

Congress of the United States
House of Representatives
Washington, DC 20515

IGIA briefing
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Congressman Sablan requests coordination between the Departments of Homeland Security and State on the issue of visa issuance in the NMI, and coordination between the Secretaries of Education and Interior regarding the use of Fiscal Stabilization Funds

- 1. Coordination is needed between the Departments of State and Homeland Security to ensure that the extension of Federal immigration law to the Northern Mariana Islands includes plans for visa issuance to new groups of NMI-only non-immigrants.**

Last year, Congress passed the Consolidated Natural Resources Act – P.L. 110-229 – extending Federal immigration law to the Northern Mariana Islands. For 30 years prior to that, the Northern Marianas enforced its own immigration law.

Federalization begins with an initial five-year “transition period,” set to begin on June 1, 2009. During the transition period, there will be new classes of non-immigrants eligible to live and work in the NMI, including NMI-only workers, and “grandfathered” aliens who are permitted to live and work in the NMI for the duration of their NMI-issued visas.

The Department of Homeland Security, which has most of the responsibility for extending Federal immigration law to the NMI, asserts that the NMI-only non-immigrants will be eligible to live and work in the NMI – but will not be able to leave and then re-enter the NMI without a Department of State-issued visa.

However, Homeland Security has informed my office that it is not aware of any Department of State plans for visa issuance in the NMI. I am concerned that this means that there are no plans. I am also concerned that if there are plans, but Homeland Security doesn't know about them, then these plans are being made without communication with the agency which is nearly entirely responsible for regulating the classes of people for whom visas will have to be issued.

The seriously ill are one group of NMI residents who are at risk because of the lack of visas. The NMI has limited facilities to care for those with certain serious medical problems and this forces NMI residents to go to Hawaii or to the Philippines for medical care. Without coordinated efforts ensuring visa issuance plans are in place, sick NMI residents will be faced with an impossible choice between treatment and home.

Immediate relatives (“IRs”)—children, spouses and parents of U.S. citizens who under NMI law may reside in the Commonwealth – are another vulnerable group whose visa needs must be considered. Many IRs have been living in the Commonwealth with their families for upwards of twenty years. The U.S. has no equivalent visa – and many IRs are not eligible for any U.S. visas. Under the CNRA, these IRs may remain in the NMI for the duration of their IR permit. However, if they must leave the NMI at any point during this duration, they risk being separated from their families; though legally permitted to be in the NMI, these IRs will be unable to re-enter the NMI without a U.S.-issued visa. Unless the Department of State and the Department of Homeland Security have coordinated visa issuance efforts, these IR families are at risk of separation.

I ask that the Department of Homeland Security and the Department of State coordinate their efforts in order to ensure plans have been made for visa issuance to NMI-only non-immigrants. The CNRA extends the basic tenets of U.S. immigration policy to the Marianas. One of these tenets is the unification of families. A lack of coordination could undermine this tenet. The CNRA also calls for an “orderly” phasing-in of Federal immigration, which surely calls for the agencies responsible for phasing in Federal immigration to ensure that adequate plans have been made for the issuance of visas to those who will need them.

2. Coordination is needed between the Secretaries of Education and Interior regarding the use of Fiscal Stabilization Funds provided in Title XIV of the American Recovery and Reinvestment Act.

The ARRA provides up to \$268,000,000 to the four “outlying” insular areas of the United States to support education, as well as public safety and other government services. These funds are provided in Title XIV, the State Fiscal Stabilization Fund.

The NMI, of course, welcomes this grant from the Federal government. We are an area of the United States that is impacted not just by the current recession, but by a series of blows that have laid our economy low.

So it is most important to us to be sure the new monies coming from the Federal government are spent wisely and well to create jobs, minimize disruption in local government services, and create a basis for future economic health.

The allocation of the ARRA funds is the responsibility of the Secretary of Education and is to be based on the respective need of the insular areas.

The legislation also requires consultation between the Secretary of Education and the Secretary of the Interior in making this need-based allocation for activities set by the legislation.

This consultation is a valid requirement. The Secretary of Education certainly has the resources to make determinations regarding education. However, with respect to other functions of government the Secretary of the Interior – and the Office of Insular Affairs under the Secretary – is the expert.

I believe that the Interagency Group of Intergovernmental Affairs is precisely the forum at which to raise the need for active coordination between the two Secretaries in the management of the funds provided in the ARRA. Both in determining for which activities these funds are to be used and in tracking the management of those funds at the local level the Departments of Education and Interior – and the people of the Northern Mariana Islands – will be best served by a transparent process of cooperation and coordination.