

SEP 22 2015



U.S. Customs and
Border Protection

MEMORANDUM FOR: Executive Directors, Field Operations
Directors, Field Operations
Director, Pre Clearance (b) (6), (b) (7)(C)

FROM: Executive Director
Admissibility and Passenger Programs
Office of Field Operations

SUBJECT: Inadmissible Crewmembers Security Plan for Incoming Vessels

U.S. Customs and Border Protection (CBP) has recently received inquiries regarding CBP's ability to require that foreign vessels arriving at U.S. ports manned by crewmembers who lack the appropriate documentations implement security plans at the expense of the vessels' owner/operator to ensure that such crewmembers remain detained on board the vessel while in port. This memorandum provides guidance to Office of Field Operations (OFO) personnel on when it is appropriate to require a security plan, as well as the appropriate methods of ensuring compliance.

A. Factors to Consider When Requiring Security Plans.

The Immigration and Nationality Act (INA) generally requires that in order to be permitted to land temporarily under section 252 that an alien crewmember meets the requirements of section 101(a)(15)(D) and is "otherwise admissible." One of the requirements for admissibility is presenting appropriate documentation including, where required, a visa. Aliens without a visa are therefore not permitted to obtain conditional permits to land temporarily, and they must be ordered detained on board the vessel while in port. The master, owner, operator and/or agent of a vessel is responsible, subject to applicable penalties, for detaining on board the vessel any alien crewman who is inadmissible into the United States, unless a parole, if appropriate, is issued.

Any time an alien is required to be detained on board, CBP may require that the vessel establish a security plan, where appropriate, for the purpose of safeguarding the detained crewmembers. (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

B. Joint Security Plans With U.S. Coast Guard.

(b) (7)(E)

C. Responsibilities of the Vessel to Develop a Security Plan.

When CBP (either individually or in coordination with USCG) requires implementation of a security plan, the master, owner, operator and/or agent of the vessel will be responsible for developing, submitting and obtaining CBP and/or USCG approval of an appropriate crew security plan before the vessel will be permitted to enter the port. If denied, the master, owner, operator and/or agent must work directly with CBP and/or USCG to resolve the deficiencies and obtain approval.

If a vessel refuses to implement a security plan as required, or if an agreement regarding imposition of a security plan cannot be reached, including situations where USCG refrains from issuing a security plan in cooperation with CBP under MTSA, OFO should consult with their local Assistant/Associate Chief Counsel to determine if it would be appropriate to deny the vessel a permit to unlade until such time as CBP believes the vessel is secure.

Please direct any questions or concerns regarding this memorandum to (b) (6), (b) (7)(C), Branch Chief or (b) (6), (b) (7)(C), Director, Enforcement Programs Division (b) (6), (b) (7)(C).