



Ship Type: All

Trade Area: Australia

Bulletin 515 - 03/07 - New Maritime Crew Visa from 1 July 2007 - Australia

The Maritime Crew Visa (MCV) will replace the current Special Purpose Visa (SPV) granted on arrival if foreign crew hold a valid passport and have been issued with a document that establishes their employment on the ship.

The MCV largely follows the existing SPV arrangements for foreign crew and their accompanying spouse and dependent children (where travelling with crew). However, the MCV will require a formal visa application to be made outside Australia to allow security checking of foreign crew and align them with other categories of temporary entrants who travel to Australia.

1. Transitional period – 1 July to 31 December 2007

Applications for the MCV will commence from 1 July 2007. There will be a six-month transitional period until 31 December 2007, to allow the industry time to comply with the MCV requirements. During the transitional period, the SPV arrangements will continue to apply to ensure that foreign crew who arrive without an MCV may still arrive lawfully in Australia.

2. Mandatory requirements from 1 January 2008

From 1 January 2008, the following requirements will be mandatory for the lawful arrival in Australia of foreign crew:

- Crew must hold a valid national passport
- Crew must hold a Maritime Crew Visa granted against the same passport
- There must be another document that establishes the crew member's employment on the ship (for example, crew list, articles, seaman's book or contract of employment).

Foreign crew who fail to meet the above requirements may be restricted on board the ship. The operator, master, charterer and agent may also be liable to a fine of AUD5,000 for each person who is refused immigration clearance.

3. MCV key features

- Foreign sea crew (except New Zealanders and Australian Permanent Visa Holders) will be required to hold a MCV for arrival and stay in Australia
- MCV will only be valid for travel to Australia by sea for ship's crew. MCV will not allow travel to Australia by air
- MCV will be free of charge and can be applied for over the internet, or lodged by mail or courier
- MCV holders must be immigration cleared (as advised by Customs) before they can depart a ship, otherwise their MCV ceases
- MCV will be valid for three years from the date the visa is granted and will allow multiple entries by sea, as sea ship's crew only, for the period the visa remains valid.

The Club's local correspondent in Brisbane, Australia, advise that their experience has been that the Department of Immigration and Citizenship (DIAC) apply the strict letter of the law when it comes to visa requirements. If a crewmember arrives in Australia without a visa or proper travel documents, the crewmember has committed an offence (even if employed on the ship) and DIAC almost always impose a fine of AUD5,000 for each person who is refused immigration clearance. The offence is one of strict liability and even where there are unusual circumstances, DIAC are unlikely to withdraw or waive the fine.

Source of information: Thynne & Macartney
Brisbane, Queensland, Australia
Tel: +61 7 3231 8850/8857
Email: fturner@thymac.com.au / mfisher@thymac.com.au