Repealed].

Source: PL 15-17, § 3 (4371), modified; repealed by PL 17-1 § 5(I).

Commission Comment: The Commission changed the former reference in the above section from Title 9 to Title 6 to correct a manifest error pursuant to the authority granted by [1 CMC § 3806\(g\)](#).

§ 4372. Authority to Revoke or Deny Entry Permits [Repealed].

Source: PL 15-17, § 3 (4372); repealed by PL 17-1 § 5(I).

§ 4373. Effect of Conviction [Repealed].

Source: PL 15-17, § 3 (4373); repealed by PL 17-1 § 5(I).

§ 4374. Enforcement [Repealed].

Source: PL 15-17, § 3 (4374); repealed by PL 17-1 § 5(I).

§ 4375. Admissibility of Testimony [Repealed].

Source: PL 15-17, § 3 (4374); repealed by PL 17-1 § 5(I).

§ 4376. Forfeiture [Reserved.] [Repealed].

Source: PL 15-17, § 3 (4376); repealed by PL 17-1 § 5(I).

§ 4377. Dismissal Upon Conviction [Repealed].

Source: PL 15-17, § 3 (4377); repealed by PL 17-1 § 5(I).

§ 4378. Designated Ports of Entry [Repealed].

Source: PL 15-17, § 3 (4378); repealed by PL 17-1 § 5(I).

§ 4379. Jurisdiction of the Commonwealth Superior Court [Repealed].

Source: PL 15-17, § 3 (4379); repealed by PL 17-1 § 5(I).