

**ELEVENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE**

PUBLIC LAW NO. 11-60
**SENATE BILL
NO. 11-82, HD1**

SECOND REGULAR SESSION, 1998

AN ACT

To amend the Commonwealth Entry and Deportation Act of 1983 to add a new category of Non-Immigrant which permits alien retirees who have invested \$150,000 or more in a residence in the Commonwealth of the Northern Mariana Islands and who satisfy certain other personal conditions to apply for a Foreign Retiree Investor Certificate; and for other purposes.

**BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. Purpose. The Legislature finds that it is vested with the authority to control immigration into the Commonwealth pursuant to Article V, Section 503(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America. This same authority allows the Commonwealth to regulate foreign investment within its borders. The purpose of this Act is to provide for a category of non-immigrants eligible for entry into the CNMI under 3 CMC 4321(c) for alien retirees over the age of 55 years of age who have invested and maintained a minimum of \$150,000.00 in a residence in the Commonwealth by amending the definition of "Non-immigrant" under the Commonwealth Entry and Deportation Act of 1983 to allow for such a class.

Section 2. Amendment. Section 3 CMC 4303 (q)(10) of the Commonwealth Entry and Deportation Act of 1983, shall be amended by adding:

"(10) An alien who has been granted a foreign retiree investment certificate by the Department of Labor and Immigration. The minimum conditions for a foreign retiree investment certificate is that the non-immigrant applicant has invested \$150,000 or more in an approved residence in the CNMI and that the non-immigrant applicant be over the age of fifty-

five (55) years of age and shall not own more than ten percent (10%) of a Commonwealth business and/or be employed in the Commonwealth.

Section 3. Application for Foreign Retiree Investment Certificate. An application for a foreign retiree investment certificate shall be executed while the applicant is lawfully within the Commonwealth.

Section 4. Criteria for Eligibility. To qualify for a foreign retiree investment certificate, an alien shall not have been convicted of a felony, or a crime which would be a felony, in the Commonwealth; shall satisfy all Commonwealth health entry requirements; and shall invest a minimum of \$150,000 in a single residence in the Commonwealth.

(a) Standard of Review of the Residence Investment. In reviewing the acceptability of an approved residence investment for the purposes of determining issuance or denial of a foreign retiree investment certificate, the Secretary shall consider:

(1) Proof that the alien applicant has an interest in property in the Commonwealth and the value of the property underlying the residence. Proof of the value of the property can be supported by a lease agreement for the property or an appraisal regarding the value of the property;

(2) The value of the improvements on the property which can be supported by receipts or invoices regarding the costs of construction or the amount paid for a preexisting structure or an appraisal of the structure.

(3) The \$150,000 value limit must be satisfied by one residence and underlying property and cannot be satisfied by combining the value of various investment properties of the alien applicant in the Commonwealth.

(4) Any other evidence supporting proof of investment in a residence and the value of the residence and underlying property.

(b) Standard for Review of Personal Qualifications. The eligibility of the applicant for a foreign retiree investment certificate for the purpose of this Act shall be based on the following submissions:

(1) a police clearance;
(2) a proof of health clearance;
(3) a certified birth certificate as proof of age;
(4) a notarized declaration from the alien applicant;
(5) a copy of current entry permit which states that the alien applicant is not employed in the Commonwealth and does not own more than 10% in a business in the Commonwealth.

(6) proof of health insurance with a minimum aggregate coverage of \$100,000.

(c) All required material under this act must be submitted to the department of immigration for review before any application will be considered.

(d) Fees. There will be a non refundable application or renewal fee of \$1,000 for a single applicant under this act, and \$1,500 for an applicant and spouse.

Section 5. Application Process. After the alien applicant has submitted all documentation set forth in this Act, and fees as required, and is, based on a review of such documentation, determined by the Secretary to be eligible for a foreign retiree investment certificate, the Secretary shall issue an "Approval Letter" and Identification Card to the applicant which shall be evidence of a foreign retiree investment certificate. The shall certify to the director of immigration that the applicant is eligible for a foreign retiree investment visa.

Section 6. Duration of Certificate. The duration of the foreign retiree investment certificate and visa issued pursuant thereto shall be five (5) years; provided that the alien continues to comply with the standards of issuance and maintains the approved residence investment. The foreign retiree investment certificate and visa shall automatically be renewed every five (5) years upon proof of the holder having maintained the approved residence investment and personal eligibility, as set forth in this Act.

Section 7. Revocation. The Secretary may revoke a foreign retiree investment certificate and visa only after conducting a hearing at which the holder appears and may present evidence of continued eligibility and finding, upon clear and convincing evidence, that the alien holder no longer maintains the approved residence

investment, personal eligibility criteria, committed fraud or misrepresentation in any material assertion in the application for the foreign retiree investment certificate, has failed to correct any deficiency found by the Department within a reasonable time of not less than ninety days after notification of the deficiency. The Secretary may, in the alternative, take steps to secure correction of any insufficiency or non-compliance. The alien retiree investor shall be afforded a six-month grace period following termination or revocation of his certificate, in order to take steps necessary to liquidate, transfer or otherwise dispose of assets connected with the residence investment. The alien retiree investor's foreign retiree investment visa and any visas held by members of his immediate family shall be valid up to and including the final day of the six-month grace period following termination of the foreign retiree investment certificate.

In the event the Secretary denies issuance of either an approval letter or a foreign retiree investment certificate, the Secretary shall deliver the reasons for denial in writing to the applicant within thirty (30) days.

Section 8. Reports. The Secretary of Immigration and Labor shall submit a yearly report to both the House and Senate detailing the impact of this legislation on the commonwealth, and specify the number of permits issued, the number denied, and recommendations for the continuation or cessation of the issuance of permits under this act.

Section 9. 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 10. 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.

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Section 11. Effective Date. This bill shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Paul A. Manglona
PAUL A. MANGLONA
PRESIDENT OF THE SENATE

/s/ Edward U. Maratita
EDWARD U. MARATITA
SENATE LEGISLATIVE SECRETARY

Approved this 10th day of February, 1999.

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS