

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 10-1

H. B. NO. 10-100

FIRST REGULAR SESSION, 1996

AN ACT

To establish a "Commonwealth Alien Deportation Fund" that will assist in the investigation, apprehension, detention and deportation of illegal aliens; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Title. This Act shall be referred to as the "Commonwealth Alien Deportation Fund Act."

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 Section 4435 (a)), then said employer shall be responsible for all deportation costs incurred.

Section 3. Deportation Fund. An Alien Deportation Fund is hereby created and shall be used to detect and deport illegal aliens within the Commonwealth. This Fund shall be a dedicated fund in the CNMI Treasury, and will be established, in addition to any other applicable fee, by taking \$25.00 from every initial application fee, and from every renewal fee, for nonresident work permits. All fees collected pursuant to this section shall be deposited into the Commonwealth Alien Deportation Fund. The Secretary of Finance shall collect and direct all funds received to the Department of Labor and Immigration for the process of deportation and any other related costs, (such as equipment, additional employees, training and detention costs). The Fund may also be used to deport overstayed tourists and business permit holders. In addition, said Fund may also be accessed to send dependent U.S. citizen children of aliens who have been ordered deported from the Commonwealth. The Secretary of Labor and Immigration, in consultation with the Resident Secretaries of Labor and Immigration, shall oversee and monitor the application of these funds. The funds collected under this section shall be deemed reserved and automatically appropriated, and shall be made readily available to the Department of Labor and Immigration.

Section 4. Annual Report. Within 120 days of the end of the government fiscal year, the Secretary shall prepare an annual report detailing deportation operations and activities of the past year. The report shall include specific data regarding the number of aliens; dependent U.S. citizen

children of aliens; overstayed tourists and business permit holders that were deported during the year, and any other information regarding deportation as may be appropriate. The report shall be transmitted through the secretary to the governor and to the presiding officer of each house of the legislature and shall be public information.

Section 5. Amendment. 3 CMC Section 4435 (a) is amended to read as follows:

"(a) After receiving notice from the Director that an employment contract has been approved, the employer shall deliver to the Director a bond or other surety from a recognized insurance company in an amount and form acceptable to the Director to secure the faithful performance of the duties and responsibilities of the employer and the departure of the nonresident worker at the end of his period of employment. If the employer fails to make reasonable efforts to repatriate a nonresident worker, thereby allowing that worker to become an illegal alien, then said employer shall be liable for all deportation costs incurred as a result of such willful, knowing or negligent conduct. If the employer does not voluntarily pay the aforementioned costs within 30 days of notification, the Secretary of Labor and Immigration shall order the Director of Revenue and Taxation to deduct the total amount from the employer's NMTIT Tax Rebate; provided that any such notification may be contested pursuant to the Administrative Procedure Act. All such payments and deductions shall be returned to the Alien Deportation Fund."

Section 6. 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 7. 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.

Section 8. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

ATTESTED BY:

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

____ Approved ____ this 28th day of February, 1996

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
Governor
Commonwealth of the Northern Mariana Islands