



Seafarer Access

AAPA Roundtable

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New Paradigm

- Post 9-11 changes to US Policy regarding shore leave for seafarers
 - Elimination of crew list visas
 - Requirement that each mariner have a visa
 - Increased number of seafarers denied shore leave
- Implementation of TWIC has raised the level of angst and has resulted in seafarers being denied access through facilities for the purpose of shore leave, phone, etc...
- Safe Port Act directed the Coast Guard to require all crewmembers on vessels calling at US ports to carry and present a standard set of identifications.



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International Acknowledgement

- The International Maritime Organization (IMO) Maritime Safety Committee Circular 1112 (2004):

"There must be a proper balance between the needs of security, the protections of human rights of seafarers and port workers, and the requirement to maintain safety and working efficiency of the ship."

- The International Labour Organization (ILO) and IMO Code of Practice for Security in Ports:

"Procedures to facilitate the movement and access of seafarers, including representatives of seafarer welfare organizations and workers' organizations, to the port, port facility and ship as appropriate."



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Coast Guard Acknowledgement

- MTSA Preamble

Discusses Constitutional limits of Coast Guard authority in 33 CFR Subchapter H with regard to requiring access for seafarers from private property owners.

- 33 CFR 105.200 (b)(7)

Requires that owners/operators coordinate shore leave but doesn't mandate.

- NVIC 03-07

Describes Coast Guard intent to provide opportunities for shore leave.

- ALCOAST 529/08

Message to COTPs to work with owners/operators on the issue.



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Congressional & Industry Acknowledgement

- 110th Congress Senate and House versions of the Coast Guard Authorization Bill (HR 2830)

Contained language that would have mandated the inclusion of provisions in Facility Security Plans for moving seafarers and mariner support personnel through facilities freely and at no cost to the individual. Bill died in the Senate.

- "The Burden that 9/11 Imposed on Seafarers"
- NMSAC Working Group
- Seamen's Church Institute



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The Reports

- Inconsistent interpretation of the regulations by facilities
- Exorbitant Fees being charged for escorts
- Extreme limitations on hours of escort availability
- Denial of Access to facility without a TWIC



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The Reality

- CBP can still deny access to shore leave based on security threat or visa issues
- Coast Guard currently has limited legal authority to require a facility to allow access for seafarers
- The implementation of TWIC has increased security at maritime facilities but has impacted the facility's ability to offer unrestricted access.
- Chaplains want to provide escorts for seafarers but many hold R-1 (religious worker) visas which are currently ineligible VISA types for TWICs



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The Solution

- The Coast Guard strongly encourages seafarer access to shore leave through the Area Maritime Security Committees, Harbor Safety Committees and other COTP tools
- Working with the Department of State and TSA on eligibility for the R-1 (religious worker) VISA holders for escorting purposes
- Clarification on interpretation of regulation and policy and flexibility with the COTPs to approve monitoring & escort plans
- Port Security Grant FY09 eligibility for projects associated with the facilitation of seafarer access



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Best /Worst Practices

➤ Best:

- Tesoro Long Beach Terminal – Flexible escort policy
- Massport – Ship arrival brief
- Mobile Port Authority – Sponsoring escort training
- Partnerships with CBP

➤ Worst (variously reported across the nation):

- Exorbitant Fees being charged for escorts
- Extreme limitations on hours of escort availability
- Denial of Access to facility without a TWIC (no escorting)



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In the end

"As a maritime service, the Coast Guard recognizes the importance of shore leave and access to seafarer welfare organizations as an important aspect of maintaining crew morale, readiness and wellbeing. Individuals seeking access through facilities for the purpose of shore leave or for the purpose of providing service to the seafarer community should not find artificial barriers imposed by a minority of facilities within our regulated stakeholder base."

RADM Brian Salerno, CG-5 ALCOAST 529-08



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Discussion



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Rule-Making

- TWIC Reader Requirements Rulemaking (TWIC 2): #1 CG Regulatory project
- ANPRM published 27 March 2009
- NPRM timeline dictated by DHS – Intent is for it to be informed by both the ANPRM comments & results of the TWIC pilot program
- Subchapter H Update regulation project - Incorporates 5 years of lessons learned -Includes SAFE Port Act requirements -Currently in initial CG HQ clearance
- Cruise Ship Security regulation project - Removes regulations superseded by MTSA -Augment current screening requirements for Cruise Ship Facilities



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