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SHORE LEAVE SURVEY



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The Seamen's Church Institute's (SCI) Center for Seafarer's Rights conducted its twelfth annual Seafarer Shore Leave Survey during the week of 4-10 May 2013. During the survey week, port ministries in 30 United States ports visited 439 vessels with 9,306 crewmembers representing 64 different nationalities aboard. Eight hundred forty nine (849) seafarers on 78 of the vessels were denied shore leave. Five ports reported difficulties with terminal access restrictions. The vast majority of the shore leave denials were due to seafarers lacking visas.

SHORE LEAVE RESTRICTIONS DATA FROM SHIP VISITING

This year's survey indicates that 78 of 439 vessels visited by port chaplains had at least one seafarer on board who was denied shore leave.¹ Therefore, approximately 17.8%, or 1 in every 5.6 vessels, had at least one member of its crew denied shore access. Of the estimated 9,306² seafarers aboard the surveyed vessels, 849 seafarers (approximately 9.1%) were denied shore leave. Seafarers not having valid visas accounted for 776 of the 849 seafarers (approximately 91%) who were denied shore leave. In those reports where nationalities were indicated, 619 seafarers from the following countries were detained for lack of visas: Philippines 246, China 190, Russia 46, Ukraine 45, Myanmar 37, Turkey 37, Thailand 21, Sri Lanka 10, India 9, Indonesia 8, South Korea 2, Lithuania 2, Estonia 1, Greece 1 and Romania 1. Nationalities were not indicated for 230 of the seafarers without visas.

¹ Some reports did not list a total number of vessels visited.

² For the reports that did not provide an exact number of seafarers aboard each individual visited vessel, an estimated crew size of 22 was used for statistical purposes.

Other reasons for shore leave denials cited in the reports included restrictions imposed by Customs and Border Protection (CBP) and restrictions by the seafarers' vessel or company. Thirty-four of the 849 (approximately 4%) detained seafarers were detained by Customs and Border Protection. The reports indicated that 24 seafarers were denied shore leave by CBP because their vessel was found to have stowaways on board. Four seafarers with visas were denied shore leave by CBP because it was their first visit to the United States. No reason was noted why CBP denied shore leave to the remaining six seafarers. Thirty-nine seafarers (approximately 5% of total detained seafarers) were denied shore leave by their ship or shipping company, 19 because of the vessel's operational requirements and 20 because crew had returned late from shore leave at a previous port call.

CREWMEMBER VISAS

The lack of a valid D-I crewmember visa was the overwhelming reason cited for seafarers being denied shore leave in the United States. The United States remains one of the few countries in the world still requiring seafarers to have a visa as a condition of shore leave. This requirement puts the United States in conflict with its obligations under the Convention on Facilitation of International Maritime Traffic (FAL), which prohibits signatory nations from requiring seafarers to have a visa for shore leave.³

A possible solution to visa-based shore leave restrictions would be for the United States to ratify the International Labour Organization's Seafarers Identity Documents Convention (Revised), 2003 (ILO-185), adopted in response to the United States' initiatives following the September 11, 2001, attacks. The Convention is designed to enhance maritime security worldwide by establishing a reliable international system for positively identifying professional seafarers and providing them with trustworthy biometric identification documents. ILO-185 also simplifies shipowners' and seafarers' "red tape" for shore leave by eliminating the need for seafarers who have ILO-185 identification documents to also hold United States D-I visas.

TERMINAL ACCESS RESTRICTIONS

There were no shore leave denials because of terminal restrictions reported in this year's survey. This does not necessarily mean that seafarers were not denied shore leave because of terminals' policies. The survey reports were based on restrictions actually observed by chaplains in their ship visits. The data would therefore not reflect the number of seafarers detained in the terminals in which chaplains did not visit ships because of terminal restrictions.

Section 811 of the 2010 Coast Guard Authorization Act requires each port facility security plan to "provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility

³ Standard 3.44. 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 3.45. Crewmembers shall not be required to hold a visa for the purpose of shore leave.

in a timely manner at no cost to the individual.”⁴ While implementing regulations for this statute have not yet been promulgated, the Coast Guard’s October 2009 directive to Captains of the Port⁵ to ensure that Facility Security Plans provide adequate procedures for seafarer and chaplain access has had its intended effect. Reports of terminal restrictions have been greatly reduced since 2009.

The Transportation Worker Identification Credential (TWIC) program mandated by the Maritime Transportation Security Act of 2002, came into effect in April 2009. The program requires persons to have a TWIC for unescorted access through most port terminals. Because most foreign seafarers do not have a TWIC, they often depend on port chaplains to escort them through terminals. Because there were no reported TWIC issues, port chaplains appear to have adapted to the TWIC requirements.

As part of the survey, chaplains were asked to record any problems they encountered with terminal access. Most of the reports stated either that there were no terminal restrictions or they did not mention any restrictions. Five ports did report restrictions at terminals in their ports. The following are terminal policies that affected chaplains’ or seafarers’ access that were noted in the survey:

Port	Terminal	Access
Port of NY/NJ	KMI OBT-Pert, KMI-Carteret, KMI-Staten Island	Chaplains may transit terminal but may not escort seafarers. Seafarers are provided free escort between 12:30-5:30PM. Afterwards they must arrange with ship’s agent for private security escort and transportation at \$450-\$500 round trip.
Port of NY/NJ	Chevron, Perth Amboy	Chaplains may transit terminal but may not escort seafarers. Seafarers must make arrangement with ships agents for escort and taxi.
Port of NY/NJ	Motiva, Sewaren	Chaplains (including those with TWICs) must be escorted through terminal. Seafarers are not allowed to transit through the terminal.
Port of NY/NJ	CITGO, Linden	Chaplains may transit terminal but may not escort seafarers. Seafarers may walk through the terminal to the gate.
Port of NY/NJ	NU Star, Linden	Chaplains may transit terminal but may not escort seafarers. Seafarers are provided free escort between 12:30-5:30PM. Afterwards they must arrange with ship’s agent for private security escort and transportation at \$450-\$500 round trip.
Port of NY/NJ	Bayway or PHILIPS 66	Ship visitors must give 4-hour email notice to the

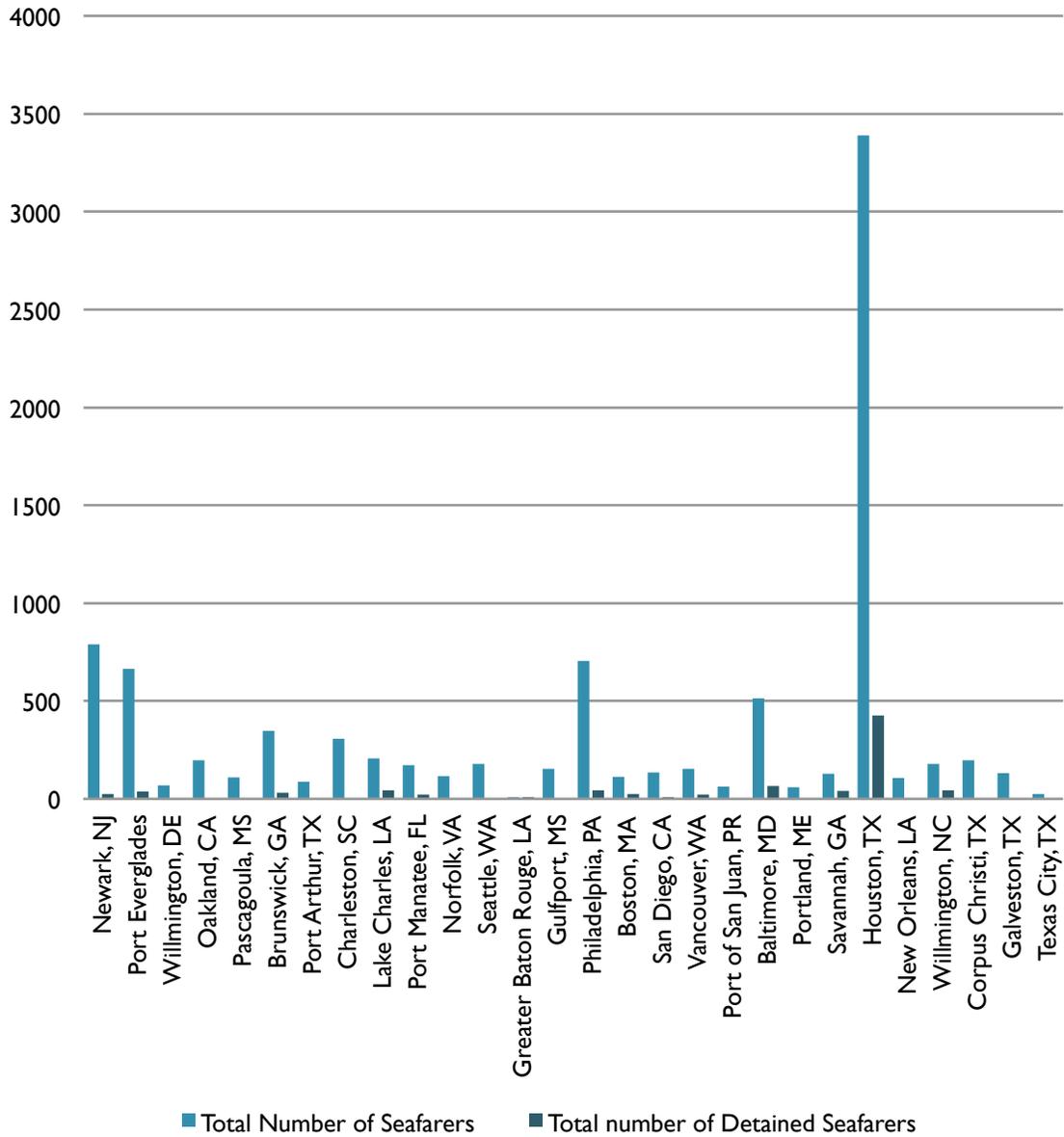
⁴ Available at <http://www.govtrack.us/congress/bill.xpd?bill=h111-3619>

⁵ ALCOAST 575-09 is available at http://www.uscg.mil/announcements/alcoast/575-09_alcoast.txt

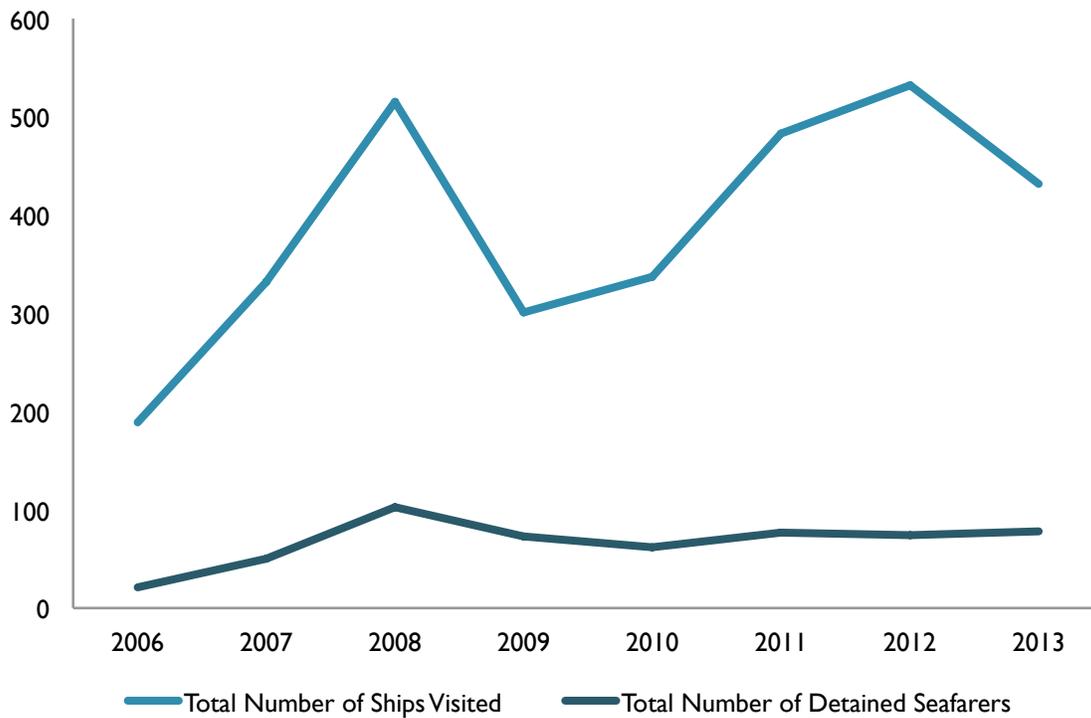
		terminal head of security office prior to visit. Terminal provides security escort for chaplains (including those with TWICs). Seafarers are allowed ashore if they pre-arrange with ship's agent for private security escort.
Port of NY/NJ	HESS, Port Reading	Chaplains may transit terminal and escort seafarers. Seafarers may walk between ship and gate with an escort.
Port of NY/NJ	HESS, Bayonne	Chaplains may transit terminal and escort seafarers. Seafarers may walk between ship and gate with an escort.
Port of NY/NJ	IMTT Bayonne	Chaplains may transit terminal but may not escort seafarers. Terminal provides free shuttle between ship and gate.
Boston, MA	Schnitzer	Chaplains have free access. Seafarers must have an escort to leave the terminal.
Boston, MA	Gulf Terminal	Chaplains have free access. Companies are required to hire security to escort crews (cost is not forwarded to the crews).
Baltimore, MD	Dundlak, Seagirt, North Locust Point, South Locust Point, Fairfield	These Maryland Ports Authority (MPA) terminals do not provide TWIC escorts for seafarers. The MPA requires escorts to have an MPA Escort badge in addition to a TWIC. If chaplains are not available to escort, seafarers must pay \$45.00 or more each way for a private escort between their vessel and the terminal gate.
Baltimore, MD	CNX	This private terminal does not provide TWIC escorts. Seafarers rely on chaplains to escort them, but terminal requires chaplains to park 300 yards from the gangway.
Baltimore, MD	Domino Sugar	This private terminal does not provide TWIC escorts. Seafarers rely on chaplains to escort them.
Baltimore, MD	Rukert, Steinweg, Chesapeake, Atlantic, Curtis bay	These terminals provide TWIC escorts.

Oakland, CA	Hanjin Terminal	This terminal provides van service between vessel and gate when requested and paid for by vessel. They are generally provided only when needed to transport dock workers while vessel is working cargo. At other times van service is very limited.
Oakland, CA	Ben E. Nutter Terminal	Seafarers and chaplains can use free shuttle service when the vessel is working cargo. When a ship is not working cargo, the shuttle service is ordered by and must be paid for by ship operator.
Oakland, CA	Schnitzer Steel Terminal	Shuttles are available during 3pm-11pm shift and during the 11pm-7am shift. No shuttles are available during 7am-3pm shift When shuttles are not available, crew members and visitors must walk through the scrap yard to/ from the ship to the gate.
Green Bay, WI		Maritime ministry reported that they are not visiting ships this year because they do not have any volunteers and that the docks are locked to them.
New Orleans, LA	IMTT St. Rose	Terminal charges \$500 for crew to transit terminal

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



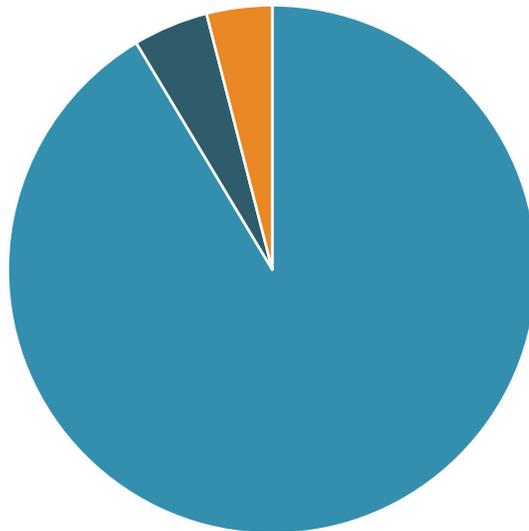
**EIGHT-YEAR COMPARISON OF TOTAL SHIPS VISITED
AND SHIPS WITH DETAINED SEAFARERS**



PERCENTAGE OF SHIPS WITH DETAINED SEAFARERS

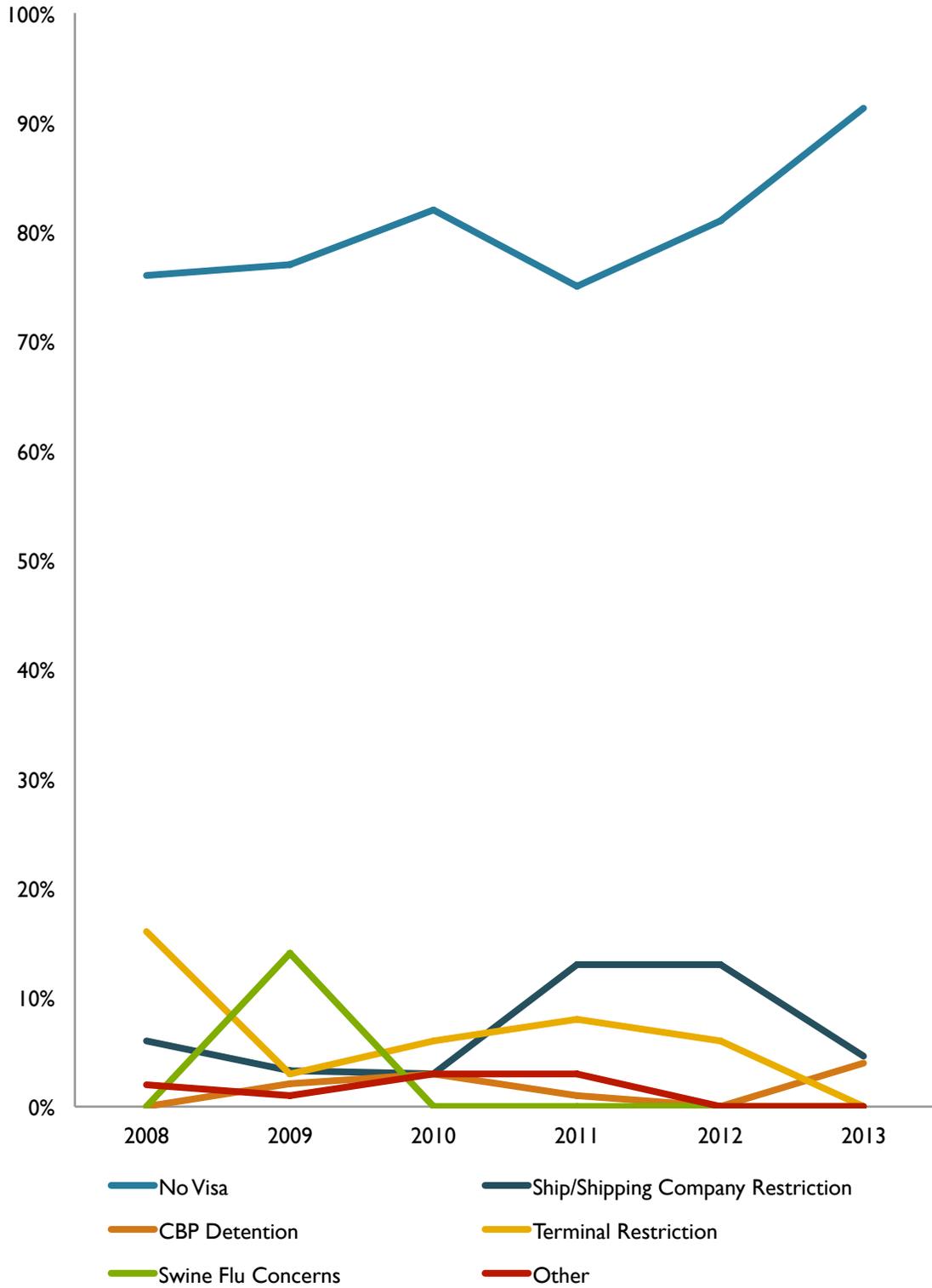
Year	2006	2007	2008	2009	2010	2011	2012	2013
	18%	15%	20%	24%	18%	16%	14%	18%

REASON FOR SHORE LEAVE DENIAL BY PERCENTAGE



■ No Valid Visa (91.3%) ■ Ship/Shipping Company Restriction (4.6%) ■ CBP Detention (4.0%)

REASON FOR SHORE LEAVE DENIAL BY PERCENTAGE PER YEAR



NUMBER OF SEAFARERS WITHOUT VALID VISAS BY NATIONALITY

