

CHAPTER 16
SECTION 1

SEAMEN

REPORTS ON SEAMEN**1. REPORTS ON SEAMEN**

In addition to the circumstances covered elsewhere in this section and in **Chapter 28, Section 2** to these instructions, "**Reports submitted by immigration officers**", reports relating to seamen are required in the following circumstances and whenever it is desired to draw attention to some unsatisfactory or unusual features in any particular case. A copy of any report or explanatory statement relating to seamen should be submitted to IES(1) and all such reports must be prominently marked "**SEAMEN**".

2. REPORTS ON NON-PROFESSIONAL SEAMEN REFUSED LEAVE TO ENTER

When a non-professional crew member is refused leave to enter and does not exercise his right of appeal against the decision the report should consist of form IS 128a accompanied by form IS 125 endorsed with the formula:

"The file held at (port), recording the examination of this seaman, contains evidence to show that he was a non-professional seaman likely to desert his ship in the United Kingdom."

The report should be signed by the immigration officer and chief immigration officer concerned in the case.

In cases where a non-professional seaman who is refused leave to enter, and who does not exercise his right of appeal against the decision, has previously come to the notice of the Home Office other than as a non-professional seaman a report should be submitted on **form IS 126**.

2.1. Non-professional seamen who have been detained ashore

Where the non-professional seaman has been detained ashore the form IS 128a, or batch thereof for a group from one ship, should be submitted under cover of the report on form IS 126. In all cases involving non-professional seamen the port file must contain the evidence of the examination clearly set out for possible appeal or other reference purposes.

At ports where a pro-forma or check sheet is used to record the examination of non-professional seamen these, legibly completed, will constitute an acceptable port record.

3. CREW MEMBERS ABSCONDING

Where a crew member refused leave to enter absconds before a report has been submitted full details should be given in the report. Where the crew member absconds after a report has been submitted a further report on form IS 126 should follow.

Similarly, where an absconding crew member is subsequently traced and removed before a report has been submitted full details should be given in the report but where this occurs after a report has been submitted, a further report should follow.

4. REPORT RECOMMENDING DELETION OF A SEAMAN SUSPECT INDEX ENTRY

When a seaman is the subject of a suspect circular which indicates that he should be refused leave to enter and it is considered that he qualifies for more liberal treatment, a full report should be submitted so that the case can be properly reviewed at IES(1). This report should include such details as a record of service, behaviour on board and ashore, family commitments, any difficulties he may be experiencing through being the subject of a circular and the immigration officer's own assessment of the case.

5. REPORTS IN RELATION TO APPLICATIONS FROM SEAMEN FOR EXTENSIONS TO LIMITED LEAVE TO ENTER

- Whenever there is doubt as to whether an extension or variation of stay should be granted to a fisherman the extension should be withheld and the circumstances reported to IES(1) for advice.
- When a seaman given leave to enter other than on Code 5N as a contract seaman or for discharge applies for and is refused an extension of stay a report should be submitted. This should be in the form of a full statement when notice of appeal has been given but where notice of appeal has not been given, a short report on IS 126 will suffice.
- The variation of leave to enter from "Seamen" to "Passenger" conditions or the cancellation of seaman conditions should be reported.

6. COPIES FOR ENTRY CLEARANCE OFFICERS

Copies of reports on crew members or their wives are not required by entry clearance issuing posts.

7. PROSECUTION CASES

Reports are not required when seamen are prosecuted for minor offenses, such as drunkenness, and sail with their ships without removal directions being given, or when desertion cases are cleared at ports without removal directions being given. A local record should be kept.