



Home Office

Seamen

Version 3.0

This guidance is based on the Immigration Act 1971 and the Immigration Rules.

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About this guidance

This guidance is for immigration officers responsible for the enforcement of immigration control of seamen arriving in the UK as operational crew of a ship or as passengers coming to join a ship as operational crew.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Migration Policy Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **3.0**
- published for Home Office staff on **31 December 2020**

Changes from last version of this guidance

Minor changes to correct errors.

Related content

[Contents](#)

Seamen

This guidance is based on:

- the Immigration Act 1971:
 - part 1, sections 8, 10 and 11
 - part 3, sections 24 and 27
 - part 4, section 33
 - schedule 2
- the Immigration Rules 9.22.1
- International Labour Organisation Convention No. 108 on Seafarers' Identity Documents
- Maritime Labour Convention 2006.

Seamen are seafarers who earn a living by working on a ship and include:

- contract seamen
- other crew members

Contract seaman Contract seamen are seamen who are under contract to work on a particular ship at a particular time. It includes:

- those who are already crew members
- passengers who seek entry to the UK to join a ship as crew - a person seeking entry to join a ship operating offshore in relation to the oil industry is a contract seaman, not an offshore worker as defined in the discretionary policy for such personnel, see [04.0 Offshore workers](#)

Crew members Section 33(1) of the Immigration Act 1971 (the act) defines 'crew' as all persons actually employed in the working or service of a ship. For example, this may include:

- waiters, croupiers and hairdressers on a cruise ship
- divers, surveyors or technicians on an oil related ship

The deciding factor is that the member of crew satisfies the definition at section 33 and is 'actually employed in the working or service of the ship'. Trainee officers and ratings (ordinary seamen) are considered to be crew for the purposes of these provisions. Supernumeraries, stowaways and passengers. The names of crew are normally entered in the ship's articles but do not normally include passengers, supernumeraries or stowaways. If they do, such people are not crew as defined at section 33 of the act.

Since 20 August 2013 the requirement for a vessel to hold ship's articles no longer applies. It has been replaced by a requirement for every seaman to hold a seaman's employment agreement.

Pleasure craft

In the case of pleasure craft, which includes yachts, only those working on board for pay are regarded as crew. Any other people are treated as passengers.

Temporary shore leave

This is the leave to enter that is given to crew members who might have otherwise been eligible for entry to the UK without leave under section 8(1) of the act.

Temporary shore leave is granted under paragraph 13 of schedule 2 to the act.

Contract seaman leave This is the leave to enter that is given to passengers who arrive in the UK for the purpose of joining a ship as a member of its crew. Contract seaman leave is granted under paragraph 12 of schedule 2 to the act.

This section contains general information and procedures about immigration control of seamen at maritime ports. Crew who may enter without leave Under section 8(1) of the Immigration Act 1971 (the act), crew members of a ship may enter the UK without leave if they are under an engagement to leave the UK as crew of that ship and none of the following exceptions apply:

- a deportation order is in force against them
- they have at any time been refused leave to enter and have not since been given leave to enter or remain in the UK
- an immigration officer requires that they submit to be examined under schedule 2 of the act

No stamp or endorsement is required for entry under section 8(1) however checks must be conducted in line with the relevant provisions in the Border Force operating mandate about crew. Crew who enter lawfully by virtue of section 8(1) and seek to remain beyond the departure of their ship In line with section 11(5) of the act, crew who have lawfully entered the UK without leave under section 8(1) and seek to remain beyond the departure of their ship shall be treated as if they are seeking leave to enter and must be examined and granted or refused leave to enter as appropriate.

Crew who enter lawfully by virtue of section 8(1) and remain without permission beyond the time limited by section 8(1) (or are reasonably suspected of intending to do so) are liable for removal in line with paragraph 13(2) of schedule 2 to the act.

Crew who may not enter without leave

The ability to enter the UK without leave under section 8(1) does not apply to crew in the following circumstances.

Crew who are subject of a deportation order or who have been previously refused and not subsequently granted leave. You do not need to re-examine or refuse leave to remain to crew on subsequent arrivals who you identify crew from the crew list as being the subject of an extant deportation order or have:

- previously been refused leave to enter the UK not since then been given leave to enter
- not yet been ashore

You must:

- tell the captain of the ship that the crew member may not enter without leave under section 8(1) or have temporary shore leave under paragraph 13 on that or any subsequent voyage unless they are given leave to enter by an immigration officer
- serve the captain with form IS15 informing them of this and their responsibility and powers to make sure the person does not disembark in the UK

You do not need to:

- examine the crew member under schedule 2
- refuse leave to enter
- endorse the crew member's passport or make a report or entry on CID

You must, however, keep a local record and confirm any central record of the previous refusal. Before you issue a form IS15, you must refer full details to a Border Force higher officer for authorisation. They will consider if it is appropriate to examine the crew member under schedule 2 of the act to refuse entry on general grounds. Crew who are required to submit to examination under schedule 2 If you examine the crew member under schedule 2 of the act for any reason, they cannot enter without leave.

Crew who do not fall within the scope of section 8(1) but go ashore without leave will have entered without leave and be illegal entrants under section 24 of the act. You must inform your local immigration compliance and engagement (ICE) team of such cases.

This page explains the circumstances in which you must examine crew. Decisions about whether to examine crew members must be taken in line with the Border Force operating mandate. As an immigration officer, you have the power to examine any or all crew members on board a ship, including those not disembarking and seeking shore leave, in line with paragraph 2(1) of schedule 2 to the Immigration Act 1971 (the act). You have a power under paragraph 1(4) of schedule 2 to the act to board any ship for this purpose.

Irish citizens

Once free movement between the EU and UK ends on 31 December (11 pm), Irish citizens' status will continue to be protected. As a result, Irish citizens will not be eligible to apply for permission under the Immigration Rules.

You must examine a crew member when they:

- require leave to enter whether for temporary shore leave or otherwise, that is, they do not qualify for entry without leave under section 8(1) of the act:
 - people who are the subject of a deportation (or exclusion) order must be examined and dealt with in line with current instructions for intercepting such people at the border each time they arrive at port (IOI (BF) 02 10 13 (01) Immediate handling of Exclusion Orders and Deportation Orders') seek leave to enter for discharge:
 - to be repatriated by their employer or employers
 - for transfer to another ship
 - for hospitalisation

If you examine crew who have previously been refused leave to enter the UK and who have not since then been given leave to enter or remain, you must:

- refuse them leave to enter unless they qualify for entry under a category of the Immigration Rules or the ship has not been to a country outside the common travel area since the last refusal
- consider the reasons for the previous refusal of leave to enter before you grant any leave to enter

If you refuse leave to enter, you must be satisfied adequate arrangements are in place to make sure the crew member does not disembark and will leave the UK with the ship. If you examine crew under schedule 2 to the act, the provisions of section 8(1) no longer apply. You must always finish the examination of a foreign national crew member by granting or refusing leave to enter. This is even in cases where the crew member would have qualified for entry without leave under section 8(1) had you chosen not to examine them. For this reason, when you examine crew, officers who exercise dual powers under the act and the Customs and Excise

Management Act 1979 must make clear the legislative reason for any examination. model or variance of the Border Force operating mandate. For more information, see annexes A and B of the related link: [Border Force operating mandate](#).

Crew lists

The master of a vessel, other than a pleasure-craft, arriving from abroad must submit a crew list within twelve hours of arriving (the master's responsibilities are detailed in form IS6 which is available on CID).

The crew list must:

- detail all people on the ship at the time of arrival
- present all crew seeking to discharge from the vessel
- declare all passengers, supernumeraries and stowaways

Identifying crew for examination

When the master has submitted the crew list, you must check the crew in line with the crew variance of annex B of the Border Force operating mandate. For more information, see related link: [Border Force operating mandate](#).

Leave to enter for temporary shore leave

The requirements for granting a crew member temporary shore leave, they:

- have satisfactory documentary evidence of their identity, nationality and status
- are under contract, as a crew member, to a ship that is in UK waters and which is due to leave UK waters within a reasonable period of time and is not intending to operate wholly or largely in UK territorial waters
- do not intend to take employment, except as a seaman
- intend to leave the UK on the next sailing and do not intend to base themselves in the UK
- are not a person to whom any of the general grounds for refusal apply

Granting leave to enter for temporary shore leave

If you examine a crew member, you must carry out the checks under the appropriate checks model or variance of the Border Force operating mandate. For more information, see annexes A and B of the related link: [Border Force operating mandate](#).

When you examine crew and are satisfied, they will comply with the requirement to leave with the vessel, you must grant temporary shore leave in line with paragraph 13 of schedule 2 to the act using the 'temporary shore leave' stamp.

Leave to enter for transfer to another vessel

You may grant leave to enter under paragraph 12 of schedule 2 to the act for crew members seeking leave to enter to transfer to crew another vessel in the UK if you are satisfied that they will comply and leave the UK on the specified vessel. They are not allowed to enter without leave under section 8(1) of the act. You must grant code 7 (contract seamen) leave. You may waive the UK visa requirement where the seaman has arrived in the UK as crew of a ship.

This page explains what to consider when seamen are working aboard specific vessels or performing specific roles.

Personnel of ships engaged in scientific service or training People engaged in scientific service or training are classed as crew provided, they are:

- actually employed in the working or service of the ship
- their full details and functions are clearly indicated on the crew list

You may also treat instructors and cadets, including those on some training vessels, as crew members. Crew members joining or accompanying ships that are refitting or under construction in the UK Seamen are allowed to join, or remain with, vessels that are refitting or under construction in the UK. If they arrive as crew of the vessel and are engaged to leave as crew of that vessel they will be eligible for entry without leave under section 8(1) of the Immigration Act 1971 (the act).

You may also examine them, however, under paragraph 2 of schedule 2 to the act if you have reason to believe they would not satisfy the requirements listed below. If, following a schedule 2 examination, you discover that they do satisfy the requirements listed below, they are eligible for temporary shore leave.

If they arrive as passengers seeking entry to join the vessel as crew, or arrive as crew of the vessel and are not engaged to leave as crew of that vessel but will leave the UK by other means, you may grant leave to enter on code 7, or code 5N, as appropriate, provided you are satisfied they are contract seamen and that:

- the vessel (not the one being refitted or under construction) is scheduled to leave UK waters within a reasonable period of time and it is not intended to operate wholly or largely within UK territorial waters thereafter
- they are required to work as crew members of the vessel while the refitting or construction is being completed
- they are not engaged in any work inconsistent with their normal crew rank, or rating, including any work related to the refit which may be considered employment for which permission under the points-based system or other authorisation is required
- they will have no recourse to public funds

If the length of the ship's stay or other factors give you cause for doubt that any of the above may not be satisfied, you may refuse leave to enter under the Immigration Rules.

Seamen employed on British naval vessels as cooks or laundrymen

A number of seamen of Chinese origin are employed on board British naval ships in capacities such as cooks or laundrymen. You must admit such seamen on code 7 (full records of such seamen are held at the immigration office in Plymouth).

Fishermen

You must deal with a person seeking entry under contract to join a fishing vessel as you would other contract seamen.

Crew working aboard a fishing vessel need permission to work if:

- they are foreign nationals
- the fishing vessel operates wholly or mainly within UK territorial waters (within the 12 mile limit)

Crew of pleasure craft

Crew of pleasure craft (including yachts) are seamen who:

- are professionally engaged and paid as crew of a pleasure craft
- satisfy the definition of crew in section 33(1) of the act

You must treat all other people arriving by pleasure craft as passengers.

Granting entry by fax

For yacht crew arriving at remote locations it will not always be practical or necessary for you to attend. In most cases you may grant leave to enter by fax on form IS 18 following a telephone interview.

Alternatively, you may:

- grant leave to enter as a visitor orally over the telephone providing you are satisfied the requirements of the relevant visitor category of the Immigration Rules have been met, or ask the person to present themselves at a specified immigration office to be examined.

This section explains what to consider when a crew member seeks leave to enter for discharge. Foreign nationals need leave to enter under paragraph 13 of schedule 2 to the Immigration Act 1971 if they are discharged and you must examine them.

Crew members may seek leave to enter for discharge:

- to be repatriated by their employer for transfer to another ship
- for hospitalisation

Requirements for leave to enter for discharge

The requirements to be met by a crew member seeking leave to enter the UK for discharge are:

- they have a passport or other document to establish their identity and nationality or citizenship
- they do not intend to seek or take employment in the UK
- they intend to leave the UK (unless they are entitled to indefinite leave) either on the ship to which they are being transferred or in line with arrangements made for their repatriation
- they are not a person to whom any of the general grounds for refusing leave set out in Part 9 of the Immigration Rules apply
- (for crew members being repatriated) they have satisfactory travel arrangements including assured admission to their final destination and all countries on the way

- (for crew members seeking entry to receive hospital treatment) they confirm the owners or agents will make arrangements for them to be repatriated when their treatment is completed

Provided you are satisfied that these requirements are met and the seaman arrived in the UK as crew of the ship, you may waive the visa requirement for seamen seeking entry for discharge.

Crew members being discharged seeking leave to enter as visitors

Crew members being discharged from ships may seek leave to enter as visitors, either to rejoin their ships later in the UK or for a holiday before they go home. In such cases, you may grant leave to enter provided you are satisfied that the requirements:

- for a crew member seeking entry for discharge have been met (see above)
- of Appendix V of the Immigration Rules have been met (leave to enter as a visitor)

Granting leave to enter

If these requirements are met, you may waive the requirement for a UK visit visa. You must grant leave to enter on code 5N or code 3 (as appropriate) for six months, except in cases where leave is granted for the purpose of repatriation where leave should normally be granted, using the repatriation stamp, for up to seven days. Where you examine a crew member you must carry out the checks of the relevant checks model of the Border Force operating mandate.

Seamen, Repatriation

This section explains what to consider when a crew member seeks leave to enter for repatriation. Crew members who seek leave to enter to discharge from their vessel to return home must be examined and granted or refused leave to enter as appropriate.

To grant leave, you must establish the reason for repatriation at this time and be satisfied that:

- adequate arrangements have been made for the seaman to return home, including assured admission to their final destination and all countries on the way
- they will comply with these arrangements.

Granting leave to enter

You should normally grant leave for a period not more than seven days using the repatriation stamp. If the above criteria are met you may grant code 5N, though this limits the power to enforce any failure to comply.

Routine repatriations

The majority of repatriations may be dealt with by telephone and fax without the need for routine attendance by an immigration officer. Where required, however, the crew member may be directed to attend a specified immigration office for further examination or it may be necessary for an immigration officer to attend. Where you examine a crew member you must carry out the checks of the relevant checks model of the Border Force operating mandate.

Hospitalisation

This page explains what to consider when a seaman seeks leave to enter for hospitalisation. The International Labour Organisation (ILO) Maritime Labour Convention (MLC) 2006 requires members give access to onshore medical facilities where seafarers on board ships in its territory are in need of immediate medical help. The MLC has been ratified by the UK and will enter into force on 7 August 2014.

Seamen requiring emergency medical treatment may be treated by the National Health Service (NHS), but owners or agents will often make, insurance funded, private medical care arrangements. In such cases you must grant temporary shore leave to enter on 'hospital conditions' if you are satisfied that:

- adequate arrangements have been made for the medical treatment
- the seaman will rejoin and sail with his ship or leave in line with arrangements for his repatriation when discharged from hospital

If a seaman who has been receiving treatment abroad is brought to the UK, either as crew or as a passenger, you must be satisfied that the owners or agents are willing and able to meet all the costs involved (there must be a written undertaking to this effect). The concession waiving the visa requirement for visa-national crew does not apply for seamen seeking entry as a passenger or supernumerary for non-emergency medical treatment. They must satisfy the requirements for entry as a visitor for private medical treatment.

Granting leave to enter

'Hospital conditions' require the seaman to leave the UK within a specified period after discharge from hospital (normally not more than seven days) and avoids the need to defer a decision, or speculate when discharge from hospital will be. You must grant these conditions using the hospital treatment stamp. When a seaman has been admitted to hospital in an emergency without the consent of an immigration officer, you must make arrangements to grant leave as soon as possible.

Extension of leave

If it is not possible to arrange repatriation or removal within the period originally granted when the seaman first entered hospital, you may grant an extension providing enquiries confirm the sickness is genuine and requires treatment in the UK. Where you examine a crew member you must carry out the checks of the relevant checks model of the Border Force operating mandate. Guidance on medical emergencies can be found in the Border Force operations manual.

Seamen Contract: seamen joining a ship in the UK leaving UK territorial waters

This section explains what to consider when a contract seaman seeks entry to the UK as a passenger. Section 8(1) of the Immigration Act 1971 (the act), which provides for crew members to be allowed to enter without leave, only applies when a seaman arrives on a vessel of which they are a crew member and are engaged to leave as crew on that ship. Contract seamen joining a ship in the UK do not therefore fall within the scope of this section, nor do they fall within the crew variance of the Border Force operating mandate.

Examination

As an immigration officer, you have the power to examine any person who arrives in the UK on a ship, including those who are not disembarking and seeking to go ashore, for the purpose of deciding if they:

- are a British citizen
- require leave to enter or remain (and if so, whether leave should be refused, varied or revoked, as specified in section 2(1) of schedule 2 to the act)

You must subject contract seaman to the relevant checks model of the Border Force operating mandate.

Entry requirements

There is no requirement for contract seamen to get a work permit in respect of their employment whilst in UK territorial or internal waters if:

- the vessel is due to leave UK territorial waters again within a reasonable period of time
- it will not operate wholly or largely in UK territorial waters thereafter

If granting leave to enter, paragraph 12 of schedule 2 to the act permits you to limit the length of that leave to require:

- the contract seaman to leave the UK onboard a specific ship
- that they do so within a specified period of time (where the seaman arrives onboard a ship that is due to leave UK territorial waters)

Evidence

To qualify for entry as a seaman under contract to join a ship in the UK, a passenger must provide the following evidence:

- a valid passport, seaman's book, or other acceptable travel document:
 - a seaman's book must confirm the passenger's identity, nationality and returnability - some seaman's documents do not satisfy these requirements and are not acceptable - for example, the blue British record of service seaman's book and the yellow Norwegian discharge or muster book. Seafarers identity documents (SIDs) issued in line with International Labour Organisation (ILO) Conventions No. 108 and 185 will generally meet the requirements. A seaman's book is not a mandatory requirement
- entry clearance (if the passenger is a visa national):
 - Visa nationals who hold a seaman's book issued in line with ILO convention 108 (or ILO Convention 185 where the country, as a result of ratifying ILO185, has now denounced ILO 108) do not need entry clearance to join a ship as a contract seaman
 - the UK does not require a visa for holders of a seaman's book issued by a signatory country, even if the holder is not a national of the issuing country - for more information, see Holders of a seaman's document.
- a valid contract of employment establishing that the subject is, 'actually employed in the working or service of a ship':
 - the contract must provide details of the subject's pay and conditions of service - this will help you assess if the passenger has an incentive to comply with the requirement to join and leave with the vessel - you must pay careful attention to the duration of the contract, and guarantee of repatriation, particularly where the ship is one which operates from the UK, but wholly in international waters. Such ships rarely, if ever go to a foreign port - the expiry of leave granted to a contract seaman is the departure of the ship from the UK, 'leaving', for the purposes of immigration control, being considered as going to a foreign port - you must be satisfied that the seaman will leave the UK by some means within a reasonable period of time and does not intend to base themselves indefinitely in the UK
 - a seaman's employment agreement issued in line with the ILO Maritime Labour Convention (MLC) 2006 may meet this requirement
 - a seaman's contract must meet the minimum standard required by the MLC for all crew seeking entry to the UK. Where you come across instances of seamen not being treated in line with the MLC you can report it to the Maritime Coastguard Agency by email or by telephone on 02380 329549.
- confirmation that the vessel to be joined is at port in the UK and due to leave UK territorial waters:
 - UK territorial waters are defined as those within a 12 mile limit
 - the passenger will normally hold a letter from the ship's owner or agent confirming the vessel's location and sailing orders and giving a guarantee about the maintenance, accommodation and repatriation of the passenger

If you wish to check the details, contact the UK agent and, in cases of doubt, the local immigration office, harbour master or other sources, including local Border Force intelligence.

In deciding if the vessel is due to leave UK territorial waters, you must consider that the seafarer may be joining a vessel whose movements are unscheduled (for example, 'spot market' vessels or cable repair ships) and which may not have a specific date of departure. In such cases, it is appropriate to take account of the vessel's previous movements to establish the likelihood of its future departure:

You must be satisfied that the passenger does not intend to base themselves in the UK, wholly or largely in UK territorial waters or take employment on land in the UK.

Necessary funds and onward ticketing.

Leave

The leave that is to be granted to contract seamen who meet the above criteria is either:

- Code 7 (contract seaman):
 - Code 7 requires the seaman leave on their vessel. If the seaman fails to comply, or you reasonably suspect them of an intended failure to comply, you can enforce removal under paragraph 12(2), schedule 2 of the act
- Code 5N (code 3 is not appropriate):
 - Code 5N does not require the seaman leave on their vessel so you must only use code 5N when you are satisfied that they will comply with such leave - if the seaman fails to comply with code 5N, you can only enforce removal if they breach the conditions of their leave, or you establish evidence of illegal entry by deception - where you have doubts which do not warrant refusal, you must grant entry on code 7 - visa nationals admitted without a visa in line with the ILO108 concession must be admitted on code 7, not code 5N

Referrals where risks or concerns are identified

Officers should refer details of contract seamen to the relevant Regional Command and Control Unit (RCCU) by email as set out below where there are specific concerns about the embarkation of that individual.

In line with the vulnerability and threat assessment referred to in Annex A of the Border Force Operating Mandate, where an individual's behaviour or circumstances indicate that they may be:

- of interest from a counter terrorism perspective they should be referred to a Special Branch officer
- of interest from a criminal perspective they must be referred to the relevant agency (police, Immigration Enforcement crime team, the National Crime Agency or HMRC)

Following the referrals outlined, if it is agreed the passenger can proceed, officers should agree with the relevant authority whether a check on embarkation would be recommended. However, in cases where the threshold to refer to the above authorities are not met, but you still think an onward referral to the departure port would be helpful then referral should be made with the authority of a Higher Officer.

Where there may be safeguarding concerns, officers should also consider the Modern Slavery guidance. When making onward referral the arrival port should detail:

- the local UK agent
- the duration of contract
- the estimated date of sailing - referrals should be emailed to the relevant Regional Command and Control Unit who will assess and pass on to the relevant embarkation port for further action

The embarkation port will assess the referral based on risk and local intelligence and take the appropriate action, satisfy themselves that the entrant has complied:

- or take relevant enforcement action in line with paragraph 12(2) of schedule 2 of the act

There is no longer a requirement to forward on a Landing Card or make onward referrals in all cases. Officers should continue to test credibility as they would do with any arrival and refuse leave to enter wherever necessary. Onward referral should not be an alternative to refusing leave to enter where justified.

Seamen in transit to or from a vessel in a third country

This section explains what to consider when a seaman seeks entry as a passenger in transit to or from a vessel in a third country.

A seaman seeking entry for this purpose must be dealt with as a transit passenger in line with current rules and policy.

Visa national seamen in such circumstances who hold a Seafarer's Identity Document issued in line with the International Labour Organisation (ILO) Convention 108 or 185 may not need a visa (including direct airside transit nationals).

Leave

The leave that is to be granted to seamen seeking entry as a passenger in transit to or from a vessel in a third country is either:

- Code 5N
- Code 3 (for visa nationals or direct airside transit nationals where you have doubts but they are insufficient to refuse leave to enter)

This section gives examples of special classes of seamen and what to consider when such seamen seek entry. Special classes of seamen may arrive as either crew or passengers.

This page explains what to consider when a seaman presents a seaman's document issued by a signatory country of the International Labour Organization (ILO) Convention 108 (and in limited circumstances ILO No. 185). International Labour Organization (ILO) Convention No. 108 The ILO Convention No. 108, article 6 requires the UK to:

- permit the entry of a seaman holding a valid seaman's identity document, when entry is requested for leave to go ashore temporarily while the ship is in port
- (where a seaman's identity document contains space for appropriate entries) to permit entry of a seafarer holding a valid seaman's identity document when entry is requested for the purpose of:
 - joining their ship or transferring to another ship
 - passing in transit to join their ship in another country or for repatriation
 - any other purpose approved by the authorities of the member concerned

In line with article 4 of ILO No.108, the document must contain a statement that it is a seaman's identity document for the purposes of the convention.

Before allowing entry to the UK for one of the purposes specified above you must have satisfactory evidence of a seaman's intention (and of their ability to carry out that intention), including documentary evidence from the:

- seaman
- owner or agent concerned
- appropriate consul

You may also limit the seaman's stay to a period considered reasonable for the purpose in question. There is nothing in these provisions which restricts the UK's ability to prevent an individual from entering or remaining in its territory. For more information see [Signatories of ILO No. 108.](#)

International Labour Organization (ILO) Convention No. 185

The UK agreed ILO Convention No. 185 in 2003 but to date has not ratified it. A small number of countries whose seafarers previously qualified for visa exemption under ILO No.108, have begun to ratify ILO No. 185 (including France, Azerbaijan and Moldova). As a result of ratifying ILO No. 185 these countries are applying a revised form of the convention. Holders of documents issued by these countries, however, must continue to be treated as visa exempt for the purpose of gaining entry to the UK.

Visa waiver

In line with these obligations, you may waive the mandatory visa requirement for visa-national holders of seamen's documents issued in line with ILO Convention No. 108 (and No. 185 where the country, as a result of ratifying ILO No. 185, has now denounced ILO No. 108).

The holder of a convention document does not need to be a national of the issuing country but must be returnable to that country. This may be critical for removal directions to be issued so you must make sure the document is valid for this purpose.

The concession waiving the visa requirement applies only to operational seafaring crew engaged in their professional duties, for example:

- joining a ship due to leave UK territorial waters
- repatriating from a ship
- in transit to or from a ship in a third country
- discharging from a ship for necessary medical treatment

It does not apply to seamen or holders of seamen's documents who are either:

- travelling for other purposes, including employment where permission to work is needed
- not actually employed as crew of a vessel and travelling in relation to that employment, for example, those seeking entry as:
 - visitors (including business visitors)
 - nautical students
 - offshore workers
 - crew wives or dependants not engaged as crew (see below for more information)
 - other supernumeraries

The convention does not itself give a right of entry and specifically allows for entry to be refused if you are not satisfied that a person will comply with the conditions of entry. Seaman's documents are issued freely by most signatory countries and do not in themselves confirm that the holder is a genuine professional seaman. Intelligence indicates that people have sought to avoid UK visa requirements by abuse of the No. 108 Convention, for example seeking entry to join vessels that do not exist. You must examine such passengers and documents carefully.

Checking the document is compliant

Seamen's documents issued in line with the convention must say they have been issued for the purpose of the convention. A document without this statement may indicate it is noncompliant for this purpose. Non-compliant documents include:

- discharge books, for example:

- British blue (see 'Temporary concession for British seaman's discharge books' below)
- Norwegian yellow
- maritime certificates of competency
- safety certificates
- letters stating an application for a convention document is being processed but not yet issued

Temporary concession for British seaman's discharge books

British seaman's discharge books are to be deemed compliant for the purposes of the visa waiver until 31 August 2014.

Visa waiver for dependants accompanying crew on board ship

You may apply a limited concessionary visa waiver for a dependent spouse, partner or child under 18 years (each as defined in the relevant Immigration Rules) who is accompanying a crew member on board ship where:

- the dependants will remain with the ship
- leave the UK with the ship

The concession does not apply to visa nationals who require a visa even for direct airside transit. You must only apply the concessionary visa waiver if you are satisfied the dependant meets the requirements of the current rules for visitors or child visitors.

You must not apply it if the dependant:

- does not intend to remain with the ship
- seeks entry for any other purpose
- proposes to leave the UK other than by sea with the ship on which they and the crew member arrived

If you are satisfied the dependant meets the requirement for the concessionary visa waiver, you must grant leave to enter on the temporary shore leave stamp.

This page explains what to consider when you examine shipwrecked seamen or stowaways.

Shipwrecked seamen

You may grant shipwrecked seamen, professional or otherwise, discretionary leave to enter outside the Immigration Rules. They will usually be cared for by a local shipping agent, the Shipwrecked Mariners Society or the Mission to Seafarers. When you think granting leave to enter inappropriate, for example where a deportation order is in force, you must refer to a senior officer first. Shipwrecked seamen must not be detained without referring the case to an inspector or senior officer.

Stowaways

Stowaways are not crew members and you must not treat them as such.

This page explains what to do when you suspect a seaman has failed to comply with the requirement to leave the UK.

This is for cases where the requirement was for the seaman to leave the UK on the ship on which they were required under contract to leave under section 8 of the Immigration Act 1971 (the act) or with the conditions of any temporary shore leave granted.

Section 11(5) of the act states that a seaman who has entered without leave under section 8(1) of the act but seeks to remain beyond the departure of the ship he arrived on shall be treated as if were seeking to enter the UK. In such circumstances, you must examine the seaman in line with paragraph 2(1) of schedule 2 of the act and grant or refuse leave in line with the Border Force operating mandate and the Immigration Rules.

A seaman is liable for detention and removal in line with paragraphs 12(2), 13(2) and/or 14 of schedule 2 of the act if they fail to comply, or are reasonably suspected of an intended failure to comply, with the:

- requirement to leave the UK on the ship on which they were required under contract
- to leave under section 8 (1) of the act where leave is not subsequently granted
- conditions of any leave which required them to join and/or leave the UK on a specific ship, or within a specified period of time in line with arrangements for their:
 - transfer
 - hospitalisation
 - repatriation

You must use forms in the IS85 series in these circumstances.

In such cases, you must signal (put the wording below) on the seaman's travel document:

- 'Form IS85 issued at [insert name of port] on [insert date].'

Responsibility for costs

The costs of custody, accommodation and maintenance due to a crew member's failure to comply are determined by paragraphs 19 and 20 of schedule 2 of the 1971 act. Such costs will normally be the responsibility of the owners or agents of a ship directed to remove the individual under paragraphs 12(2) and 13(2) of schedule 2 but if costs are liable at public expense you must get an immigration officer of inspector grade to authorise your decision.

Deserters or those who fail to comply, but are not apprehended, remain liable for detention and removal. You must notify the owners and/or agents of their responsibility by serving form IS2.

Seamen who desert in the Republic of Ireland

A seaman who has deserted a ship in the Republic of Ireland and who subsequently enters the UK without leave is an illegal entrant. If you apprehend such a seaman, you should normally remove them to the Republic of Ireland after consulting the Department of Justice in Dublin using the contact details below:

Official – sensitive; start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

This section explains the circumstances in which seamen need permission to work.

Permission to work required

Seamen seeking leave to enter the UK for employment must have permission to work under the Immigration Rules unless they are under contract to join a ship due to leave British waters. Where a vessel operates wholly or mainly within the 12-mile limit of UK territorial waters, a foreign national seaman working aboard requires permission to do so. The fact that a vessel leaves UK territorial waters for a short period only does not allow a seaman to avoid this requirement.

Where the requirement to obtain permission to work applies, the seaman will need entry clearance and permission to work.

Examples of employment requiring permission to work include, but are not restricted to:

- domestic passenger ferry services between UK ports where the ship involved has a passenger certificate:
 - this includes 'ro-ro' services which carry 12 or more lorry drivers as these must have a passenger certificate, but it does not include voyages to the Isle of Man or the Channel Islands
- scheduled domestic freight services (a 'scheduled' service is defined as a publicly
- available service between the same 2 or more ports with voyages operated either according to a published timetable or on such a regular or frequent basis that they constitute a recognisable systematic series)
- inshore dredging
- harbour and estuary operations and other port services
- fishing vessels operating wholly or mainly in UK territorial waters

- vessels servicing wind farms within UK territorial waters

Permission to work not required

Where a vessel on which the seaman is under contract to leave the UK is bound for a foreign port permission to work is not required.

Permission to work is also not required for:

- non-scheduled domestic freight services (see above for definition of scheduled service)
- employment on vessels operating from UK ports, but working wholly in international waters outside the UK 12 mile limit
- European Economic Area (EEA) registered vessels over 650 gt (gross tonnage) exercising EEA 'cabotage' rights between mainland ports (this does not apply to UK, Isle of Man or Channel Islands registered vessels) - vessels engaged in port services are not generally engaged in cabotage - 'Cabotage' is the transporting of goods or persons. Such a vessel must be engaged in:
 - mainland cabotage between UK ports
 - island cabotage but only where the voyage is immediately before or after an international voyage, otherwise foreign nationals must have permission to work)

This page explains what to do when you grant or refuse a seaman leave to enter.

Granting leave to enter

For information on granting leave to enter for temporary shore leave or transfer to another vessel.

See other sections of this guidance for guidance on granting leave to enter in the following circumstances:

- leave to enter for discharge
- repatriation
- hospitalisation

Granting leave to enter to large groups of seamen

When dealing with large groups of seamen, you may endorse the leave and conditions on a document such as a crew list. You must give a copy of the document to the leader of the group and keep a copy at the port where the seamen are leaving or joining.

Granting an extension or variation of leave

A seaman who has been given contract seaman leave to enter for hospital treatment, repatriation or transfer is not normally entitled to an extension of stay, except where:

- it is necessary to fulfil the purpose for which entry was granted
- they qualify for settlement

If you grant leave to remain, you must sign the endorsement on behalf of the Secretary of State as required in the endorsing stamps held at sea ports for this purpose.

In cases where entry was given on code 5N, all applications for extensions of stay must be made on the FLR(O) application form and submitted as shown on the form.

Refusing leave to enter

You must refuse leave to enter if a seaman does not meet the requirements of the relevant paragraph of the Immigration Rules under which they are seeking entry. If appropriate, you may also refuse for general grounds under part 9 of the Immigration Rules. Where a seaman is seeking entry other than as a crew member, for example, as a student, fiancé(e) or spouse, you must refuse entry under the relevant part of the Immigration Rules relating to that immigration category.

For information on refusing entry under [Immigration Rules part 9: grounds for refusal](#).

You must refer potential refusals involving crew members to a Border Force higher officer for authority to refuse leave to enter.

Setting removal directions

Where you examine a crew member who doesn't meet the requirements of section 8(1) of the Immigration Act 1971 (the act) or the Immigration Rules and you refuse leave to enter, you must set removal directions in line with paragraph 8 or where appropriate paragraph 10 of schedule 2 to the act.

Where you examine a crew member who has previously entered lawfully without leave under section 8(1) but has failed to comply with the requirement to leave the UK on the ship on which he arrived (including where you have reasonable grounds to suspect that they intend to do so), you must set removal directions under paragraph of 13(2) of schedule 2 to the act.

Where you examine a crew member who was previously granted temporary shore leave or contract seaman's leave and who has remained beyond the time limited by that leave, you must set removal directions:

- in line with paragraph 12(2) (contract seaman's leave), or
- under paragraph 13 (2) (B) of schedule 2 to the act (temporary shore leave).

Procedure

When you refuse a crew member leave to enter you must:

- endorse their document with a date stamp signal in the normal way.
- serve a notice of refusal (IS 82 series) and, where appropriate, a notice of appeal rights - in all cases, you must serve the notice of refusal on the seaman in person and be satisfied they have fully understood
- give directions for removal in line with the relevant paragraph of schedule 2 of the act and serve form IS 83 on the master and agents or owners
- inform the master and the crew member that the crew member will not be allowed to enter the UK without leave on future arrivals under section 8(1)(b) of the act until such time as they are granted leave to enter or remain

Refusal wording

Illustrative examples of refusal wording:

- ‘On [date] you arrived at the port of [name of port] as a member of the crew of the ship [name] but I am not satisfied that you intend to leave the United Kingdom with that ship.’
- ‘.... but I am not satisfied that you intend to leave the United Kingdom in accordance with the arrangements made by the vessel's agents in the United Kingdom.’

Where the refusal is on grounds covered by the Immigration Rules, you must also make reference to these.

If you refuse a crew member of a ship which calls at UK ports at frequent intervals, or of a ship which proceeds coastwise to other UK ports, repeated refusal of leave to enter is not required.

Settlement

Sea service aboard British ships alone does not count as residence in the UK for the purpose of settlement. You must refuse a seaman who applies for residence only on this basis.

Illegal entrants arriving on merchant ships

This page explains what to do if you detect illegal immigrants aboard a merchant ship.

Illegal entrants using merchant vessels

Illegal immigrants entering the UK aboard merchant vessels is regularly attempted. Such illegal entry will require the help or knowledge of one or more crew members.

Targeting likely vessels

Illegal entry is often made on pleasure craft and small coasting vessels.

For up to date information on profiles, contact local Border Force intelligence.
Boarding and searching vessels

You must not board vessels alone. If you propose to make a visit in line with paragraphs 1(4) and 1(5) of schedule 2 of the Immigration Act 1971, you must be accompanied by a colleague, or a representative of the ship's agents. Searching of vessels must only be undertaken by trained officers. There may be benefits from observing a suspect vessel for some time before boarding.

Health and safety: clothing

All dock areas are dangerous so you must comply with dock regulations and wear appropriate clothing:

- high visibility, protective clothing
- footwear that provides protection and good grip
- lifesaving equipment (as appropriate)

You must take special care when boarding a vessel. Always make sure that ladders and gangways are to the required standards and secured before you board.

Health and safety considerations

Health and safety considerations include:

- you must be aware of the risk of rabies. All vessels entering UK waters which have a dog on board must make sure that the animal is properly secured and not allowed to roam on deck
- you must not use 'personnel baskets' unless in an emergency (used to hang from the outside of an oil rig)
- in all cases, you must be satisfied that the means of access are safe for boarding any vessel. If in any doubt, do not proceed

Detecting illegal entrants

If you come across suspected illegal entrants when searching a vessel, you must involve Home Office immigration enforcement and the police as early as possible to assist with apprehending them and their facilitators. You must also refer the case to a senior officer at an early stage.

Seamen facing prosecution

This section explains what to do if a seaman is to be formally prosecuted for a criminal offence.

Maintaining contact

When a seaman is being prosecuted for a criminal offence, you must make sure that you remain informed so you can take any action required under the Immigration Act 1971 (the act). To achieve this, you must:

- maintain contact with:
 - the agents of the ship
 - the police
 - prosecuting and detaining authorities
- make sure the crew member is not released without the Home Office being notified first

When a convicted crew member can be removed or deported, you must make sure that appropriate action is taken by yourself and/or relevant colleagues in the Home Office.

Action before prosecution

You must:

- inform the prosecuting authority of the powers of an immigration officer and that further immigration action may be necessary
- serve IS form 81 on the person (if it has not already been served) if the subject is in nonimmigration detention, inform criminal casework of the circumstances of the case and consider whether it is appropriate to serve IS form 91 and 91R on the detaining authority - where the forms are served, inform the detaining authority that the person must not be released without Home Office authority
- take action when the result of the case is known (as appropriate)

You must carefully monitor the progress of the case.

Action when the seaman is acquitted and was not examined by an immigration officer

You should take the following action when the seaman is acquitted and was not examined by an immigration officer:

- if the seaman is acquitted and they have entered as a crew member without leave under section 8 (1) of the act or have extant leave, and the ship is still in port, you do not need to take any action
- if the ship has sailed coastwise, you must ask the owners or agents to make arrangements for the seaman to rejoin the ship
- if the ship has sailed for a foreign port and you are satisfied the seaman will depart on another ship as crew, you may grant leave to enter as a contract seaman to join and depart on the specified ship

- if the seaman will not join a ship and does not hold extant leave, where appropriate you may grant contract seaman leave for them to be repatriated to their country or residence

Action when the seaman is convicted

You should take the following action when a seaman is convicted:

- if the seaman is convicted, you must refer the case to criminal casework for them to consider issuing a deportation order and serving immigration detention papers on the person
- if criminal casework do not adopt the case, you must consider if the conviction warrants the person being refused leave to enter under the general grounds for refusal contained in part 9 of the Immigration Rules
- if the seaman is not being made the subject of a deportation order and is not being refused leave to enter and entered as crew without leave under section 8 (1) of the act, or they hold extant leave to enter as a contract seaman and that ship is still in port, or the person holds other extant leave you do not need to take any action
- if the seaman is not being made the subject of a deportation order, is not being refused leave to enter, their ship has sailed for a foreign port, they are without appropriate extant leave and you are satisfied the seaman will depart on another ship as crew you may grant leave to enter as a contract seaman to join and depart on the specified ship
- if the seaman is not being made the subject of a deportation order and is not being refused leave to enter, will not join a ship and does not hold extant leave, where appropriate you may grant contract seaman leave for them to be repatriated to their country or residence

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