

Southern Currents



Notice to the Area Port of New Orleans Trade Community

Date December 19, 2011

No.: 12-006

SUBJECT: Vessel and Crewmen Arrival Document Requirements.

PURPOSE:

This Southern Currents is to remind vessel carriers and vessel agents of the requirement for all conveyance, passenger and crewmen arrival documents to be prepared upon inspection of a vessel, crewmen and/or passengers by CBP officers.

Vessel arrival documents include: CBP Form I-418, *Passenger List – Crew List*; CBP Form I-95, *Crewman's Landing Permit*; and CBP Form I-94 *Arrival / Departure Record*.

When CBP officers board vessels arriving from foreign, and the carrier and crewmen forms are not prepared, this creates difficulties for both the vessel agent and inspecting officer. Failure to prepare CBP arrival documents constitute a violation of the U.S. Immigration and Nationality Act (INA) section 231 [8 U.S.C. § 1221(a)] and section 251 [8 U.S.C § 1281(a);] as well as 8 CFR § 231.1(b) and 8 CFR § 251.1(c).

CBP officers cannot grant shore leave to a crewman without a completed CBP Form I-95, *Crewman's Landing Permit*, presented by the crewman upon inspection. CBP officers delay subsequent vessel / crewmen inspections while waiting for vessel masters or vessel agents to obtain or prepare arrival documents.

PROCEDURES:

In response to an increasing numbers of CBP officers arriving onboard vessels to inspect crewmen without prepared conveyance, crewmen or passenger arrival documents, the following procedures will be followed:

1. If the CBP Form I-418, *Passenger List – Crew List* is not prepared, the CBP officer will accept a substitute crew list (i.e. IMO list) and **will inspect** all crewmen, along with the crewmen's travel documents onboard the vessel. All crewmen will be refused shore leave.
2. If the CBP Form I-95's, *Crewman's Landing Permits*, are not prepared, the CBP officer **will inspect** all crewmen, along with the crewmen's travel documents onboard

the vessel. Crewmen without a prepared CBP Form I-95, *Crewman's Landing Permit*, will be refused shore leave.

3. The CBP officer will provide the vessel master with a completed CBP Form I-259, *Notice to Detain, Present or Remove Alien*, indicating the following: "Crewmen detained onboard vessel – violation of sections 231 & 251 of the INA"
4. The CBP officer will inform the vessel agent and master that all crewmen are detained for failure to comply with Sections 231 & 251 of the INA, and that all required paperwork (CBP Form I-418, *Passenger List – Crew List*; CBP Form I-95, *Crewman's Landing Permit*; and/or CBP Form I-94 *Arrival / Departure Record*) must be completed and presented to CBP officers assigned to the Louis Armstrong New Orleans International Airport (D-2 Counter) during normal business hours; as soon as possible.
5. CBP officers assigned to the Louis Armstrong New Orleans International Airport (D-2 Counter) will complete and return the paperwork to the vessel agent, or his designated representative.

Crewmen will not be re-inspected. Under these circumstances, all crewmen refused shore leave by the inspecting officer, regardless of visa possession, will remain without shore leave until departure from the United States.

Extenuating circumstances involving the failure of vessel carriers, agents or masters to provide prepared conveyance, passenger and crewmen arrival forms upon inspection of a vessel, crewmen and/or passengers by CBP officers will be addressed on a case by case basis by contacting a Supervisory CBP Officer at the Port Operations Desk (504) 623-6600.

If applicable, penalties for violating INA sections 231 & 251, and 8 CFR § 231.1 (b) and 8 CFR § 251.1(c), may be assessed.

Please contact Chief CBP Officer Michael J. Ruiz at (504) 623-6651 or michael.ruiz@dhs.gov with questions regarding this Southern Currents.



Mark S. Choina
Acting Area Port Director
New Orleans, Louisiana