

1 **IN THE SUPERIOR COURT**
2 **OF THE**
3 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

4 OFFICE OF THE ATTORNEY GENERAL and) CIVIL ACTION NO. 01-0612B
5 DIVISION OF IMMIGRATION SERVICES,)
6 Petitioners,)
7 vs.) **ORDER**
8 ZHU, ZHEN WEN,)
9 Respondent.)

10 This deportation hearing was set to be heard on Thursday, February 7, 2002 at 1:30 p.m. at the
11 Commonwealth Superior Court. The Petitioners were represented by Assistant Attorney General
12 Terence J. Denigan. The Respondent was present in Court represented by Joseph A. Arriola, Esq.
13 Petitioners were prepared to proceed with deportation. Respondent's Counsel requested a
14 continuance.

15 On November 29, 2001, Respondent's request for continuance was granted until January 24,
16 2002. On this new hearing date, counsel for the Respondent advised the Court that he had filed with the
17 U.S. Immigration and Naturalization Service a form 1-590 "Request for Asylum" and served a copy on
18 Counsel for the Petitioners. Counsel for both parties requested the Court, in light of this development,
19 to stay the deportation hearing indefinitely, until placed back on the Court's calendar by Counsel.

20 Subsequently, the Petitioners requested that the matter be placed on calendar, and the Court
21 granting the request, scheduled the matter for February 7, 2002. During the February 7 hearing,
22 Counsel for Respondent referred to Respondent's Application for Asylum and that the stay of the
23 proceeding should remain. The Court, in denying the request for a continuance of the stay, expressed
24 its concern as to the authority, if any, under which the Court can grant such a stay.

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26 **FOR PUBLICATION**
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1 The Court stated that there has been nothing presented to the Court showing that the United
2 States Treaty, regarding Asylum is applicable to the C.N.M.I.. Even if it is applicable to the C.N.M.I.,
3 the Court would require an additional showing by counsel that such applicability mandates this Court to
4 halt or stay it's proceedings pending an Asylum determination.

5 The Court, therefore, removed said stay and allowed Respondent a one week continuance until
6 February 14, 2002 at 1:30 p.m. in Courtroom 223A, at which time the deportation hearing will be
7 heard.

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9 **SO ORDERED** this 11th day of February, 2002.

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11 /s/ _____
12 DAVID A. WISEMAN, Associate Judge
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