

Union Calendar No. 217

112TH CONGRESS
1ST SESSION

H. R. 1466

[Report No. 112-319, Part I]

To resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2011

Mr. SABLAN (for himself, Mrs. CHRISTENSEN, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 8, 2011

Additional sponsors: Mr. PIERLUISI, Mr. BOREN, Mr. HONDA, Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. SIRES, Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. BECERRA, Mr. SERRANO, Mr. BACA, Ms. BORDALLO, Mr. STARK, Mr. HASTINGS of Florida, Ms. NORTON, Ms. CHU, Mr. QUIGLEY, Mr. DEUTCH, Mr. JOHNSON of Georgia, Mr. YOUNG of Alaska, Mr. PALLONE, Ms. HANABUSA, Mr. REYES, Mr. PASTOR of Arizona, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mr. McDERMOTT, Ms. HIRONO, Mr. FARR, Ms. LEE of California, Mr. HINOJOSA, Mr. LUJÁN, Mr. RANGEL, Ms. FUDGE, Mr. RAHALL, Ms. JACKSON LEE of Texas, Ms. CLARKE of New York, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVID SCOTT of Georgia, Ms. BASS of California, Mr. BISHOP of Georgia, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, and Mr. COHEN

DECEMBER 8, 2011

Reported from the Committee on Natural Resources

DECEMBER 8, 2011

The Committee on the Judiciary discharged; committed to the Committee on the Whole House on the State of the Union and ordered to be printed

A BILL

To resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PURPOSE.**

4 The purpose of this Act is to provide to certain per-
 5 sons residing in the Commonwealth of the Northern Mar-
 6 iana Islands a status applicable solely within the Common-
 7 wealth in order to allow such persons to remain lawfully
 8 in the Commonwealth.

9 **SEC. 2. TECHNICAL AND CLARIFYING AMENDMENTS RE-**
 10 **LATED TO REFORM IN THE COMMONWEALTH**
 11 **OF THE NORTHERN MARIANA ISLANDS.**

12 Section (6)(e) of the Joint Resolution entitled “A
 13 Joint Resolution to approve the ‘Covenant to Establish a
 14 Commonwealth of the Northern Mariana Islands in Polit-
 15 ical Union with the United States of America’, and for
 16 other purposes”, approved March 24, 1976 (48 U.S.C.
 17 1806(e)), as added by section 702 of the Consolidated
 18 Natural Resources Act of 2008 (Public Law 110–229;
 19 1222 Stat. 854), is amended by inserting after paragraph
 20 (5) the following:

21 “(6) SPECIAL PROVISION REGARDING LONG
 22 TERM RESIDENTS OF THE COMMONWEALTH.—

23 “(A) CNMI-ONLY RESIDENT STATUS.—

24 Notwithstanding paragraph (1), an alien de-
 25 scribed in subparagraph (C) may, upon the ap-

1 plication of the alien, be admitted as an immi-
2 grant to the Commonwealth subject to the fol-
3 lowing rules:

4 “(i) The alien shall be treated as a
5 permanent resident of the Commonwealth
6 only, including permitting entry to and exit
7 from the Commonwealth, until the earlier
8 of the date that—

9 “(I) the alien ceases to perma-
10 nently reside in the Commonwealth;
11 or

12 “(II) the alien’s status is ad-
13 justed under this section or section
14 245 of the Immigration and Nation-
15 ality Act (8 U.S.C. 1255) to that of
16 an alien lawfully admitted for perma-
17 nent residence, as defined under sec-
18 tion 101(a)(20) of such Act (8 U.S.C.
19 1101(a)(20)), if the alien is otherwise
20 eligible for such an adjustment.

21 “(ii) Unless otherwise authorized, the
22 alien shall not be permitted to travel to, or
23 reside in, any part of the United States, as
24 defined in section 101(a)(38) of such Act

1 (8 U.S.C. 1101(a)(38)), other than the
2 Commonwealth.

3 “(iii) The Secretary of Homeland Se-
4 curity shall establish a process for such
5 aliens to apply for CNMI-only permanent
6 resident status during the 90-day period
7 beginning on the first day of the sixth
8 month after the date of the enactment of
9 this Act.

10 “(B) AUTHORITY TO WAIVE CERTAIN REG-
11 ULATORY REQUIREMENTS.—The requirements
12 of chapter 5 of title 5, United States Code
13 (commonly referred to as the ‘Administrative
14 Procedure Act’), chapter 35 of title 44, United
15 States Code (commonly referred to as the ‘Pa-
16 perwork Reduction Act’), or any other law re-
17 lating to rulemaking, information collection, or
18 publication in the Federal Register, shall not
19 apply to any action to implement subparagraph
20 (A) to the extent the Secretary of Homeland
21 Security determines that compliance with any
22 such requirement would impede the expeditious
23 implementation of such paragraph.

24 “(C) ALIENS DESCRIBED.—An alien is de-
25 scribed in this subparagraph if—

1 “(i) the alien is otherwise admissible
2 to the United States under the Immigra-
3 tion and Nationality Act (8 U.S.C. 1101 et
4 seq.);

5 “(ii) the alien resided in the Common-
6 wealth—

7 “(I) on November 28, 2009; and

8 “(II) on the date of the enact-
9 ment of this Act; and

10 “(iii) the alien—

11 “(I) was born in the Northern
12 Mariana Islands between January 1,
13 1974, and January 9, 1978;

14 “(II) was, on May 8, 2008, a
15 permanent resident as that term is
16 defined in section 4303 of Title 3 of
17 the Northern Mariana Islands Com-
18 monwealth Code in effect on May 8,
19 2008;

20 “(III) is the spouse or child, as
21 defined in section 101(b)(1) of the
22 Immigration and Nationality Act (8
23 U.S.C. 1101(b)(1)), of an alien de-
24 scribed in subclauses (I) or (II); or

1 “(IV) was, on May 8, 2008, an
2 immediate relative, as that term is de-
3 fined in section 4303 of Title 3 of the
4 Northern Mariana Islands Common-
5 wealth Code in effect on May 8, 2008,
6 of a United States citizen, not with-
7 standing the age of the United States
8 citizen, and continues to be such an
9 immediate relative on the date of the
10 application described under subpara-
11 graph (A).

12 “(D) ADJUSTMENT FOR LONG TERM AND
13 PERMANENT RESIDENTS.—

14 “(i) IN GENERAL.—An alien described
15 in clauses (I), (II), or (III) of subpara-
16 graph (C)(iii) may apply to receive an im-
17 migrant visa or to adjust his or her status
18 to that of an alien lawfully admitted for
19 permanent residence on or after January
20 1, 2015, and before January 1, 2016.

21 “(ii) ALLOCATION OF IMMIGRANT
22 VISAS.—Upon the granting of an immi-
23 grant visa or approval of an application for
24 permanent residence to an alien under this
25 subparagraph, the Secretary of State shall

1 reduce by one the total number of diversity
2 immigrant visas authorized to be issued
3 under section 201(e) of the Immigration
4 and Nationality Act (8 U.S.C. 1151(e)) for
5 the fiscal year then current.

6 “(iii) FEES.—With respect to applica-
7 tions for CNMI-only permanent resident
8 status, an immigrant visa or to adjust sta-
9 tus to that of an alien lawfully admitted
10 for permanent residence submitted by an
11 alien described in clause (iii) of subpara-
12 graph (C), the Secretary of State and the
13 Secretary of Homeland Security—

14 “(I) may, in the discretion of
15 each such Secretary, reduce the fees
16 collected from the alien for CNMI-
17 only permanent resident status, an
18 immigrant visa, or an adjustment of
19 status; and

20 “(II) shall, if applicable, waive
21 the affidavit of support requirement
22 under section 213A of such Act (8
23 U.S.C. 1183a) and subparagraphs
24 (B)(ii) and (C)(ii) of section

1 212(a)(4) of such Act (8 U.S.C.
2 1182(a)(4)).”.

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