

**FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**FIRST REGULAR SESSION, 2006**

PUBLIC LAW NO. 15-16  
**SENATE BILL NO. 15-20, SS1**

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**AN ACT**

To amend 3 CMC §§ 4303 and 4331, Sections 3, 4, and 5 of PL 11-60 and enact new provisions to reduce the minimum investment of required of foreign retirees; and for other purposes.

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

Section 1. Findings and Purpose. Public Law 11-60 established a new class of qualified non-immigrant aliens that are allow to live in the Commonwealth as retirees for renewable 5-year periods, subject to certain conditions. The Legislature finds there is still a market of foreign investors who want to retire in the Commonwealth. Proximity to Asia, a healthy climate, clean environment, and slower pace of living ideally make the Commonwealth a competitive market for foreign retirees. The Legislature further finds that allowing foreign retirees to maintain a residence in the CNMI would generate much needed revenue, especially now, for our ailing economy. Retirees, and their extended families who could be expected to visit, would bring into the Commonwealth much needed foreign capital.

However, the Legislature finds that since the enactment of PL 11-60 very few foreign retirees have chosen to retire in the Commonwealth. One major obstacle is that the \$150,000 minimum investment required is too high. There is also a need to address the matter of the retiree's dependents and what happens upon the death of the retiree. Therefore, the purpose of the this Act is to attract more foreign retirees to make the Commonwealth their home by lowering the minimum amount of investment required and establishing sound policies to address matters regarding the retiree's dependents while ensuring that the

Commonwealth will not be burdened with having retirees and their families who are not able to sustain themselves financially.

Section 2. Amendments.

(a) 3 CMC §4303(q)(10) is repealed and re-enacted to read as follows:

“(10) An alien retiree who holds, for himself as the primary holder and his qualified dependents, a valid foreign retiree investment certificate issued by the Department of Commerce and a Foreign Retiree Investment Visa issued by the Division of Immigration. For purposes of the foreign retiree investment certificate and Visa program, a dependent of a primary holder of a foreign retiree investment certificate and Foreign Retiree Investment Visa includes the following persons who are totally dependent financially on and under the general responsibility of the primary holder:

- (1) Spouse of primary holder;
- (2) Children and stepchildren of primary holder who are under the age of 21 years;
- (3) Permanently disabled children and stepchildren of primary holder who are over the age of 20 years;
- (4) Natural parent, stepparent, or parent-in-law of primary holder and spouse; or
- (5) Natural sibling and stepsibling of primary holder or spouse who is single, without children, and permanently unable to work due to a medically established disability.”

(b) 3 CMC § 4331 is amended to add a new subsection (k) which shall read as follows:

“(k) *Foreign Retiree Investment Entry Permit.* An entry permit shall be required of any alien, including his dependents as defined under 3 CMC § 4303(q)(10), who is allowed to enter the Commonwealth, is over fifty-five (55) years of age, is not otherwise excludable pursuant to 3 CMC § 4322, and intends to apply for a foreign retiree investment certificate and visa pursuant

to 4 CMC § 50101 *et seq.* The entry permit shall be issued in accordance with subsection (d), is not subject to subsection (c)(1) or fees imposed under this chapter, is valid for 60 days from the date of issuance, and may be extended for 30 days for good cause shown as determined by the Director of Immigration after consultation with the Department of Commerce. No other entry permit shall be required of an alien or his qualified dependent(s) so long as the alien is a holder of a valid foreign retiree investment certificate and foreign retiree investment visa.”

(c) Section 3 of PL 11-60 (codified at 4 CMC § 50101) is hereby amended to read as follows:

“Section 3. Application for Foreign Retiree Investment Certificate. An application to the Department of Commerce for a foreign retiree investment certificate shall be executed while the applicant is lawfully within the Commonwealth. As used in this chapter, “department” means the Department of Commerce, and “secretary” means the Secretary of Commerce.”

(d) Section 4 of PL 11-60, codified at 4 CMC § 50102, is hereby repealed and re-enacted as follows:

“Section 4. Criteria for Eligibility. To be considered for eligibility for a foreign retiree investment certificate, an applicant shall submit proof as requested for the secretary’s review of the following:

- (a) That applicant is over the age of 55 years.
- (b) That the applicant has an interest in a residential property on Saipan in which the applicant has invested a minimum of \$100,000, or on Tinian or Rota in which the applicant has invested a minimum of \$75,000.

(1) Residential property means a single-family residence consisting of either a condominium unit entirely located on the second floor or higher or real property with a habitable dwelling.

(2) That the applicant's interest and the monetary value of the investment in the residential property are supported by a lease agreement, contract, or other document acceptable to the secretary.

(3) The applicant may invest in more than one residential property, provided that he has a minimum investment of:

(i) \$100,000 in at least one qualifying residential property on Saipan; or

(ii) \$75,000 in at least one qualifying residential property on either Tinian or Rota.

The applicant may not combine the value of investments in two or more properties to satisfy the required minimum investment under this section.

(c) That the applicant, including any dependent applicant, has not been convicted of a felony, or a crime which would be a felony, in the Commonwealth as may be supported by a certified police clearance from the applicant or dependent's prior residences within the prior 10 years.

(d) that the applicant, including any dependent applicant, has satisfied all Commonwealth health entry requirements as may be supported by a certified health clearance;

(e) A notarized declaration under penalty of perjury by the applicant and each dependent of over the age of 14 years that the applicant or dependent is not:

(i) Employed in the Commonwealth;

(ii) Engaged in the operations or management of a business in the Commonwealth; and

(iii) An owner nor have any ownership interest in a business in the Commonwealth.

(f) That the health of the applicant and each dependent is covered by insurance or other means at an annual minimum amount of \$100,000 per individual.

(g) That the applicant, including any dependent applicant, has never been excluded or deported from the Commonwealth.

(h) Fees. There is a nonrefundable initial application and renewal fee of \$1,000 the applicant and \$500 for each dependent applicant.”

(e) Section 5 of PL 11-60, codified at 4 CMC § 50103, is amended to read as follows:

“Section 5. ~~Application Process Certification; Identification Card~~. After the alien applicant has submitted all documentation set forth in this chapter, and fees as required, and is, based on a review of such documentation, determined by the secretary to be eligible for a foreign retiree investment certificate, the secretary shall issue an "Approval Letter" and identification card to the applicant which shall be evidence of a foreign retiree investment certificate. The secretary shall issue an identification card to each qualified dependent of a holder of a foreign retiree investment certificate; provided that the eligibility status of a dependent is subject to the eligibility status of the holder of a foreign retiree investment certificate, except as provided under section 3 of this act. The secretary shall certify to the director of immigration that the applicant is eligible for a foreign retiree investment visa.”

Section 3. Death of Foreign Retiree. Upon the death of the primary holder of a foreign retiree investment certificate and visa, the dependents of the primary holder shall be allowed to stay in the Commonwealth for the remainder of the term of such certificate and visa, or one year from the death of primary holder whichever is longer, provided that:

(a) A certified copy of the primary holder’s death certificate shall be filed with the Department of Commerce within 10 working days after issuance of the death certificate.

(b) The bodily remains of the primary holder shall not be buried in Commonwealth. Any repatriation cost shall be born entirely by the primary holder's family or estate.

(c) The minimum investment criteria in a residence is maintained.

(d) The personal eligibility status of all dependents holding an identification card issued pursuant to Section 5 of PL 11-60 is maintained.

(e) The primary holder, prior to death, designates in writing one dependent who is over the age of 20, and the dependent agrees unconditionally, to assume the primary holder's obligations, duties and responsibilities to comply with all requirements under the foreign retiree investment certificate and visa as provided in this act and rules and regulations.

Section 4. Two-Year Foreign Retiree Investment Certificate. There is hereby established a pilot program to permit alien retirees to live in the Commonwealth not to exceed two years subject to the provisions of this section.

(a) The pilot program is limited to Japanese nationals. The Legislature may, as it deems in the best interest of the Commonwealth in the future, extend this program to include other foreign nationals.

(b) The provisions of this act shall apply to an alien retiree who applies for a foreign retiree investment certificate pursuant to this section, except that and notwithstanding any other provision of this act to the contrary:

(1) The minimum investment in a residence shall be equivalent to \$1,500 in monthly lease or rent.

(2) The residence may be a free-standing house on a lot, a condominium, or an apartment, but shall not include a hotel room or other dwelling unit in a building used primarily to house transient guests.

(3) The Secretary of Commerce, from time to time, shall require such proof from the applicant such as a copy of the lease or rental agreement, or amendments thereto, that applicant is in compliance under this section.

(4) The term of a foreign retiree investment certificate and visa issued pursuant to this section is two years and is not renewable. If a primary holder of a certificate and visa issued under this section wants to continue living in the Commonwealth after the expiration of his certificate and visa, then he and any dependent applicant must apply and be approved, prior to such expiration, for a 5-year foreign retiree investment certificate and visa.

Section 5. Regulations. The Department of Commerce and the Office of the Attorney General shall consult each other to promulgate rules and regulations to implement the intent and provisions of this act as it pertains to respective functions.

Section 6. 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 7. 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 on the date this Act becomes effective.

Section 8. Effective Date. This Act shall take effect upon its approval by the Governor or its becoming law without such approval.

**CERTIFIED BY:**

**ATTESTED BY:**

/S/ \_\_\_\_\_  
**JOSEPH M. MENDIOLA**  
President of the Senate

/S/ \_\_\_\_\_  
**MARIA FRICA T. PANGELINAN**  
Senate Legislative Secretary

APPROVED this 20<sup>TH</sup> day of JUNE, 2006

/S/ \_\_\_\_\_  
**BENIGNO R. FITIAL**  
Governor  
Commonwealth of the Northern Mariana Islands