




MARITIME EXCHANGE

for the Delaware River and Bay

Leading the Way to Port Progress

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TO: Delaware River Congressional Members
FROM: Dennis Rochford 
DATE: September 16, 2020
RE: **Seafarer Crew Changes**

On behalf of our 300 members, the Maritime Exchange extends its sincere thanks for your leadership during the ongoing, unprecedented crisis in which we find ourselves.

As the Exchange has worked to meet its mission to promote waterborne commerce within the Delaware River and Bay port, one urgent issue has risen to the forefront of maritime business community concerns over the last few months: seafarer physical and mental health. This document seeks your assistance in resolving this global problem, which is all too apparent at our port as well.

Background

When governments began ordering lockdowns and other restrictions to help prevent the spread of COVID-19, ship owners largely kept crewmembers on board, desiring to keep them safe from harm. At the same time, airports closed, and nations restricted international travel, some closing their borders altogether. As a result, many mariners have been locked aboard their ships well beyond their contract expiration dates. About 300,000 seafarers have remained on board for a year or even 15 months. Now they are desperate to get home. An equal number has been waiting to join their ships, unable to earn a living to support their families.

U.S. Customs and Border Protection is responsible to clear foreign seafarers upon arrival. Those with valid visas may move through the country for shore leave and to join or sign off from their vessels.

A May 24, 2020 presidential proclamation limited or restricted certain international travelers from entry into or through the U.S. but specifically exempted “any alien traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crewmember or any alien otherwise traveling to the United States as air or sea crew.”

In early July, the UK hosted an international summit on crew changes. The result was a statement pledging urgent resolution to seafarer issues that have arisen due to the pandemic. The International Maritime Organization strongly supports the statement, which 12 nations signed, including the U.S. Since that time, we have seen little improvement in crew repatriation processes.

The Issue

In order to provide relief to anxious and increasingly distressed seafarers, vessel owners have been attempting to rotate their crews. Unfortunately their efforts have been hampered by two primary factors: 1) limited choices for airports and flights and 2) government policies which prevent departure of offsigning crew. These factors place human life and property in jeopardy as overworked, overtired mariners are more likely to make mistakes that can cause accidents. Until owners can safely and efficiently change out crewmembers, the risks to America's fragile supply chain, including critical relief supplies, and to seafarers' mental health will continue to grow.

The Maritime Exchange has previously contacted you about the need to open Philadelphia's airport to international flights. This letter focuses on CBP processes for crew repatriation.

The need to allow crewmembers who have so long been stranded aboard their ships to go home and to bring fresh workers aboard is increasingly pressing. Unfortunately, vessel owners and their agents find that U. S. CBP is denying crew repatriation requests for reasons that sometimes seem arbitrary (e.g., the vessel's next port of call) and at other times providing no reason at all, contrary to federal regulations.

While senior executives at agencies charged with border protection may agree with the International Maritime Organization protocols for ensuring safe crew changes and travel during the pandemic, day-to-day decisions are often left to local port personnel.

Philadelphia CBP has allowed some deviation from normal procedures, such as allowing crew to depart from airports other than Philadelphia International. Yet often the attendant requirements (such as constant guarding and preventing ship departures until after the crewmembers' flights leave) are onerous, expensive, and sometimes unworkable due to flight schedule limitations. These requirements can also throw the remainder of the ship's voyage off schedule, jeopardizing the closely choreographed transportation and supply chains. CBP claims it must keep a ship in port in the event crewmembers miss their flights or flights are cancelled. In those instances, CBP requires seafarers to reboard their ships, and the onsigners cannot then board without exceeding safe manning levels. This can create crewing challenges for owners attempting to plan for the appropriate crew complement at each stage of the voyage.

CBP personnel cite security concerns as a primary rationale for denying repatriation requests. They have rejected proposed alternative solutions to processing crewmembers who miss outbound flights and requiring constant guarding. However, despite multiple requests over the years, CBP will not provide data that supports treating every repatriating mariner as a threat to national security.

Further, by denying these beleaguered seafarers the ability to leave their ships at the earliest possible opportunity, these policies are at some level creating a security risk that did not previously exist. Depressed, exhausted, increasingly distressed, often frustrated, and sometimes angry mariners will be more likely to desert, abscond, or otherwise cause harm. Let them go home and the risk diminishes appreciably.

The Solution

This issue needs top-down leadership. In recognition of the logistics difficulties ship owners and their agents must overcome to effect crew changes, CBP must direct its port personnel to grant

all crew changes when requested, unless specific intelligence suggests an individual seafarer may pose a security threat. For the duration of the pandemic, and perhaps beyond if experience warrants it, CBP should allow repatriating crew to take flights with domestic connections so as to expand options for seafarers to return home as quickly as possible.

If CBP grants a repatriation request and the flight is missed or cancelled, CBP should allow overnight hotel stays so the individual can board the next available flight, the onsigning crewmember can join the ship, and the ship can continue on its voyage as scheduled.

Finally, CBP should allow for innovative solutions to the worsening problem, such as allowing seafarer welfare organizations or others to charter flights for groups of mariners without the normal restrictions mentioned above.

Industry recognizes the possibility that relaxing these requirements may result in a seafarer attempting to remain in the country illegally. However, CBP and other agencies have processes in place to respond to such incidents; these potential events should not hamper all crew changes any more than a security breach at one marine terminal should result in the closure of all ports. Further, it must be noted that the opportunity for deserting exists even under normal operating conditions.

Finally, CBP should issue national guidance to field personnel to give them the leeway to implement the suggestions above and to standardize procedures wherever possible. Currently, every crew repatriation request is considered — and approved or denied — on a case-by-case basis. It is impossible for vessel owners to plan for crew changes without knowing the acceptable parameters in any given port.

Actions to date: The Exchange and its members have met with local CBP personnel in an effort to find a mutually satisfactory solution. We have also escalated the discussion to the Director of Field Operations for this region. However, CBP field personnel are reluctant to implement the suggestions outlined above without specific approval from CBP Headquarters. CBP HQ has informed us that, while it will work with port personnel in an effort to address the issue, it will not change its policies and will continue to make decisions at the local level and on a case-by-case basis.

In Closing

In their statement following the international summit on crew changes, signatory governments agreed that “the inability of ship operators worldwide to conduct ship’s crew changes is the single most pressing maritime operational challenge to the safe and efficient movement of global trade.” Despite its agreement, U.S. CBP’s actions belie the spirit and intent of the statement.

We recognize that CBP must balance the safety and health of its own personnel and that of crewmembers against the need for border security and potential economic impacts. However, given the current humanitarian crises, governments that do not take all available measures to repatriate crewmembers when requested are causing prolonged misery for hundreds of thousands of people. This in no way justifies the cost of protecting against a future security event that may never happen.

If an agency is facing conflicting missions, it is well past time to place the greater value on human life and liberty. Seafarers are the lifeline of the vital maritime supply chain. They are in distress, and we must act now to resolve this humanitarian and economic crisis.

We would greatly appreciate your assistance in swiftly and urgently resolving this issue. Please feel free to contact Maritime Exchange Vice President Lisa Himber at 267-974-0488 or lisa.himber@maritimedelriv.com with any questions you may have or if you need additional information.

Thank you for your consideration of this request.

Sincerely,

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Delaware River Stevedores
Energy Transfer
Executive Shipping Svcs (USA) Inc.
Fresh Fruit Company
GAC North America - Shipping, Philadelphia
General Marine Refrigeration Corp.
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