



HOUSE OF REPRESENTATIVES  
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
FIRST REGULAR SESSION, 2008

PUBLIC LAW NO. 16-5  
H. B. No. 16-44, **HD1**

AN ACT

To amend the definition of "alien" under Titles 3 and 4 of the Commonwealth Code; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

2 Section 1. Findings and purpose. The Commonwealth Legislature finds that the  
3 definition of "alien" has not been updated to consider the dissolution of the Trust  
4 Territory of the Pacific. The Legislature further finds that the current definition of the  
5 term is ambiguous because of references to the Trust Territory, and has resulted in time-  
6 consuming litigation. *See, e.g., Office of the Attorney General v. Phillip*, 2008 MP 1. The  
7 Legislature further finds that the statutory definition of the term "alien" in both the  
8 Commonwealth Entry and Deportation Act (CEDA) and in Title 4, Division 5, Chapter 9,  
9 Regulation of Foreign Investment, should be brought in line with the law of the United  
10 States, Article III of the Covenant, and the current state of political affairs.

11 Section 2. Amendment. Section 4303(a) of Article 1 of Chapter 1 of Part 2 of  
12 Division 4 of Title 3 of the Commonwealth Code, as recodified by Section 3 of Public  
13 Law 15-108, (the Commonwealth Entry and Deportation Act) is repealed and reenacted  
14 as follows:

15 "(a) "Alien" means any person who is not a citizen or national of the  
16 United States, or not a permanent resident of the Commonwealth of the Northern  
17 Mariana Islands pursuant to 3 CMC § 4202."

18 Section 3. Amendment. Section 5901(a) of Chapter 9 of Division 5 of Title 4 of the  
Commonwealth Code is repealed and reenacted as follows:

1                   (a) "Alien" means any person who is not a citizen or national of the United  
2 States, or not a permanent resident of the Commonwealth of the Northern Mariana  
3 Islands pursuant to 3 CMC § 4202."


4                   Section 4. Severability. If any provision of this Act or the application of any such  
5 provision to any person or circumstance should be held invalid by a court of competent  
6 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
7 circumstances other than those to which it is held invalid shall not be affected thereby.

8                   Section 5. Savings Clause. This Act and any repealer contained herein shall not be  
9 construed as affecting any existing right acquired under contract or acquired under statutes  
10 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
11 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
12 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
13 any liability, civil or criminal, which shall already be in existence on the date this Act  
14 becomes effective.

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

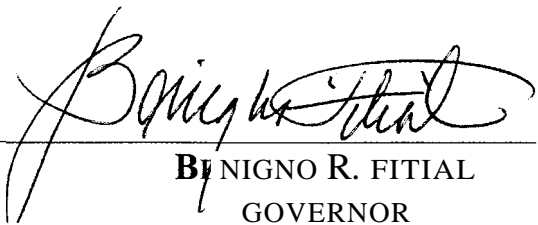
CERTIFIED BY:

ATTESTED TO BY:

  
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**ARNOLD I. PALACIOS**  
SPEAKER OF THE HOUSE

  
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**EVELYN C. FLEMING**  
HOUSE CLERK

APPROVED on this 5<sup>th</sup> day of JUNE, 2008

  
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**BENIGNO R. FITIAL**  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS