

2015

## SHORE LEAVE SURVEY



### **The Seamen's Church Institute**

Center for Seafarers' Rights

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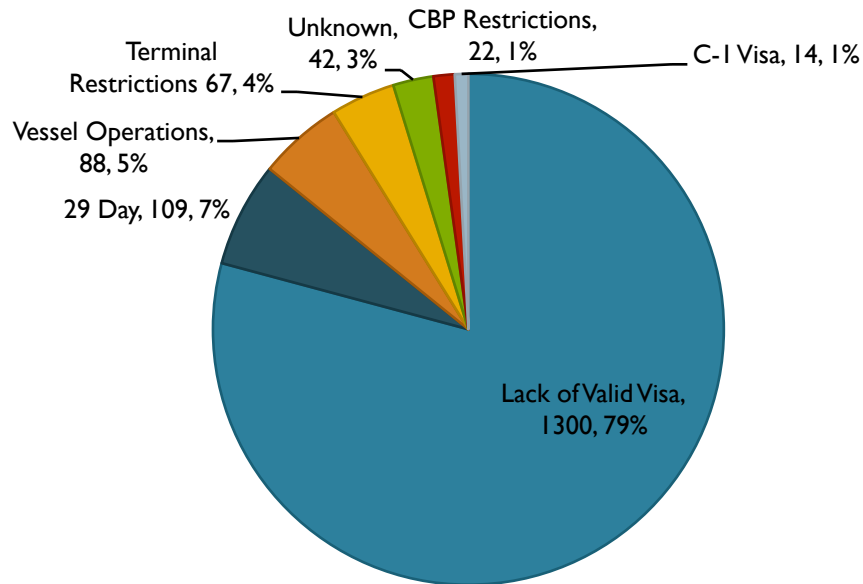
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### **2015 SHORE LEAVE SURVEY SUMMARY**

The Seamen's Church Institute's Center for Seafarers' Rights conducted its fourteenth annual Seafarer Shore Leave Survey during the week of May 23–29, 2015. During the survey week, North American Maritime Ministry Association (NAMMA) member organizations and other port ministries in 27 United States ports visited 429 vessels with 9,495 crewmembers representing roughly 45 nationalities. One thousand six hundred forty two (1,642) seafarers on 128 vessels were denied shore leave. An overwhelming majority (79%) of these seafarers were denied shore leave because they did not have valid visas. Other reasons for shore leave denials included seafarers who remained on their vessels in United States waters for more than 29 days (7%), vessel operations (5%), terminal restrictions (4%), Customs and Border Protection (CBP) restrictions (1%), and seafarers who entered the United States on C-1 transit visas and were detained on board after joining their vessels (1%).

## REASONS FOR DENIAL OF SHORE LEAVE



## SHORE LEAVE RESTRICTIONS DATA FROM SHIP VISITING

North American Maritime Ministry Association (NAMMA) member organizations and other maritime ministries in 27 United States ports visited 429 vessels and documented seafarers' shore leave data during the week of May 23–29, 2015. One hundred twenty four of the 429 vessels (29% of the vessels) had at least one seafarer on board who had been denied shore leave. Of the 9,495 seafarers who were on board the 429 ships surveyed, 1,642 of them (approximately 17%) were denied shore leave.<sup>1</sup> Compared to last year's survey, this year's data shows an increase in shore leave denials for both percentage of ships with at least one seafarer denied shore leave and in the percentage of seafarers denied shore leave. In 2014, approximately 23.3% of the ships had at least one crewmember denied shore leave, and 11.2% of seafarers on the surveyed ships were denied shore leave.<sup>2</sup>

This year, of the seafarers denied shore leave, 79% were denied leave because they did not have valid visas, compared to the 86.4% last year.<sup>3</sup> One hundred nine seafarers (7%) were denied shore leave because their CBP Form I-95 Crewmember Landing Permits had expired after 29 days. Eighty-eight seafarers (5%) were denied shore leave because of vessel operations. Sixty-seven seafarers (4%) were unable to go ashore because of terminal operations. CBP detained twenty-two seafarers (1%). Fourteen seafarers (1%) who entered the United States on C-I transit visas were not allowed to go ashore after joining their vessels.

<sup>1</sup> For reports where vessels had an unspecified amount of crewmembers, the average of 22 crewmembers per ship was used for

<sup>2</sup> *Seafarer Shore Leave Survey 2014*

<sup>3</sup> *Seafarer Shore Leave Survey 2014*

## CREWMEMBER VISAS

In this year's survey, 79% of seafarers denied shore leave were denied because they lacked a valid crewmember (D or C-I/D) visa. The Convention on Facilitation of International Maritime Traffic (FAL) prohibits countries from requiring seafarers to have a visa for shore leave.<sup>4</sup> Although the United States has ratified the FAL, it still requires crewmembers on merchant ships to have a visa before being allowed shore leave.

Ratification of the International Labour Organization's Seafarers' Identity Documents Convention (Revised), 2003 (ILO-185) would both enhance maritime security and increase seafarers' shore leave opportunities in the United States. The Convention enhances maritime security by setting international standards for seafarer identification documents that provide reliable, positively verifiable and internationally acceptable seafarer identification. Countries that have ratified ILO-185 are obligated to accept valid ILO-185 seafarers' identification documents in place of visas for the purposes of shore leave. The United States could comply with ILO-185 by waiving visa requirements for seafarers who have valid ILO-185 seafarers identity documents. Effective security could be maintained through the existing 96-hour pre-arrival crewmember vetting process and seafarers' identity could be verified with ILO-185 seafarers identity documents supplemented by implementing the US Visit program in American seaports.

This year's survey was the second to be conducted after Maritime Labour Convention, 2006 (MLC, 2006) came into force in August 2013. The MLC, 2006 was in force in 56 countries during the survey week. Standard A1.4 Paragraph 5(b) of the MLC, 2006 requires shipowners to pay for seafarers' visas. Furthermore, flag states must verify shipowners' compliance with the MLC, 2006 recruitment and placement requirements, which include Standard A1.4 Paragraph 5(b), before issuing a Maritime Labour Certificate.<sup>5</sup> Approximately 81% of the 1,300 seafarers who were denied shore leave because they did not have a visa were serving on ships registered in countries where the MLC, 2006 was in force: Antigua & Barbuda (41), Bahamas (59), Cayman Islands (8), Cyprus (23), Gibraltar (2), Greece (30), Liberia (116), Luxembourg (1), Malta (179), Marshall Islands (172), Norway (16), Panama (312), Singapore (68) and United Kingdom (17).

The number of seafarers detained for lack of a valid visa as a portion of total seafarers detained broken down by flag state are: Antigua & Barbuda: 41/61 (67.2%); Bahamas: 59/59 (100%); Cayman Islands: 8/8 (100%); China: 22/22 (100%); Cyprus: 23/23 (100%); Gibraltar: 2/47 (4.3%); Greece: 30/30 (100%); Hong Kong: 212/217 (97.7%); Liberia: 116/201 (57.7%); Luxembourg: 1/1 (100%); Malta: 179/179 (100%); Marshall Islands: 172/175 (96.1%); Norway: 16/39 (41.0%); Panama: 312/400 (80.3%); Singapore: 68/97 (70.1%); Turkey: 22/22 (100%); United Kingdom: 17/17 (100%).

Similarly, labor-supplying countries that have ratified the MLC, 2006 must have laws, regulations or other measures that require shipowners to pay for seafarers' visas.<sup>6</sup> Seafarers from labor-

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<sup>4</sup> *Standard 3.4.4. Foreign crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety or public order.*

*Standard 3.4.5. Crewmembers shall not be required to hold a visa for the purpose of shore leave.*

<sup>5</sup> *Standard A5.1.3¶1*

<sup>6</sup> *Standard A1.4¶5 and A1.4¶5(b)*

supplying countries that have ratified the MLC, 2006 who were denied shore leave because they did not possess valid visas include: Bulgaria (2), Croatia (1), Greece (1), Philippines (395), Poland (1) and Russia (18).

### **CBP RESTRICTIONS**

An estimated 22 seafarers on one ship registered in Lebanon were reported as being denied shore leave by CBP. The reason why CBP denied shore leave was not provided to the reporting chaplain.

### **SHIP OPERATIONS RESTRICTIONS**

Eighty-eight seafarers were not able to go ashore because of their vessels' brief time in port coupled with operational requirements of the vessel.

### **TWENTY-NINE DAY RULE**

Seafarers who enter the United States on a crewmember D visa are given a CBP Form I-95 Crewman's Landing Permit (commonly called a shore pass). The I-95s provide shore leave for seafarers for 29 days or until they depart the United States, whichever is earlier. Some ships call at several ports in the United States before departing for a foreign port, and their stay in United States waters can sometimes exceed 29 days. One hundred nine seafarers from 5 vessels were reported (from the Port of Houston) to have been detained because they were in United States waters on their vessels for more than 29 days and their I-95s had expired.

### **TRANSIT VISA RESTRICTIONS**

Non-USA citizen seafarers who join their ships in the United States enter the United States on a transit visa (C-1). Entry on a C-1 visa is authorized for immediate and continuous transit from the port of entry, usually an airport, to the vessel. Admission on a C-1 visa is valid for up to 29 days or until the seafarer joins the vessel. Seafarers cannot be reinspected by CBP while in the United States or be given a change in status. Therefore, after joining their vessels, seafarers who entered the United States on C-1 visas must remain on their vessels until they depart the United States. Fourteen seafarers who entered the United States on C-1 status to join their vessels were detained on their vessels after joining them.

### **TERMINAL ACCESS RESTRICTIONS**

Sixty-seven seafarers were denied shore leave by terminal restrictions. All of them were on three vessels at the Ben E. Nutter terminal in Oakland, California. This terminal provides a free shuttle to seafarers only when cargo operations are taking place. However, when cargo operations are not taking place, all access through the terminal is prohibited. Chaplains are not permitted to enter the terminal.

The data does not reflect the number of seafarers who were detained on ships in the terminals where chaplains and seafarers were denied access through the terminals. This report is based on restrictions actually observed by chaplains in their ship visits; accordingly, the number of seafarers being denied shore leave by terminal restrictions is probably under-reported. When

resources are limited, chaplains must be very selective about which terminals and ships they visit. Attempting to serve as many seafarers as possible can sometimes mean that chaplains do not visit seafarers on ships in terminals where access is difficult. As a result, the number of seafarers denied shore leave by terminal restrictions is probably higher than reported.

On December 29, 2014, the U.S. Coast Guard published proposed regulations that would require terminals to provide seafarers on vessels moored at the facility, chaplains and other individuals with access between the vessel and facility gate without unreasonable delay, and at no cost to the seafarer, chaplain or other individual.

The proposed rule would also provide facility owners and operators flexibility to implement a system for seafarers' access that is tailored to each facility. Facility owners and operators would be required to amend and document their access procedures in their Coast Guard-approved facility security plans within one year of the publication of the final rule. The proposed regulations can be read at this link: <http://www.gpo.gov/fdsys/pkg/FR-2014-12-29/pdf/2014-30013.pdf>

The proposed regulations relied in part on data collected in our previous Seafarer Shore Leave Surveys. Accordingly, to provide data for the Coast Guard to consider in its rulemaking, we asked participants in this year's shore leave survey to describe conditions at terminals that do not provide free and timely access for seafarers and chaplains between terminal gates and vessels moored at the terminals.

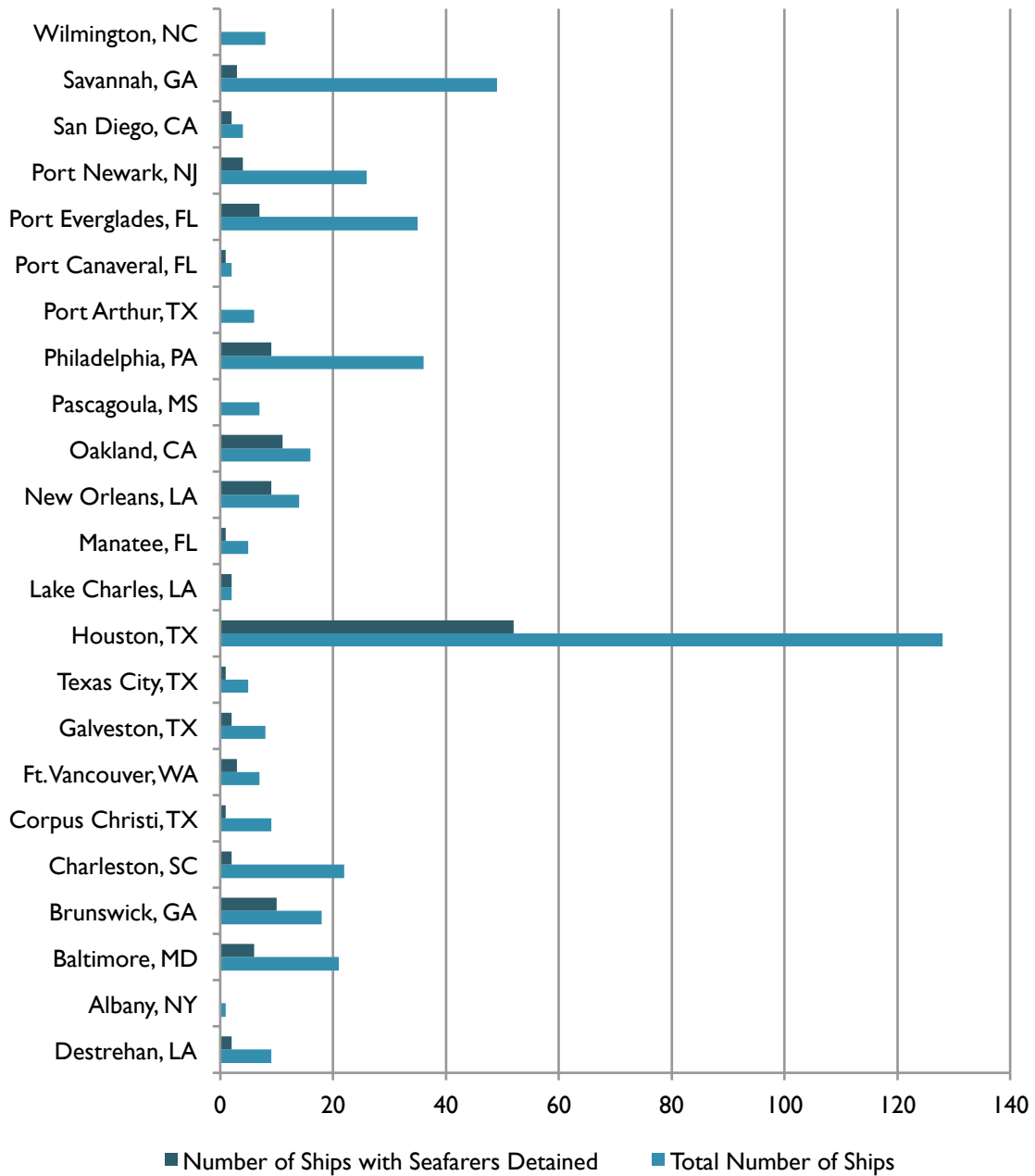
<b>PORT</b>	<b>TERMINAL</b>	<b>COMMENTS</b>
<b>Baltimore, MD</b>	Maryland Port Authority Terminals (Dundalk Marine Terminal, Seagirt, North Locust Point, South Locust Point, and Fairfield)	MPA terminals do not provide escorts or free shuttle services. Seafarers are not allowed to walk to terminal gate. Terminals rely on seafarers' welfare organizations and designated expensive private services to escort seafarers. Credentialed representatives of seafarers' welfare organizations are allowed access free of charge. If representatives of seafarers' welfare organization are not available, seafarers must rely on private taxis or escorts. Private services may escort. Escorts between gate and ship cost \$75. Escorts from ship to local mall cost \$200 round trip for a group of seven.
<b>Baltimore, MD</b>	CNX Consul Coal	CNX terminal does not provide free shuttle service or escorts. Seafarers may not walk in terminal without an escort, even on fenced-in narrow pier. Seafarers' welfare organizations and designated private services may escort on foot; private services in private terminals are cheaper than transport from state terminals, but details vary. Seafarers' welfare organizations' personnel are not charged for entry and are credentialed after a reasonable amount of training/paperwork. Seafarers' welfare organizations' personnel cannot board vessels until the Declaration of Security has been delivered from terminal office to the front gate after CBP has departed vessel, causing a delay of over an hour.
<b>Baltimore, MD</b>	AMS – American Sugar Domino	Domino terminal does not provide shuttles or escorts. Seafarers may not walk unescorted to inner gate, even though gangway is extremely close. Seafarers' welfare organizations and designated private services (some cheaper than at MPA) may escort. Seafarers' welfare organization personnel are not charged for entry and are credentialed after a reasonable amount of training/paperwork.
<b>Baltimore, MD</b>	Nustar	Nustar sees only about 3 vessels a year. Terminal provides inconsistent guidance on requirements. Earlier this year, terminal allowed only ships' masters to transit terminal. Policy now is that seafarers may transit terminal if terminal is informed of their names 24 hours before docking and if seafarers' welfare organization personnel escort them.

<b>Destrehan, LA</b>	International Matex Tank Terminal	Terminal charges vessel \$400–\$500 to escort seafarers through the terminal.
<b>Houston, TX</b>		Several terminals allow taxis to transport seafarers from their ship to their desired destination. The seafarers pay for their taxi from the ship to their destination. Several terminals provide a shuttle service from the ship to the Security Gate. At terminals where the seafarers are transported to the Security Gate, the seafarers' welfare organizations' vans do not enter the terminal. All other terminals allow seafarers' welfare organizations' vans to enter the terminal and escort seafarers to and from gate.
<b>New Orleans, LA</b>	Kinder Morgan – Harvey, LA	Gate guards do not appear to be familiar with the terminal's security procedures, often giving representatives of seafarers' welfare organizations inconsistent and conflicting instructions.
<b>Port of NY &amp; NJ</b>	KMI Carteret and KMI Perth Amboy	Terminals provide seafarers free escort between vessel and gate between 12:30 pm and 5:30 pm but not at other times. Representatives of seafarers' welfare organizations allowed free access at all times.
<b>Port of NY &amp; NJ</b>	Nu Star, Lindon Chevron	Terminals provide seafarers free escort between vessel and gate between 12:30 p.m. and 5:30 p.m., but not at other times. Representatives of seafarers' welfare organizations allowed free access at all times.
<b>Port of NY &amp; NJ</b>	ConocoPhillips, Bayway	Terminal does not provide free escort to seafarers between vessel and gate. Representatives of seafarers' welfare organizations allowed free access, provided they complete escort training and give advance notice of request to enter terminal
<b>Port of NY &amp; NJ</b>	Motiva Sewaren	Terminals provide seafarers free escort between vessel and gate between 12:30 p.m. and 5:30 p.m., but not at other times. Representatives of seafarers' welfare organizations allowed free access in coordination with ship's agent.
<b>Port of NY &amp; NJ</b>	Maher Terminal, Elizabeth	Terminal has a shuttle bus between ship and gate for port workers only. Terminal relies on seafarers' welfare organizations' vans and ship-hired transportation for seafarers. Terminal often provides transportation for seafarers when there are no seafarers' welfare organizations, ship agents or other ship-hired transportation available. Representatives of seafarers' welfare organizations are provided access at all times.

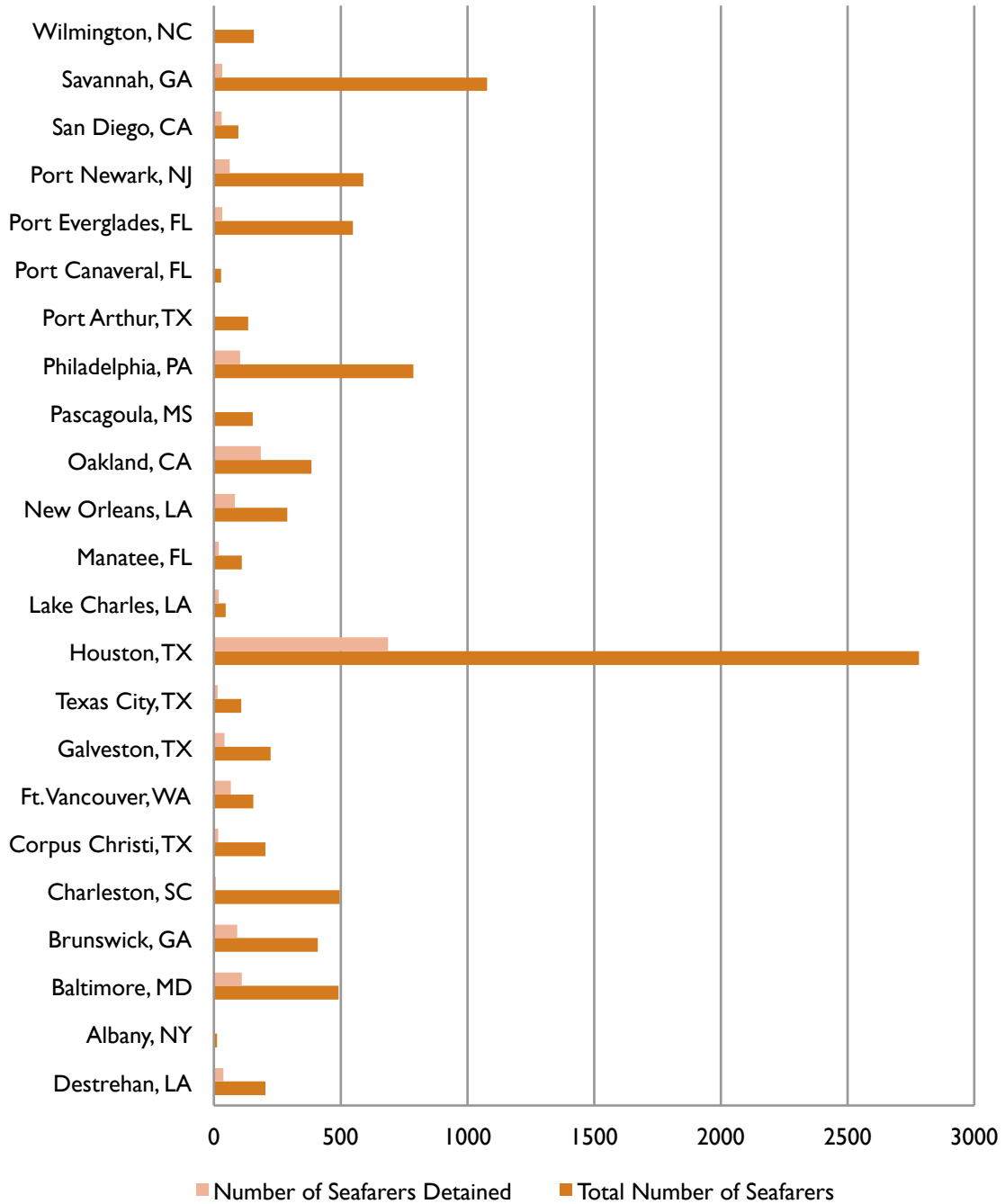
<b>Norfolk, VA</b>	Virginia International Terminals: Norfolk International Terminals (NIT), Portsmouth Marine Terminal (PMT), Virginia International Gateway (VIG), and Newport News Marine Terminal (NNMT).	Port of Virginia Terminal Safety Unit no longer provides at-will transportation for seafarers. Visits to vessels by representatives of seafarers' welfare organizations require a request from the vessel's captain through its agent. Terminals no longer transport representatives of seafarers' welfare organizations unless the Captain sends an email to the terminal requesting a visit by the representative or agency. This policy has severely restricted port chaplains' access to the ships and seafarers.
<b>Oakland, CA</b>	Ben E. Nutter Terminal	Terminal provides shuttle bus for seafarers and representatives of seafarers' welfare organizations only when vessels are loading or unloading cargo.
<b>Texas City, TX</b>	Oil Tanking (Separate entrance from main entrance to the Port of Texas City)	Seafarers are not allowed to call a taxi to come in if the seafarers' center van is not available, and the terminal does not offer transportation to the gate.



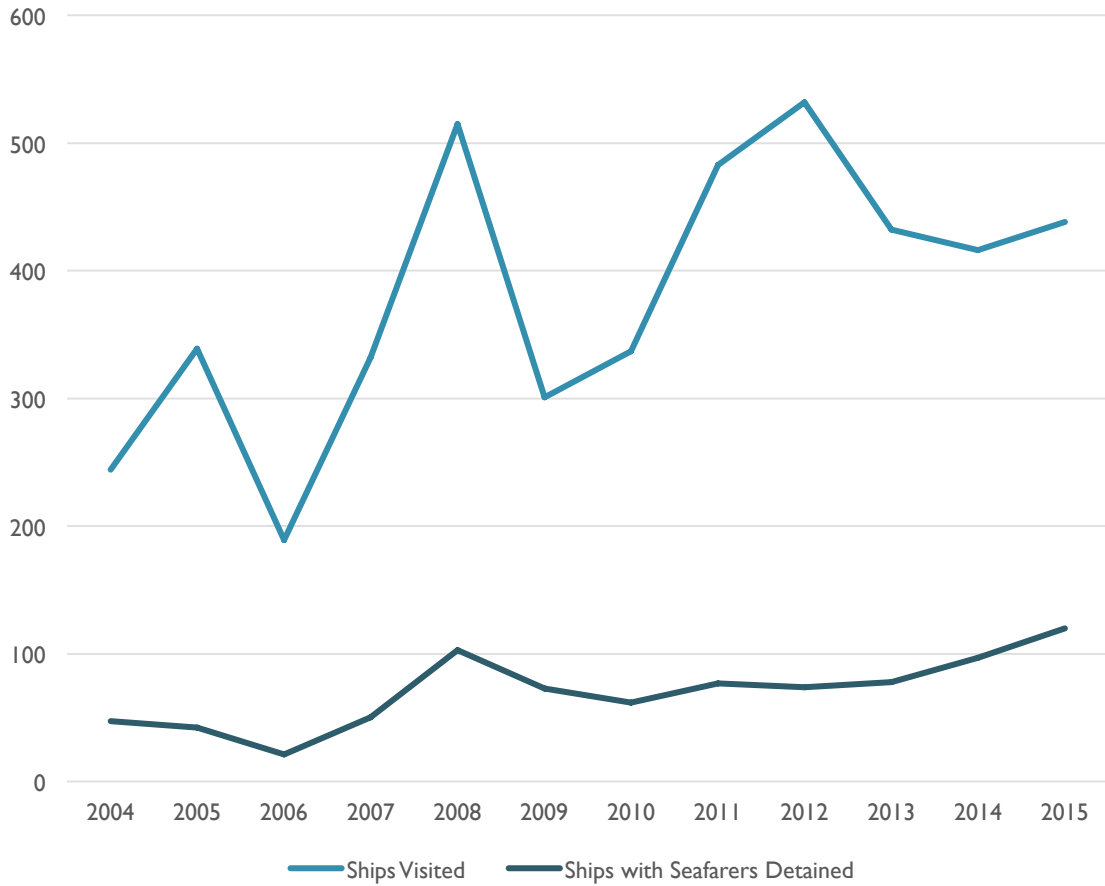
**TOTAL NUMBER OF SHIPS COMPARED TO NUMBER OF SHIPS WITH AT LEAST ONE DETAINED SEAFARER BY PORT**



**TOTAL NUMBER OF SEAFARERS COMPARED TO NUMBER OF SEAFARERS DETAINED BY PORT**



**TWELVE-YEAR COMPARISON OF TOTAL NUMBER OF SHIPS TO NUMBER OF SHIPS WITH DETAINED SEAFARERS**

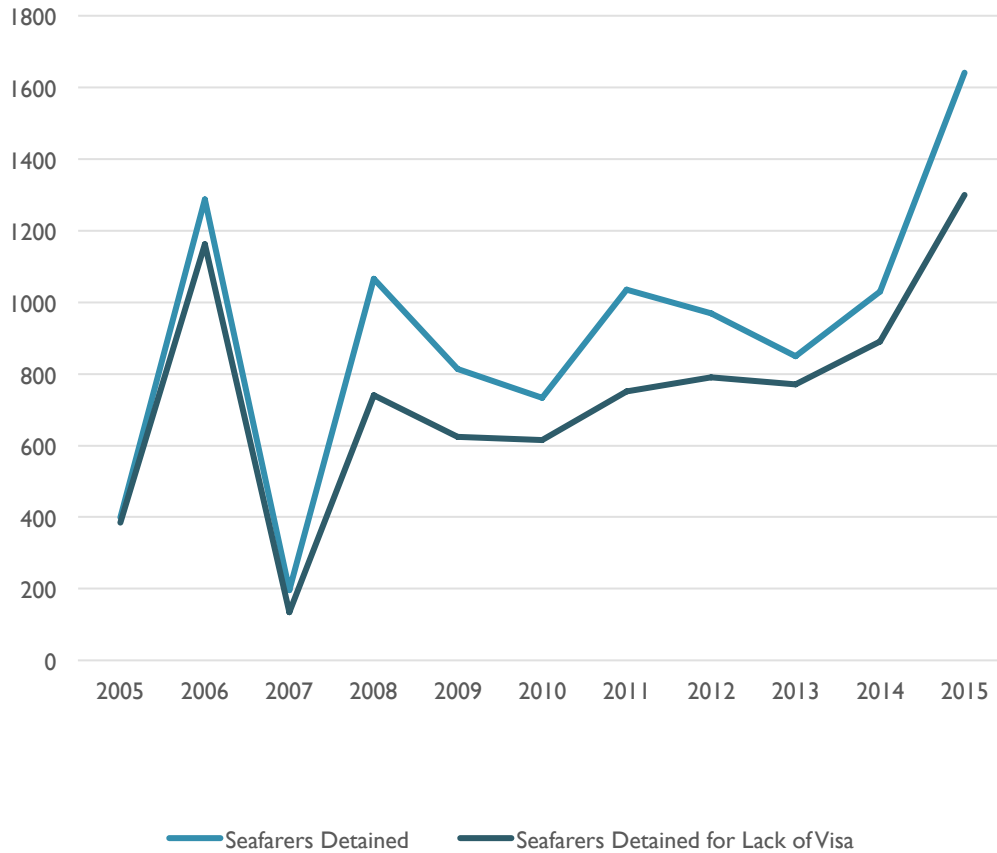


**PERCENTAGE OF SHIPS WITH DETAINED SEAFARERS**

Year	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15
	19%	12%	11%	15%	20%	24%	18%	16%	14%	18%	23%	27%

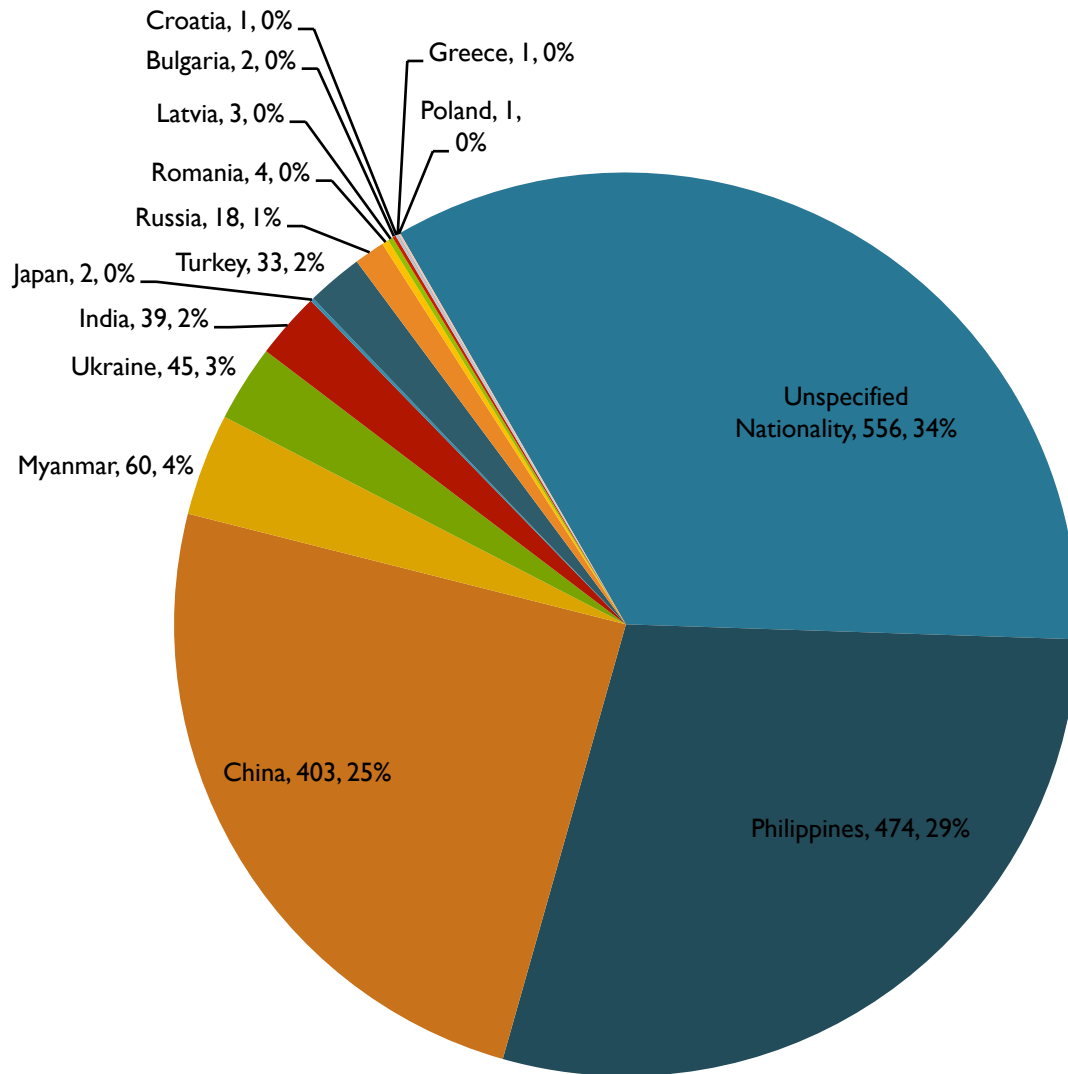
The percentage of ships with seafarers detained has increased for the third year in a row. The rate has reached its highest point (27.4%) in the past 12 years. The 2015 survey also had the largest total number of vessels with at least one seafarer detained (128). Despite a large variance in number of ships visited over the past twelve years, the sample size has exceeded 400 vessels in each of the past five years.

**ELEVEN-YEAR COMPARISON OF THE TOTAL NUMBER OF SEAFARERS  
DETAINED TO THE TOTAL NUMBER DETAINED FOR LACK OF VISA**

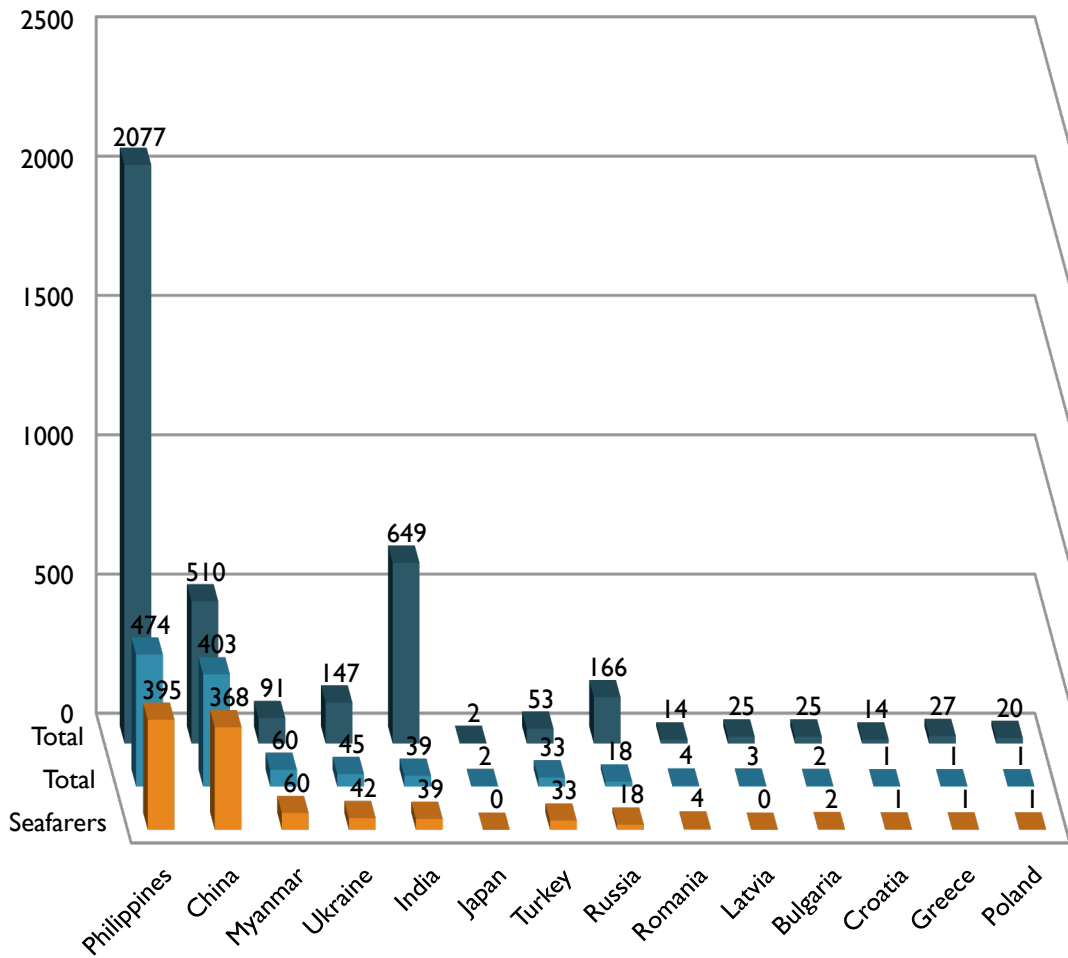


	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15
<b>Total Number of Seafarers Detained</b>	339	1288	196	1066	790	767	887	969	828	1030	1642
<b>Total Number of Seafarers Detained for Lack of Visa</b>	384	1163	134	740	625	615	751	790	770	890	1314
<b>Percentage Detained for Lack of Visa</b>	96%	90%	68%	69%	79%	80%	85%	82%	93%	86%	80%

## NATIONALITIES DENIED SHORE LEAVE

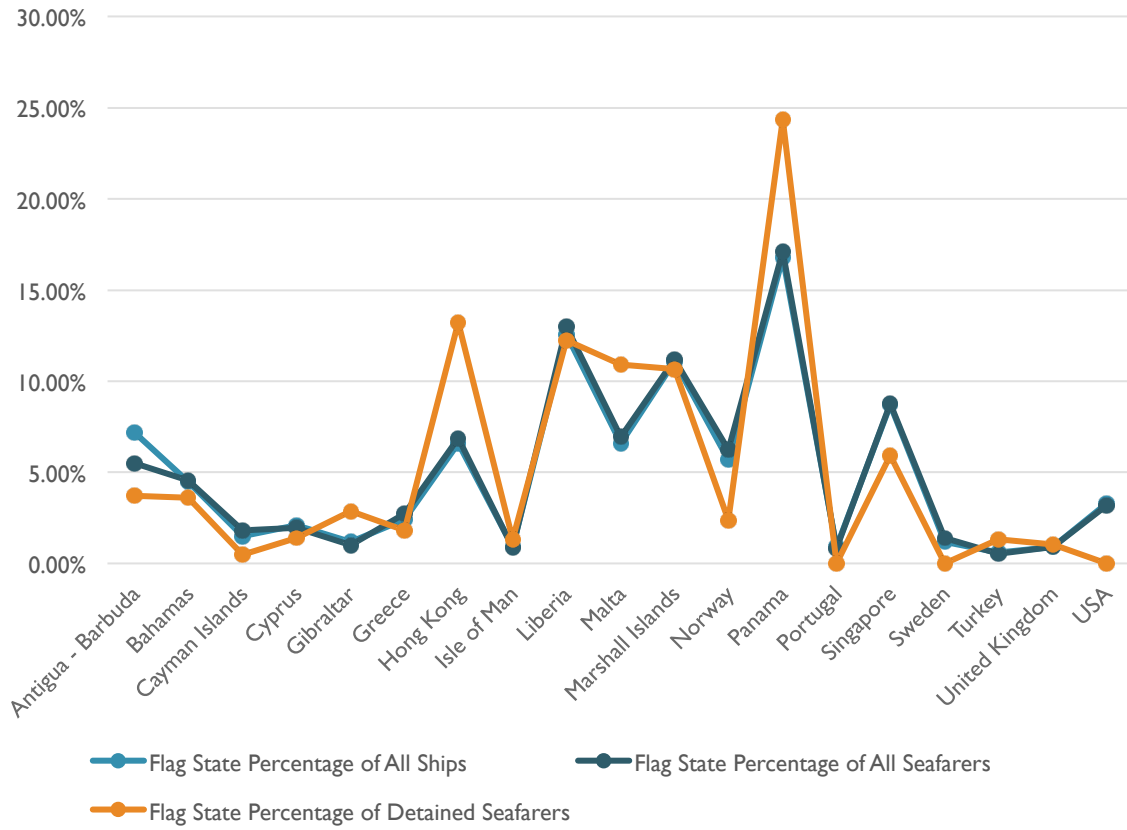


## SEAFARERS BY NATIONALITY

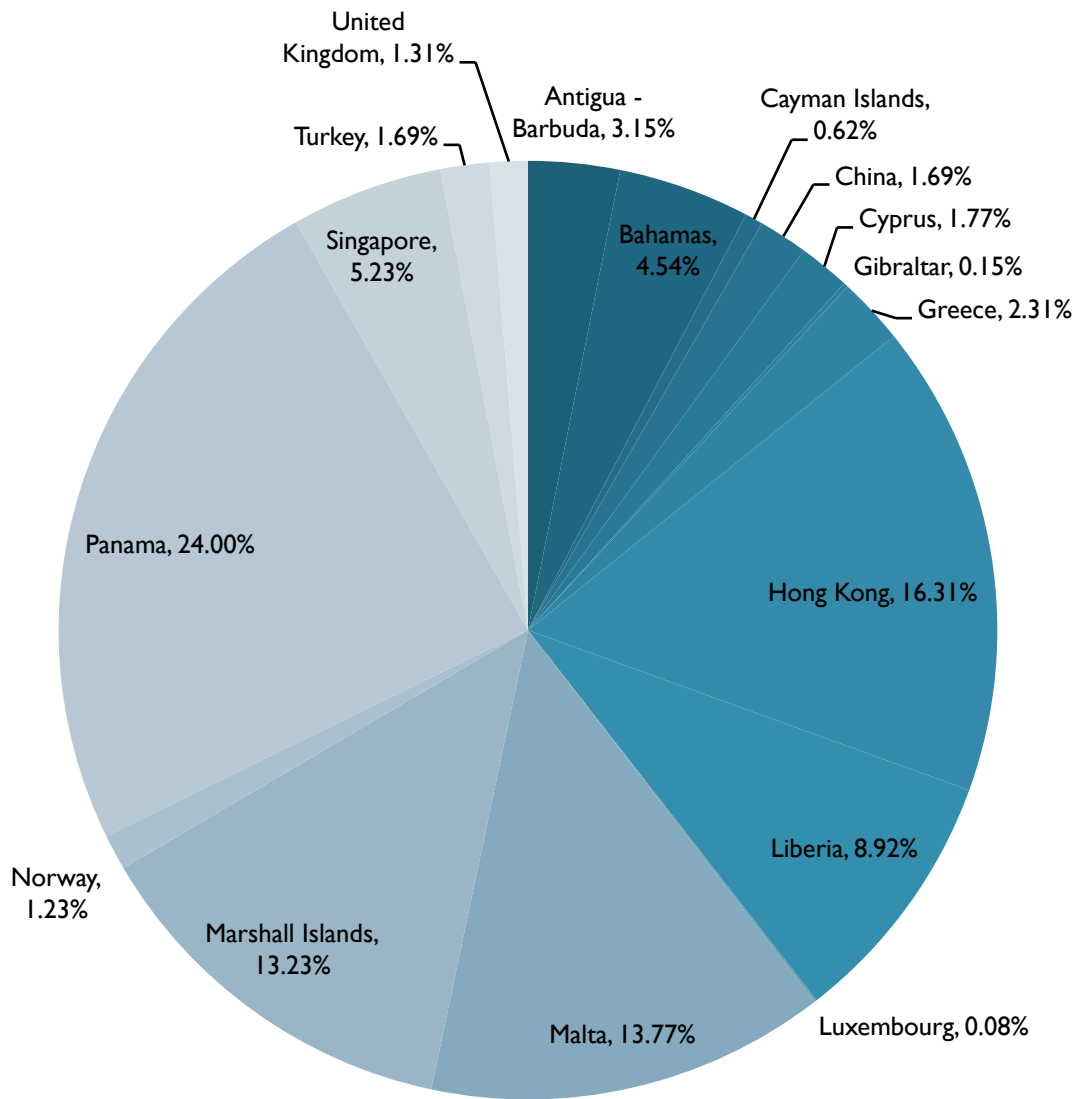


■ Seafarers Detained for Lack of Valid Visa 
 ■ Total Number of Seafarers Detained 
 ■ Total Number of Seafarers

## FLAG STATE SHARE OF SHIPS, SEAFARERS & DETAINED SEAFARERS



## FLAG STATE SHARE OF SEAFARERS DETAINED FOR LACK OF VISA





<b>FLAG STATE</b>	<b>TOTAL SEAFARERS</b>	<b>DETAINED SEAFARERS</b>	<b>PERCENTAGE DETAINED</b>	<b>SEAFARERS W/O VISAS</b>	<b>PERCENTAGE DETAINED FOR LACK OF VISA</b>
Antigua & Barbuda	392	61	15.6%	41	10.5%
Bahamas	326	59	18.1%	59	18.1%
Barbados	18	0	0%	0	0%
Bermuda	17	0	0%	0	0%
Brazil	23	0	0%	0	0%
Cayman Islands	129	8	6.2%	8	6.2%
China	22	22	100%	22	100%
Cyprus	140	23	16.4%	23	16.4%
Denmark	21	0	0%	0	0%
Gibraltar	71	41	57.7%	2	2.8%
Greece	195	30	15.4%	30	15.4%
Hong Kong	490	217	44.3%	212	43.3%
Ireland	13	0	0%	0	0%
Isle of Man	61	22	36.1%	0	0%
Italy	20	0	0%	0	0%
Japan	24	0	0%	0	0%
Lebanon	22	22	100%	0	0%
Liberia	927	201	21.7%	116	12.5%
Luxembourg	26	1	3.8%	1	3.8%
Malta	496	179	36.1%	179	36.1%
Marshall Islands	799	175	21.9%	172	21.5%
Netherlands	96	0	0%	0	0%
Norway	445	39	8.8%	16	3.6%
Panama	1224	400	32.7%	312	25.5%
Portugal	59	0	0%	0	0%
Saudi Arabia	27	0	0%	0	0%
Singapore	627	97	15.5%	68	10.8%
Sweden	100	0	0%	0	0%
Turkey	38	22	57.9%	22	57.9%
United Kingdom	65	17	26.2%	17	26.2%