

**THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**ELEVENTH SPECIAL SESSION, 2003**

PUBLIC LAW NO. 13-61  
**SENATE BILL**  
**NO. 13-135, SD1, HD1, SS1**

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**AN ACT**

**To amend 4 CMC § 4344(d) of the Commonwealth Entry and Deportation Act of 1983 to require the Office of the Attorney General to promulgate rules and regulations implementing certain applicable international treaties and conventions related to the status and treatment of persons fearing persecution and torture, cruel, inhumane or degrading treatment or punishment in their country of origin.**

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

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 Covenant to Establish a Commonwealth of the Northern Mariana Island 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 fearing persecution, torture, cruel, inhumane or degrading treatment or punishment in their country of origin.

Section 2. Amendment. 4 CMC § 4344(d) is hereby amended and shall read as follows:

“(d) The Attorney General may decline to designate as destination any country where in his opinion the excluded or deported person would be subject to persecution on account of race, religion or political persuasion shall not remove a person to a country if the Attorney General decides that it is more likely than not that the person’s life or freedom would be threatened in that country on account of his or her race, religion, nationality, membership of a particular social group or political opinion, or that the person would be tortured if removed to the proposed country of origin, provided however, that such person whom the Attorney General seeks to remove shall have the burden of showing, in an administrative process that comports with rules and regulations promulgated by the Attorney General that implement the nonrefoulement obligations under Article 33 of the 1951 Convention relating to the Status of Refugees and Article 3 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, that execution of a removal order would be inconsistent with such obligations. The Attorney General may, consistent with the United States’ international treaty obligations, remove a person, other than a person whom the Attorney General has determined to require protection under Article 3 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, in accordance with the regulations described above, if there are reasonable grounds for regarding that person as a danger to the

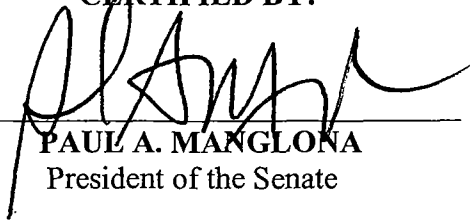
security of the Commonwealth or the United States, or if that person, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community, or upon other exclusion or cessation grounds that the Attorney General may prescribe through regulations, so long as such grounds are consistent with applicable international treaty obligations relating to the protection and status of refugees or to persons fearing torture. The Administrative Procedures Act, as set forth at 1 CMC § 9101 et seq., shall not apply to any procedure or action undertaken pursuant to this subsection or to rules and regulations promulgated thereunder, except with respect to the promulgation of such rules and regulations. A decision of the Attorney General under this subsection shall be final and unreviewable administratively or judicially.”

Section 4. 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 5. 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 6. Effective Date. This Act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

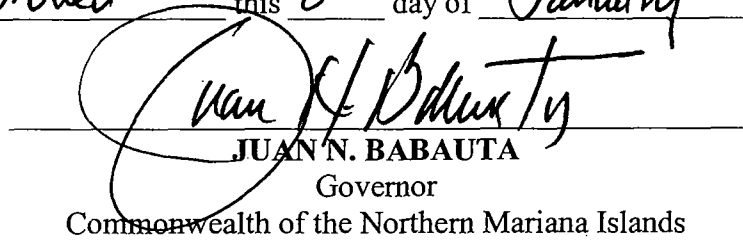
CERTIFIED BY:

  
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PAUL A. MANGLONA  
President of the Senate

ATTESTED BY:

  
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JOSEPH M. MENDIOLA  
Senate Legislative Secretary

*Approved* this *8<sup>th</sup>* day of *January*, 2004

  
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JUAN N. BABAUTA  
Governor  
Commonwealth of the Northern Mariana Islands