

# US Embassy – Seafarer Law

October 15, 2009

# U.S. Embassy Seafarer Visa Statistics

- In the last fiscal year, U.S Embassy Manila adjudicated over 57,000 applications for seafarers.
- Approx. 20% of world seafarers are from the Philippines.
- *This gives U.S. Embassy Manila the largest volume of seafarer applicants in the world.*

# 9 FAM 41.11 N1.5 Application of 214(b)

**The consular officer assesses the credibility of the applicant and the evidence** submitted to determine qualifications under 101(a)(15). **The consular officer must be satisfied that the applicant will credibly engage in the activities authorized** under the particular NIV classification, that the alien will abide by the conditions of that nonimmigrant category, and that the alien will thereby maintain lawful status.

# 9 FAM 41.41 N1.1 Services Required for Normal Operation On Board Vessel

In determining whether the services of an alien are required for normal operation and service on board a vessel, **the consular officer shall take into account the alien's responsibilities and activities on the ship.** For example, a beautician or a lifeguard employed on board a luxury liner, an electrician employed on board a cable ship, or a chemist employed on board a whaling boat is classifiable as a crewman. It is immaterial whether such an alien is employed by the owners of the vessel or by a concessionaire.

# What documents are required?

**9 FAM 41.41 N3.1 Classification Under INA 101(A)(15)(C)**  
*(TL:VISA-322; 10-10-2001)*

A crewman traveling to the United States as a passenger to join a vessel or aircraft is classifiable C-1. The consular officer should normally require the applicant to present a verifying letter from the employer or the employer's agent.

**NOTE: NO FURTHER DOCUMENTATION IS REQUIRED UNDER LAW BUT CONSIDER THAT THE CONSULAR OFFICER MUST MAKE THE DECISION BASED ON AVAILABLE EVIDENCE.**

Is previous sea experience required to  
get a U.S. visa?

**9 FAM 41.41 N1.7 Crewmen Entering United  
States on Training Vessels**

Aliens entering the United States as trainees on training vessels are classifiable as nonimmigrant crewmen under INA 101(a)(15)(D).

**NOTE: Previous sea experience is not required to apply for or be issued a U.S. Visa.**

Do you need a visa to enter a U.S.  
port?

**9 FAM 41.41 N1.10 Alternatives for Crewmen  
Who Fail to Qualify for Nonimmigrant Status  
Under INA 101(a)(15)(D)**

***U.S. Customs and Border Protection (CBP)  
inspectors at the port of entry (POE) have the  
authority to parole crewmen into the United  
States....***

What about penalties for sailors on board without a U.S. visa?

**9 FAM 41.41 N6 INA 273(A) AND (B) NOT APPLICABLE TO CERTAIN ALIEN CREWMEN**

*(CT:VISA-1035; 09-24-2008)*

*DHS will not levy a fine against a carrier bringing an alien crewman to the United States who does not possess a visa if the crewman is held on board under conditions prescribed by DHS.*

# Will the Crew List Visa come back?

**9 FAM 41.42**

**NOTES**

*(CT:VISA-1036; 09-24-2008)*

*(Office of Origin: CA/VO/L/R)*

The Crew List Visa was eliminated as of June 16, 2004.

# QUESTIONS?

<http://manila.usembassy.gov/> - U.S. Embassy Manila

[MNLNIVSea@state.gov](mailto:MNLNIVSea@state.gov) – U.S. Embassy Email-Seafarers

[www.travel.state.gov](http://www.travel.state.gov) - U.S. State Department – Travel