

2014

## SHORE LEAVE SURVEY



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### **2014 SHORE LEAVE SURVEY SUMMARY**

The Seamen's Church Institute's (SCI) Center for Seafarer's Rights conducted its thirteenth annual Seafarer Shore Leave Survey during the week of May 18-24, 2014. During the survey week, port ministries in 27 United States ports visited 416 vessels with 9,184 crewmembers (representing roughly 60 nationalities) on board. One thousand thirty (1,030) seafarers on 97 vessels were denied shore leave. An overwhelming majority (86%) of these seafarers were denied shore leave because they did not have visas. Other reasons for shore leave denials included terminal restrictions (7%), vessel operations (7%) and U.S. Customs and Border Protection restrictions (< 1%).

### **SHORE LEAVE RESTRICTIONS DATA FROM SHIP VISITING**

Maritime ministries in 27 US ports visited 416 vessels and documented seafarers' shore leave data during the week of May 18-24, 2014. Ninety-seven of the 416 vessels (23.3%) had at least one seafarer on board denied shore leave. Of the 9,184 seafarers on board the 416 ships surveyed,<sup>1</sup> 1,030 seafarers (approximately 11.2%) were denied shore leave. Compared to last year's survey, this year's data shows an increase in shore leave denials—both in the percentage of ships with at least one seafarer denied shore leave and in the percentage of seafarers denied shore leave. In 2013, approximately 17.8% of the ships had at least one crewmember denied

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

shore leave, and 9.1% of seafarers on the surveyed ships were denied shore leave.<sup>2</sup> This year, ship visitors reported that 86.4% of the seafarers denied shore leave were denied because they did not have visas—compared to 91.4% last year.<sup>3</sup> In reports where ship visitors indicated seafarers' nationalities, ship visitors reported that 894 seafarers from the following countries were detained for lack of visas: Philippines 484, China 148, Myanmar (Burma) 58, Ukraine 47, Russia 43, India 36, Turkey 21, Vietnam 10, Maldives 10, Bangladesh 9, Poland 6, Egypt 5, Sri Lanka 4, Romania 4, Bulgaria 3, Mexico 1, Greece 1, Latvia 1, Austria 1. (Ship visitors did not report nationalities for two of the seafarers denied shore leave for lack of a visa.)

Ship visitors reported that U.S. Customs and Border Protection (CBP) denied three seafarers shore leave. Reports also detail that 70 seafarers (approximately 7%) were denied shore leave because of vessel operations, and 67 seafarers (approximately 7%) were denied shore leave because of terminal restrictions.

## **CREWMEMBER VISAS**

In this year's survey, ship visitors reported that 86.4% of seafarers were denied shore leave because they lacked a valid crewmember (D or C-1/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 to obtain 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, 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. For security, the US could maintain its existing 96-hour pre-arrival crewmember vetting process and verify ILO-185 seafarers' identity documents supplemented by the US-VISIT program in American seaports.

This year's survey was the first SCI conducted after the Maritime Labour Convention, 2006 (MLC, 2006) came into force. The MLC, 2006 was in force in 37 countries during the survey week. Standard A1.4 Section 5(b) of the MLC, 2006 requires shipowners to pay for seafarers' visas.<sup>5</sup> Furthermore, flag states must verify shipowners' compliance with the MLC, 2006 recruitment and placement requirements, which include Standard A1.4 Section 5(b), before issuing a Maritime Labour Certificate.<sup>6</sup> Approximately 79% of the seafarers denied shore leave

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<sup>2</sup> Shore Leave Survey 2013

<sup>3</sup> Shore Leave Survey 2013

<sup>4</sup> *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.*

<sup>5</sup> *Standard A1.4.5(b)*

<sup>6</sup> *Standard A5.1.3.1*

because they did not have a visa were serving on ships registered in countries where the MLC, 2006 was in force: Antigua and Barbuda, Bahamas, Cyprus, Greece, Liberia, Malta, Marshall Islands, Panama, Philippines and Singapore.

### **CBP RESTRICTIONS**

Ship visitors reported three seafarers on one ship denied shore leave by CBP. The report indicated that language barriers were the main cause of the restrictions. The report indicated that the seafarers did not understand some of the questions asked by CBP during their interview.

### **SHIP OPERATIONS RESTRICTIONS**

According to reports, 70 seafarers were not able to go ashore because of their vessels' brief time in port coupled with operational requirements on the vessel.

### **TERMINAL ACCESS RESTRICTIONS**

Sixty-seven seafarers, including 19 Americans, were denied shore leave by terminal restrictions, as per ship visitors' reports. The reported restrictions were related to terminal visitor lists. In one report, the gate guard claimed that the crew list was illegible and would not let seafarers leave their ship. In another report, a gate guard changed prior practice that gave access to the seafarers' center van by requiring individual chaplains to be named on the gate list.

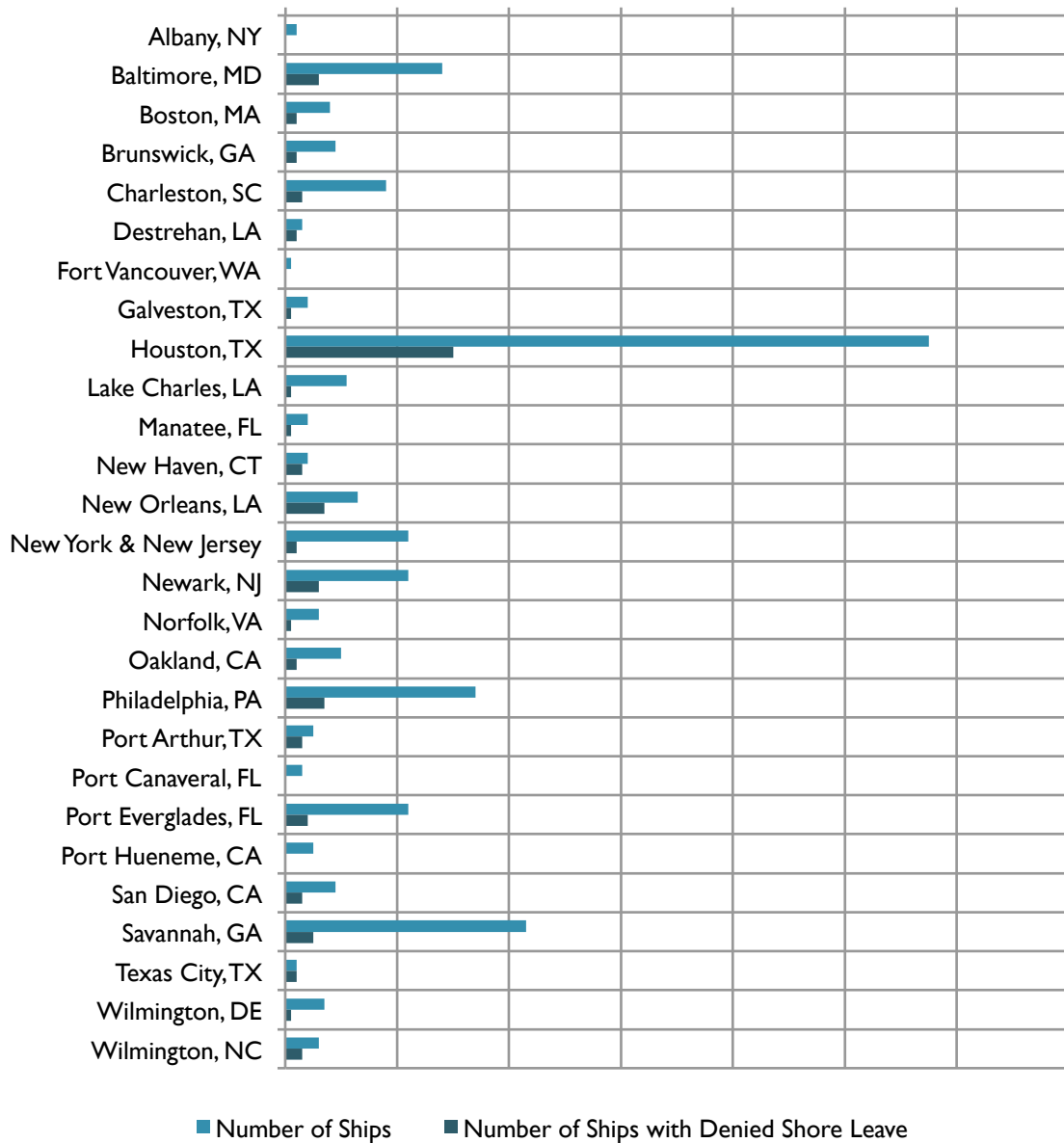
Because survey reports were based on restrictions observed by ship visitors during their ship visits, the numbers of seafarers being denied shore leave by terminal restrictions could be under-reported. The data does not reflect the number of seafarers detained in the terminals that chaplains did not visit ships because of lack of access to the terminal.

As part of the survey, SCI asked chaplains 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. Four ports reported restrictions at terminals in their ports. The following terminal policies affected chaplains' or seafarers' access, as noted in the survey:

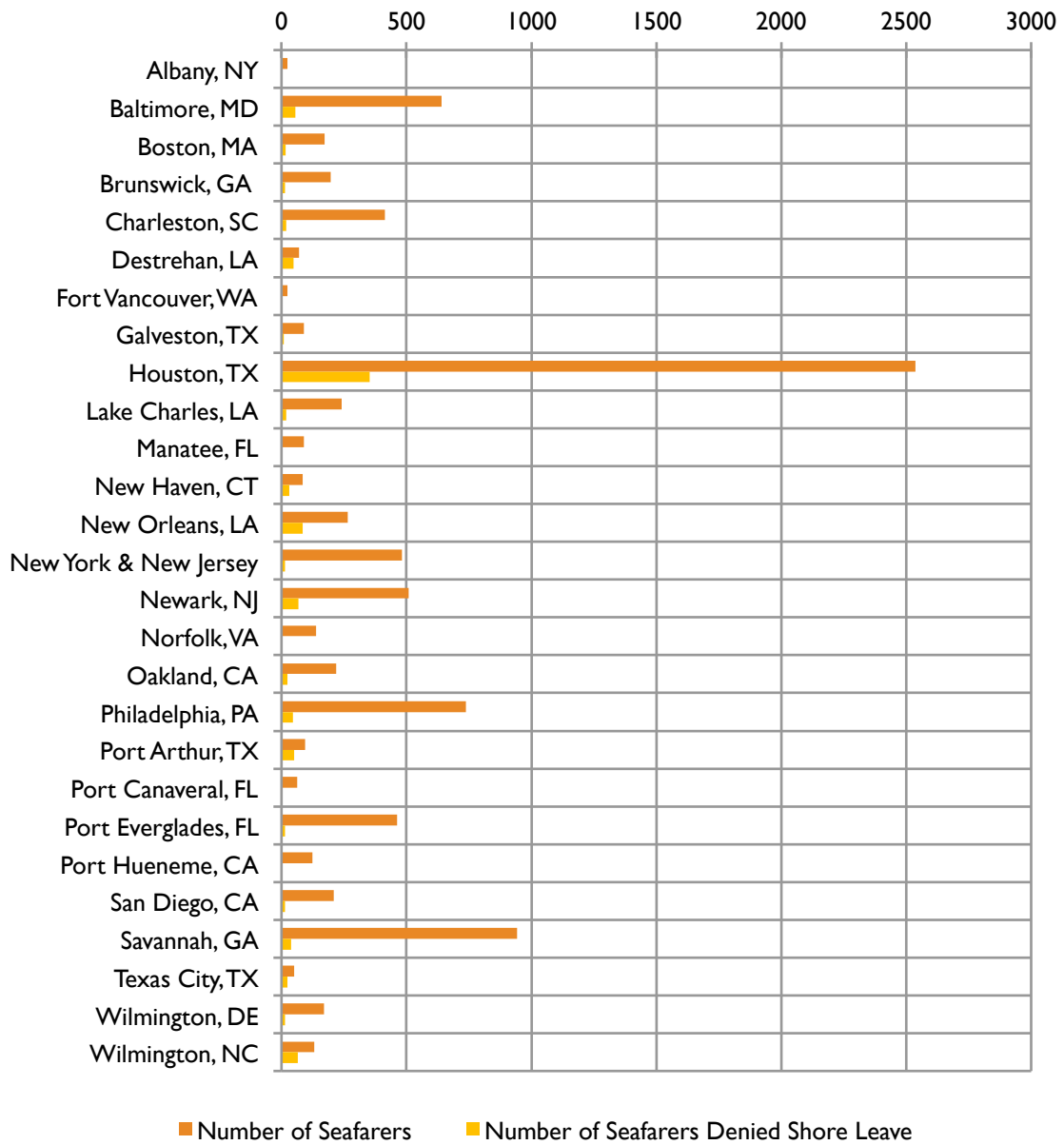
<b>Port</b>	<b>Terminal</b>	<b>Access</b>
Port of NY/NJ	KMI OBT-Pert, KMI-Carteret, KMI-Staten Island	Chaplains may transit terminal but may not escort seafarers. Seafarers are provided free escort between 12:30-5:30PM. Afterwards they must arrange with ship's agent for private security escort and transportation at \$800 round trip.
Port of NY/NJ	Chevron, Perth Amboy	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 \$800 round trip.
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 \$800 round trip.
Port of NY/NJ	Bayway or PHILIPS 66	Ship visitors must give 4-hour email notice to the 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.

<b>Port</b>	<b>Terminal</b>	<b>Access</b>
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 the 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.
Baltimore, MD	Apex	The terminal's policy is very inconsistent. This terminal has escorted seafarers to the gate before, but on occasion, they have asked chaplains to escort seafarers. Written "Escort Rules" are not allowed to be taken off the premises, so chaplains have no way of training volunteers other than to have them ask the office as to procedures.
New Haven, CT	Magellan Terminal	Chaplains are denied access. Seafarers can go out between 12pm-4pm (all in one trip) for free and chaplains can pick them up at the gate.
Port Arthur, TX	Sunoco Terminal	Chaplains have experienced difficulties with this terminal. Security has claimed the Seafarers' Center is not on the Gate List. The terminal has refused to deliver crew members to the gate on occasion.
Port Arthur, TX	Valero Terminal	Terminal denied crew shore leave, claiming the crew list was illegible.

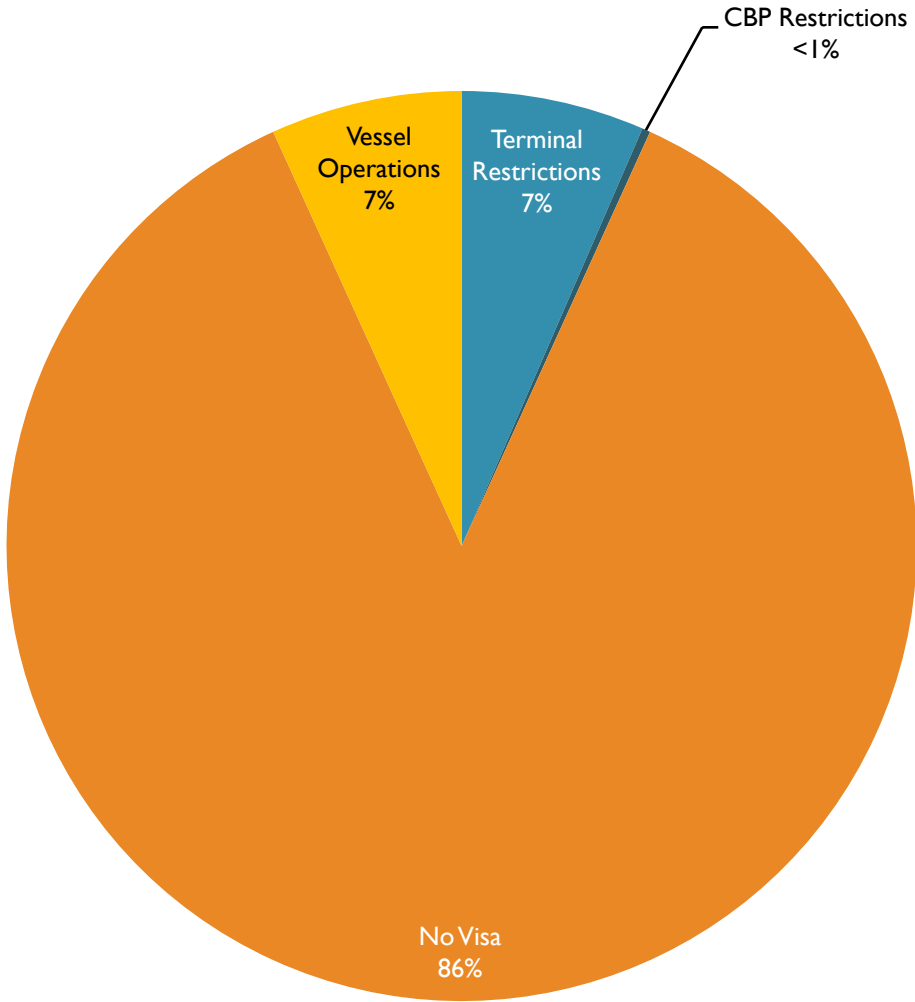
**TOTAL NUMBER OF SHIPS COMPARED TO NUMBER OF SHIPS WITH AT LEAST ONE DETAINED SEAFARER BY PORT**



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

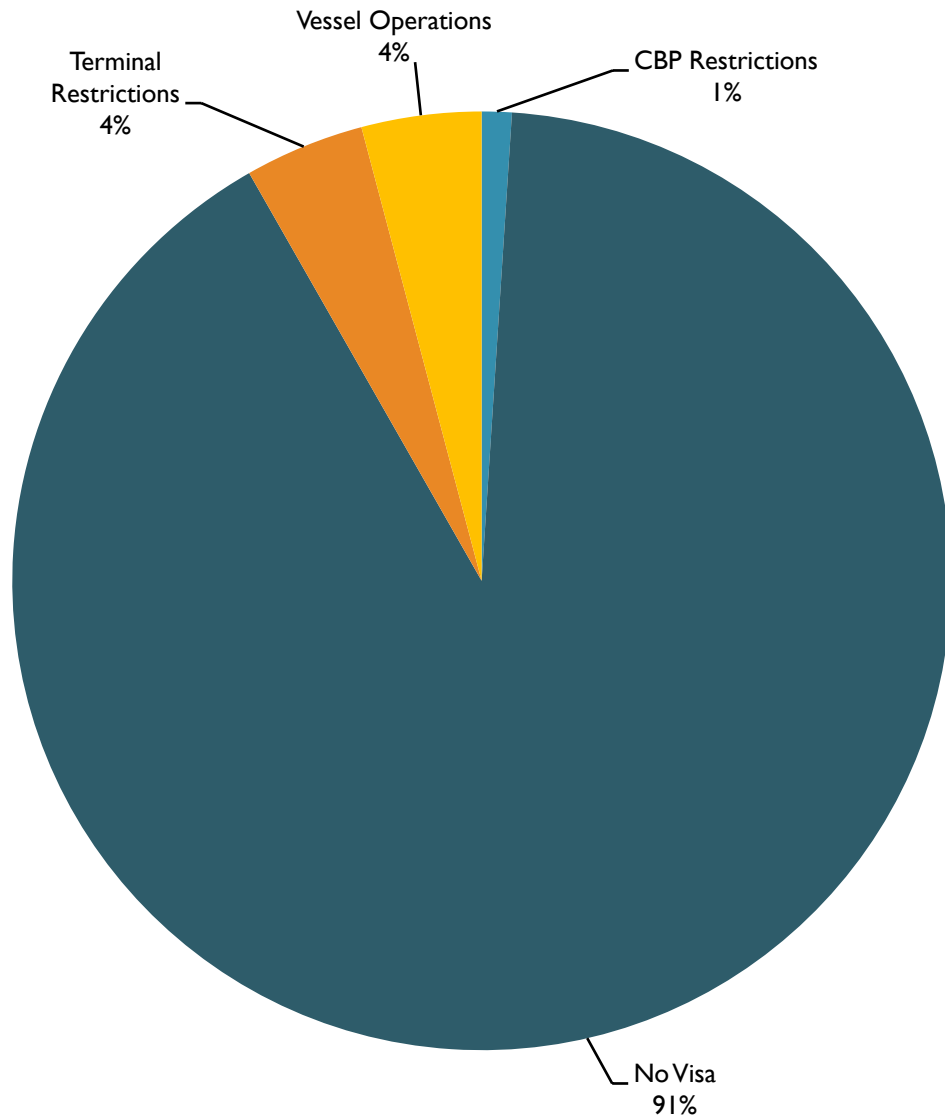


**REASONS FOR DENYING SEAFARERS  
BY NUMBER OF SEAFARERS DENIED ON SHIPS VISITED**

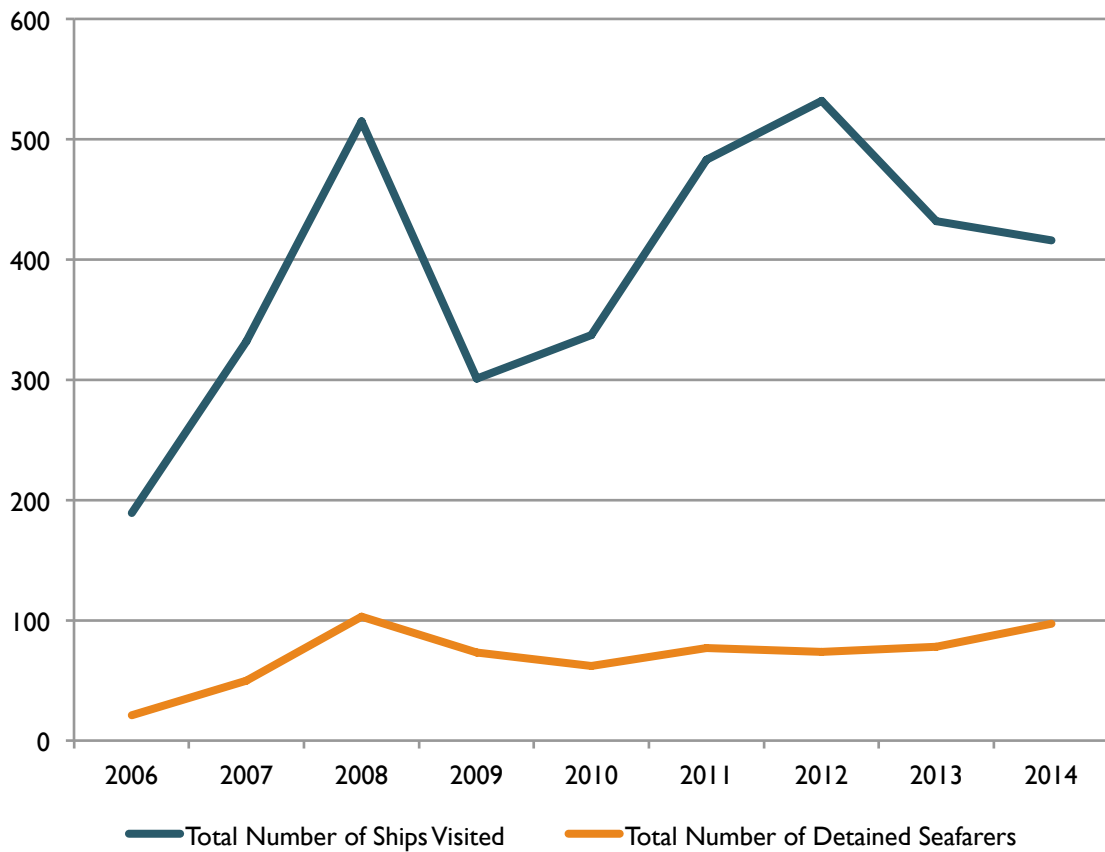




## REASONS FOR DENYING SEAFARERS BY NUMBER OF SHIPS VISITED



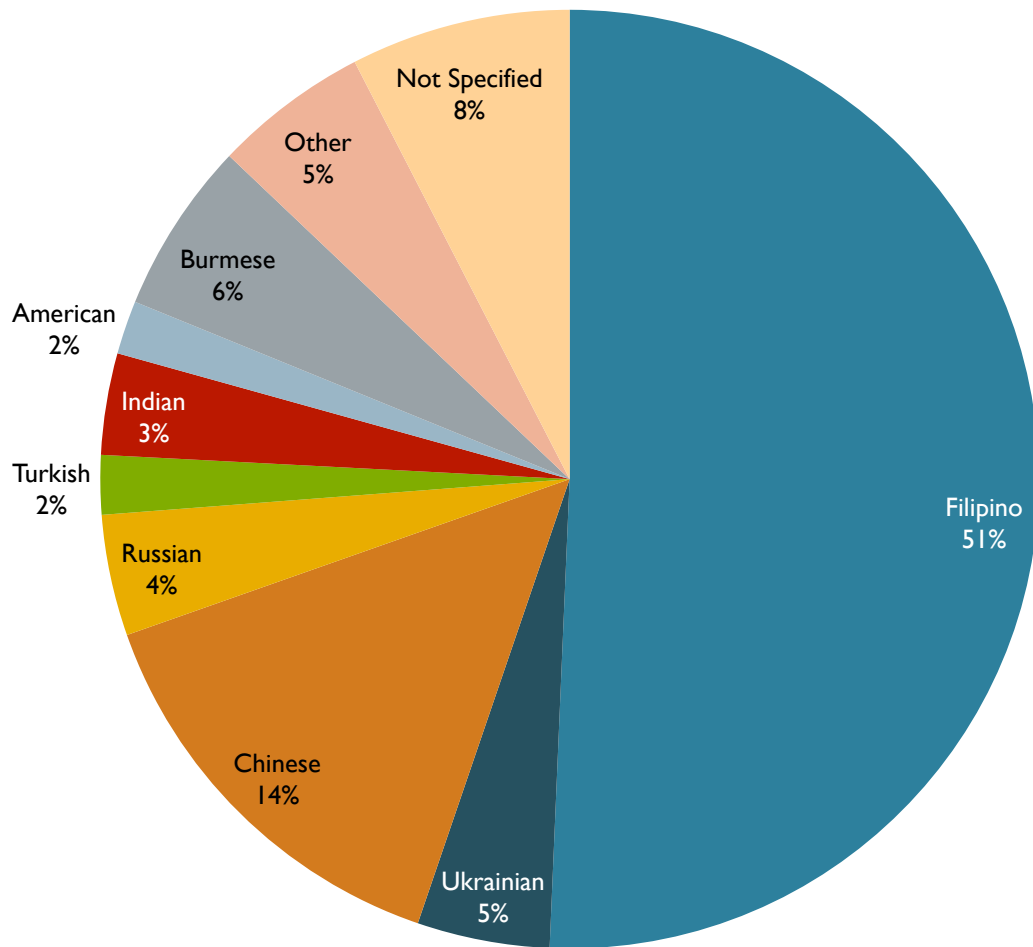
**NINE-YEAR COMPARISON OF TOTAL NUMBER OF SHIPS TO NUMBER OF SHIPS WITH DETAINED SEAFARERS**



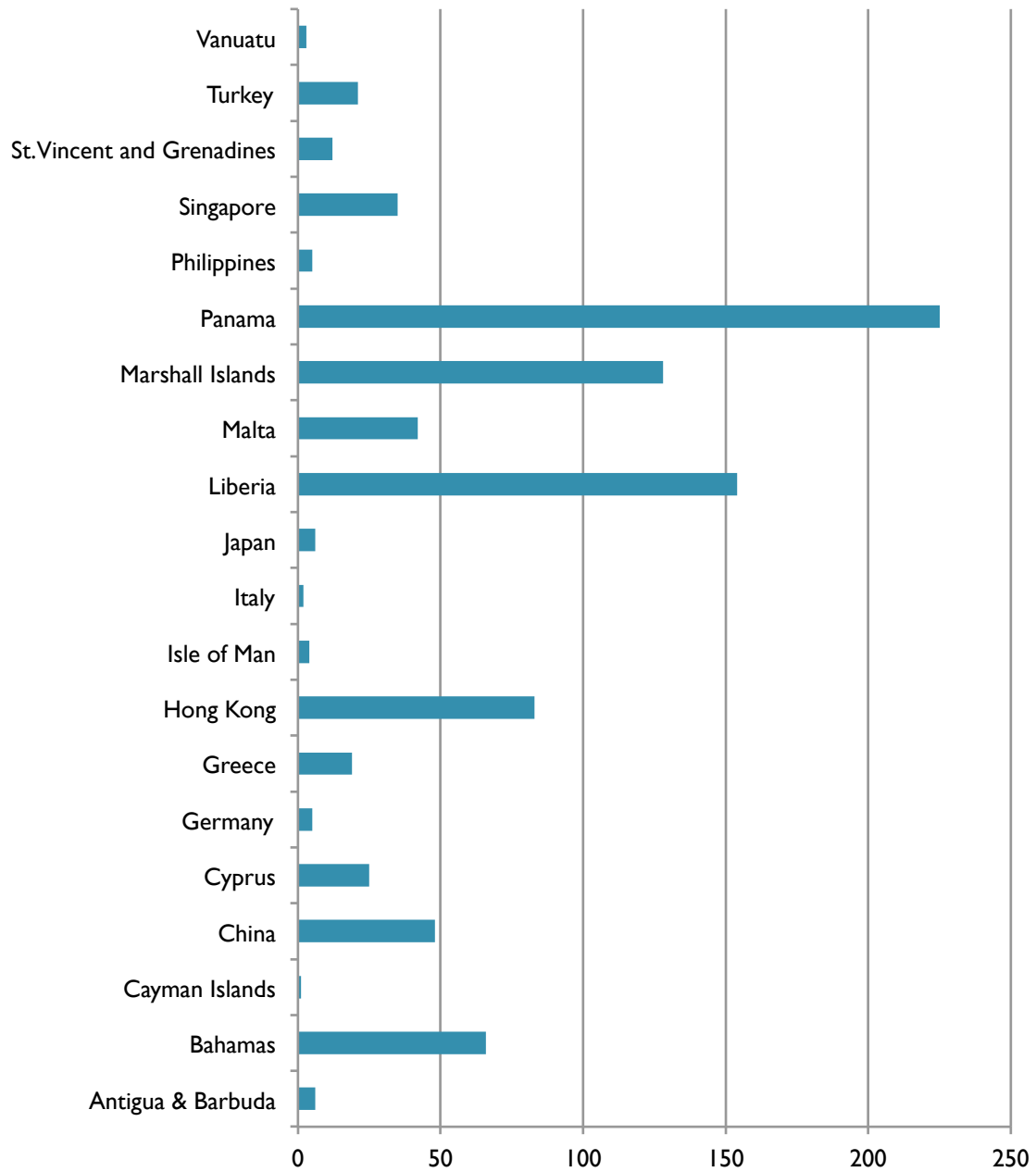
**PERCENTAGE OF SHIPS WITH DETAINED SEAFARERS**

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014
	18%	15%	20%	24%	18%	16%	14%	18%	23%

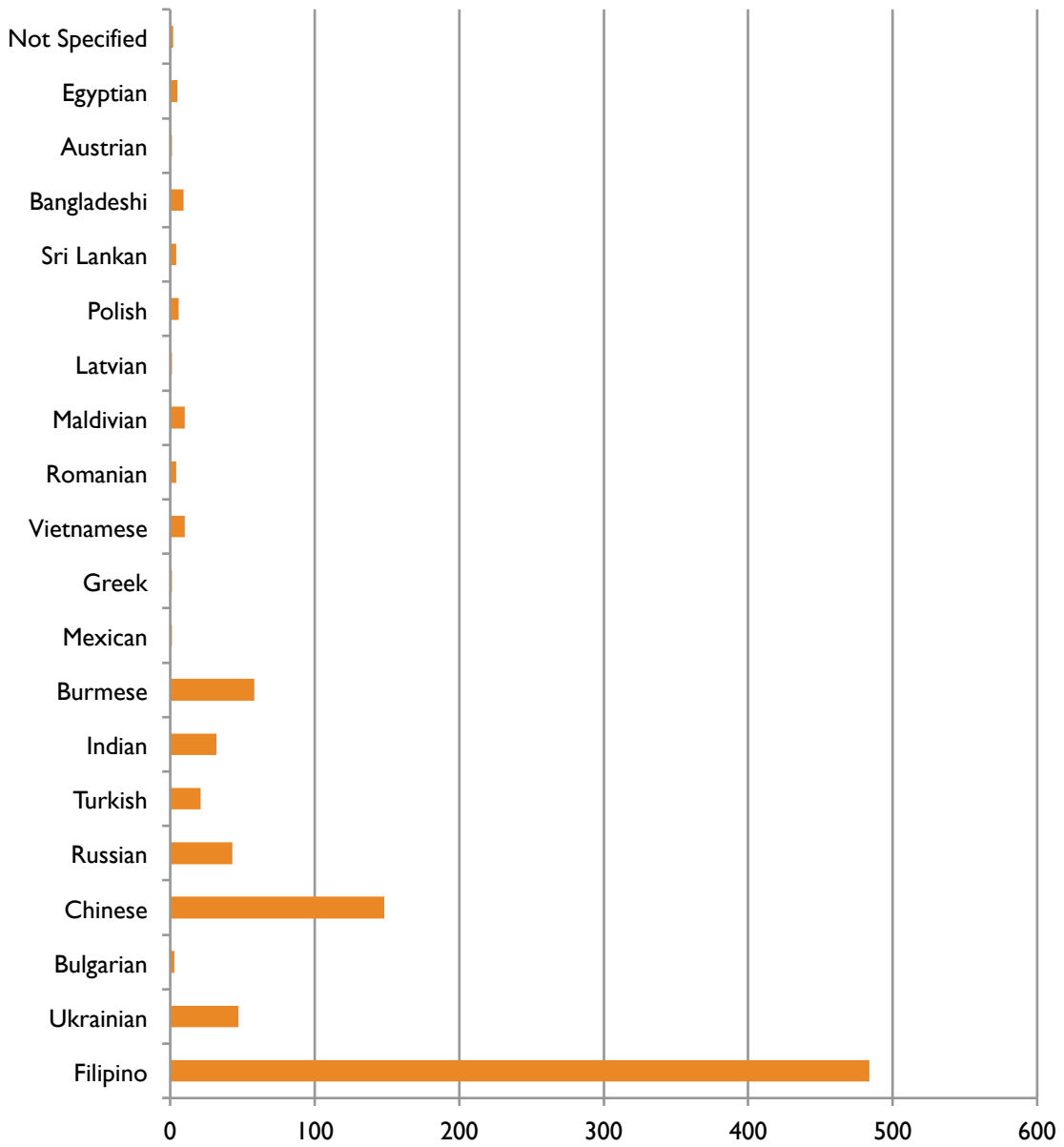
## NATIONALITIES DENIED SHORE LEAVE



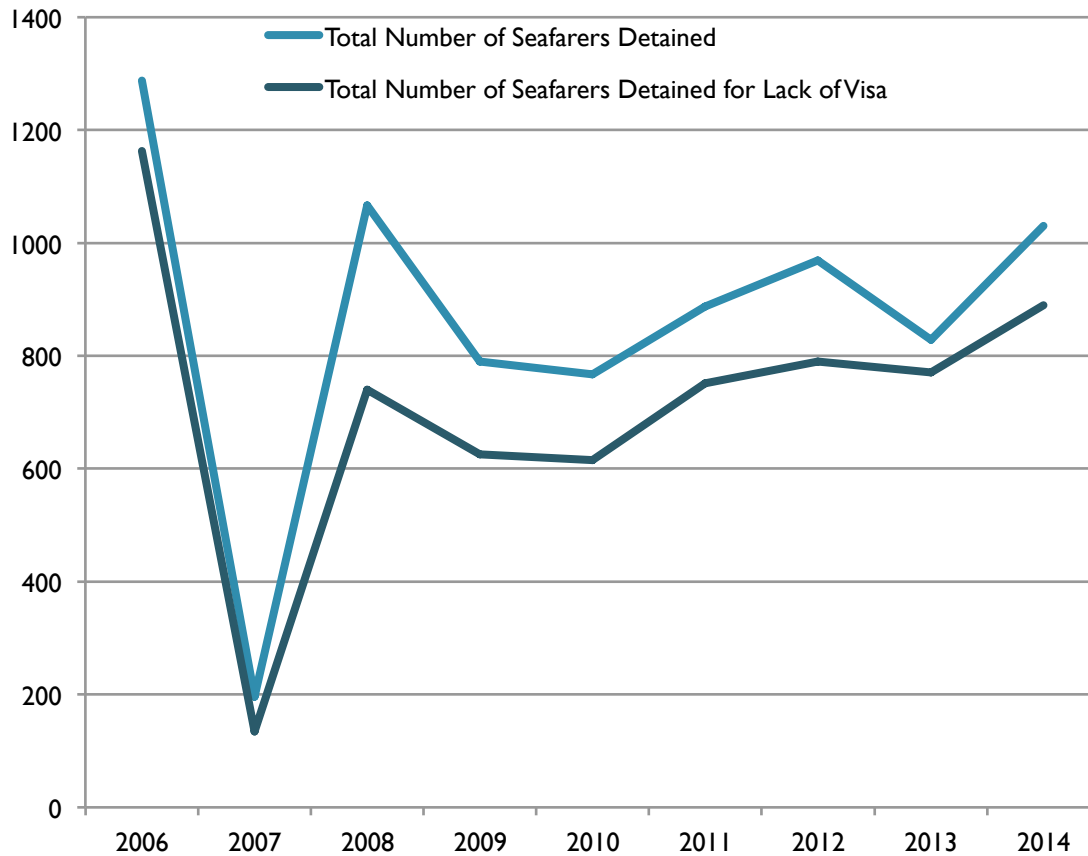
## NUMBER OF SEAFARERS WITH NO VISA BY FLAG STATE



## NUMBER OF SEAFARERS WITH NO VISA BY NATIONALITY



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



	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total Number of Seafarers Detained	1288	196	1066	790	767	887	969	828	1030
Total Number of Seafarers Detained for Lack of Visa	1163	134	740	625	615	751	790	770	890
Percentage Detained for Lack of Visa	90%	68%	69%	79%	80%	85%	82%	93%	86%