



Name of Country and Jurisdiction:

## Northern Mariana Islands

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to the Northern Mariana Islands, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to the Northern Mariana Islands for an authority to grant a divorce/dissolution?



### 1. What forms of legally recognized relationships are available?



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Northern Mariana Islands	8 N. Mar. I. Code §§ 1201–1205.	Yes <sup>1</sup>

<sup>1</sup> On June 26, 2015, the United States Supreme Court issued a decision in four consolidated cases from the Sixth Circuit Court of Appeals under the name *Obergefell v. Hodges*, 576 U.S. \_\_\_\_\_ (2015), regarding same-sex marriage. The appeals arose from federal district court decisions in Michigan, Kentucky, Ohio, and Tennessee, which struck down as unconstitutional laws that denied the 14 petitioners the right to marry or refused to give full recognition to marriages lawfully performed in another state. The laws at issue in those states define marriage as a union between one man and one woman. The Sixth Circuit had reversed those decisions (in *DeBoer v. Snyder*, 772 F.3d 388 (2014)), holding that a state had no constitutional obligation to allow same-sex marriages or to recognize those performed in another state. In a 5-4 majority opinion, the U.S. Supreme Court held that the Fourteenth Amendment requires a state to license marriages between same-sex couples and to recognize lawfully performed same-sex marriages from another state. The Court held that the right to marry is protected under both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. Because the Court found that state laws at issue burden the liberty and abridge the equality of same-sex couples, they must be struck down.

**Q**

**2. What are the requirements to be able to enter into the above relationships?**

**A**

(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	There are no residency requirements in the Northern Mariana Islands.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<ul style="list-style-type: none"> <li>For marriages between two persons who are not citizens of the Trust Territory<sup>2</sup> or between a noncitizen and a citizen:</li> <li>A male must be at least 18 years old and a female must be at least 16 years old. A female under age 18 must have the consent of at least one parent or guardian. 8 N. Mar. I. Code § 1201(a).</li> <li>Neither of the respective parties may have a lawful living spouse. <i>Id.</i> § 1201(b).</li> <li>The parties must obtain a marriage license from the governor or a mayor. <i>Id.</i> § 1202.</li> <li>A marriage ceremony must be performed within the Northern Mariana Islands by an ordained minister, a judge, the governor, or any person authorized by law to perform marriages, in the presence of at least two witnesses. <i>Id.</i> §§ 1201(c), 1203.</li> <li>Marriages between two citizens of the Trust Territory that are “solemnized in accordance with recognized customs” are valid. <i>Id.</i> § 1205.</li> <li>All marriages, regardless of the citizenship of the parties, must be registered with the Commonwealth Trial Court within 10 days following the ceremony. <i>Id.</i> § 1204.</li> </ul>

<sup>2</sup> “Trust Territory” refers to the Trust Territory of the Pacific Islands, a former territory under the trusteeship of the United Nations that included the Northern Mariana Islands, Micronesia, the Marshall Islands, and Palau. Many statutes in the Northern Mariana Islands Commonwealth Code are adapted from the Trust Territory Code, which is no longer in effect. See *Trusteeship Council*, United Nations, <http://www.un.org/en/decolonization/trusteeship.shtml> (last visited Aug. 25, 2015); *1980 Trust Territory Code*, Commonwealth Law Revision Commission, <http://www.cnmilaw.org/ttcode.html> (last visited Aug. 25, 2015).





**3. If both marriage and civil unions exist:**

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).



(a)–(c)	Not applicable. The Northern Mariana Islands do not recognize civil unions.
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**4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?**



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>A person who is not a citizen of the Trust Territory may not marry a citizen or another noncitizen if he or she has a lawful living spouse. 8 N. Mar. I. Code § 1201.</p> <p>The Commonwealth Code does not expressly state that two citizens of the Trust Territory may not marry each other if one of them has a lawful living spouse. The only requirement for marriage between citizens is that it be “solemnized in accordance with recognized customs,” a phrase that is not defined in the Commonwealth Code. <i>Id.</i> § 1205.</p>



**5. When a couple comes to the Northern Mariana Islands, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?**



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Yes. Legal marriages from other jurisdictions are recognized as marriages in the Northern Mariana Islands. See <i>Islam v. Islam</i>, 2009 MP 17 ¶¶ 25–26 (N. Mar. I. Dec. 22, 2009) (citing the Restatement (Second) of Conflict of Laws § 283(2) (1971) for the proposition that a marriage legally entered into in one country should be recognized as valid everywhere, “unless it violates the strong public policy of another state which had the most significant relationship to the spouses and the marriage at the time of the marriage”).</p>





**6. How can each form of relationship be dissolved? What is the residency requirement or other link to the Northern Mariana Islands for an authority to grant a divorce/dissolution?**



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Divorce is permitted for the following reasons:</p> <ul style="list-style-type: none"> <li>• Adultery;</li> <li>• Cruel treatment or neglect by one spouse toward the other;</li> <li>• Willful desertion for a year or longer;</li> <li>• Abuse of alcohol or drugs for one year or longer;</li> <li>• Sentencing of either spouse to life, or to three or more years, in prison;</li> <li>• Insanity of one spouse for three or more years;</li> <li>• Irreconcilable differences;</li> <li>• Separation for two consecutive years without cohabitation; or</li> <li>• Willful neglect by a husband to provide for his wife when able to do so. 8 N. Mar. I. Code § 1331.</li> </ul> <p>For contested divorces, one of the parties must be a resident of the Northern Mariana Islands for at least 90 days before filing for divorce. If both parties consent in writing to the dissolution of the marriage, a divorce may be granted if one spouse has resided in the Northern Mariana Islands for only seven days. <i>Id.</i> § 1332.</p>

**Sources:**

- 8 N. Mar. I. Code §§ 1201–1205.
- *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015).
- Homosexual acts decriminalized: Commonwealth Criminal Code §§ 408, 410 (criminalizing sodomy and oral copulation only when without consent or with person under 18).
- Ferdie De La Torre, *AG Says They Will Be Working with Inos Admin in Drafting Regs*, Saipan Tribune (June 30, 2015), <http://www.saipantribune.com/index.php/ag-says-they-will-be-working-with-inos-admin-in-drafting-regs/> (reporting that the Attorney General of the Northern Mariana Islands stated that the territory must follow the *Obergefell* ruling and that his office will work with the governor’s office to draft new regulations and marriage applications).

