

111TH CONGRESS
1ST SESSION

H. R. 4397

To clarify the transitional status of certain aliens not provided for in subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. SABLAN 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

A BILL

To clarify the transitional status of certain aliens not provided for in subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes.

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. AVOIDING UNINTENDED CONSEQUENCES OF**
4 **THE CONSOLIDATED NATURAL RESOURCES**
5 **ACT OF 2008.**

6 Section 702 of the Consolidated Natural Resources
7 Act of 2008 (Public Law 110–229; 122 Stat. 854), is
8 amended by adding at the end the following:

1 “(1) SPECIAL PROVISION TO PROTECT CONTINUED
2 COMMONWEALTH RESIDENCE OF CERTAIN CLASSES OF
3 LONG-TERM RESIDENTS.—

4 “(1) IN GENERAL.—An alien described in para-
5 graph (2) shall be admitted as an immigrant to the
6 Commonwealth of the Northern Mariana Islands
7 subject to the following rules:

8 “(A) The alien shall be treated as an im-
9 migrant described in section 101(a)(20) of the
10 Immigration and Nationality Act (8 U.S.C.
11 1101(a)(20)) only in the Commonwealth (in-
12 cluding entry to and exit from the Common-
13 wealth) until the alien ceases to permanently re-
14 side in the Commonwealth, or, if otherwise eli-
15 gible, has adjusted status under this section or
16 section 245 of such Act (8 U.S.C. 1255),
17 whichever is earlier. Unless otherwise author-
18 ized, such an alien shall not be permitted to
19 travel to, or reside in, any part of the United
20 States (as defined in section 101(a)(38) of such
21 Act (8 U.S.C. 1101(a)(38))), other than the
22 Commonwealth.

23 “(B) The Secretary of State and the Sec-
24 retary of Homeland Security may, in the discre-
25 tion of each such Secretary, reduce fees col-

1 lected from the alien, and shall, where applica-
2 ble, waive subparagraphs (B)(ii) and (C)(ii) of
3 sections 212(a)(4) of such Act (8 U.S.C.
4 1182(a)(4)).

5 “(C) The Secretary of Homeland Security
6 determines that the alien is otherwise admis-
7 sible under section 212(a) of the Immigration
8 and Nationality Act (8 U.S.C. 1182(a)).

9 “(D) Subject to subparagraphs (B) and
10 (C), the alien shall be eligible to apply to re-
11 ceive an immigrant visa or adjust status to that
12 of an alien lawfully admitted to the United
13 States for permanent residence beginning on
14 January 1, 2015. Upon the granting of an im-
15 migrant visa or permanent residence to such an
16 alien, the Secretary of State shall not reduce
17 the total number of immigrant visas otherwise
18 available.

19 “(2) ALIENS DESCRIBED.—An alien is de-
20 scribed in this paragraph if, on May 8, 2008, was
21 residing in the Commonwealth and was—

22 “(A) a person born in the Northern Mar-
23 iana Islands between January 1, 1974, and
24 January 9, 1978;

1 “(B) a permanent resident as that term is
2 defined in section 4303 of title 3 of the North-
3 ern Mariana Islands Commonwealth Code (as
4 in effect on May 8, 2008);

5 “(C) an immediate relative of a United
6 States citizen (notwithstanding the age of the
7 United States citizen), as that term is defined
8 in section 4303 of title 3 of the Northern Mar-
9 iana Islands Commonwealth Code (as in effect
10 on May 8, 2008); or

11 “(D) the spouse or child of an alien de-
12 scribed in subparagraph (A), (B), or (C).”.

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