



Ship Type: All Trade Area: Brazil

Bulletin 62 - 08/98 - Stowaways: disembarkation and detention - Brazil

A new Brazilian Government Ordinance states that all stowaways arriving at Brazilian ports are to be disembarked from the carrying ship on arrival. Following disembarkation, the stowaways are to be held in detention until travel documents necessary for their repatriation are obtained.

On first examination this appears to be a helpful development, However such assistance may create an additional problem. For example, the local authorities may demand from the owner of the ship responsible for bringing the stowaways into Brazil financial security for the anticipated detention and repatriation costs. By definition control of these costs will be in the hands of the enforcing authority and not that of the ship owner.

An Ordinance is stronger than a guideline, but it is not in fact Brazilian Law. It will therefore be open to local interpretation by the police/immigration authorities and therefore may not be enforced in all ports. To date, we are only aware of it being applied at the port of Cabadello.

This regulation has not been tested and it may depending on individual circumstances, appropriate for the Member to apply for a court injunction to allow the stowaways to remain on board. In order to obtain the best assistance and up to date advice, Members are requested to advise the Club as soon as practicable if they are intending calling at a Brazilian port with stowaways onboard.

The UK Club's Stowaway Team is in the process of gathering more information on this development.

Source of Information: Christopher Dent F6