

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5181. Definitions.

For the purposes of this Article, the following terms have the following meanings:

(a) “Immigration or residency matter” means any proceeding, filing, or action affecting the nonimmigrant, immigrant, residency, non-residency or citizenship status of any person that arises under Commonwealth or federal labor, immigration and/or naturalization law, executive order or presidential proclamation of the United States or any foreign country, executive order of the Governor of the Commonwealth, or that arises under action of the United States Immigration and Naturalization Service, or its successor agency, however constituted and named, the United States Department of Labor, the United States Department of State, or any entity of the Commonwealth government including any of its departments or agencies.

(b) “Immigration or residency assistance service” means any advice, guidance, information, or action provided or offered to customers or prospective customers relating to any immigration or residency matter.

(c) “Compensation” means money, property, services, promise of payment, or anything else of value.

(d) “Employed by” means that a person is on the payroll of the employer and the employer deducts or should deduct from the employee’s paycheck any applicable taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

(e) “Reasonable costs” means actual costs or, if actual costs cannot be calculated, reasonably estimated costs of such things as photocopying, telephone calls, document requests, and filing fees for immigration forms, and other nominal costs incidental to assistance in an immigration or residency matter.

Source: PL 15-17, § 4 (5170), modified.

Commission Comment: The Commission assigned a different numbering scheme to the above and subsequent sections than what was specified in the original text of PL 15-17, § 4, pursuant to its authority by 1 CMC § 3806. PL 15-17 was enacted on June 20, 2006, and contained the following findings in addition to severability and savings clause provisions and changes to 3 CMC § 4340, the Commonwealth Entry and Deportation Act (codified at 3 CMC § 4361 et seq.):

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

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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.