



Friday 3rd May 2013

Bulletin 884 - 05/13 - US Customs Issues - US

The Club has been advised of a number of recent claims in the US involving crew visas and security concerns when crew members are detained.

US Customs has recently issued a memorandum which states:

When the reasons for detaining a crewmember are purely administrative such as a lack of a visa, the individual is not considered a high risk and the crew security plans are sufficient and neither operational controls nor additional security requirements are necessary.

In cases where a restriction is due to security concerns and the CBP (Customs & Border Patrol) determines the crewmember is a high risk, CBP will issue a detain on board order to the vessel and recommend that the Coast Guard deny entry to the vessel.

The full Memo issued by the US Coast Guard can be viewed [here](#).

Another US Customs issue that a Member was faced with recently concerned the 29 Day Rule:

When a vessel arrives from a foreign port, CBP is allowed to issue the crew, on arrival at the first U.S. Port of call, an I-95 Landing Permit which is valid for 29 days only. No extensions are granted unless under emergency medical or humanitarian situations.

If the I-95 Landing Permit has expired CBP will grant the crew member voluntary departure, however CBP will cancel the crew member's C1/D Visa. CBP may be lenient in the emergency medical or humanitarian and not void the C1/D Visa, but this is up to the individual CBP Officer and the C1/D could be voided.

The 29 Day Rule creates issues for Members who have a vessel that calls on the West Coast and then proceeds coastwise to the Gulf or East Coast, or the vessel starts on East Coast and proceeds down the East Coast and ends up in the Gulf causing the vessel to stay in the U.S. Ports longer than 29 days.

Members that have vessels in the US longer than 29 days should take necessary precautions to avoid crew member's visa's being cancelled.

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