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CHAPTER 19 **SPECIAL CLASSES OF PASSENGER**
SECTION 1

1. PRISONERS TO SERVE SENTENCES

A prisoner transferred under the Colonial Prisoners Removal Act 1884 to serve his sentence in a United Kingdom prison should be given leave to enter on Code 1 for twelve months, or less if the sentence is less, and allowed to proceed with his escort to the prison.

2. PASSENGERS IN YACHTS

* A person who arrives in a yacht merely as a means of transport to the United Kingdom and ***does not intend to leave the United Kingdom in the vessel*** should be dealt with in the same way as any other passenger.

* Any person subject to control, other than an EEA national, ***who intends to stay with the yacht and sail in her*** should, if leave to enter can properly be given and subject to normal visa requirements, be given leave to enter on form IS 18.

* Paid members of a yacht crew should be regarded as crew (see ***Chapter 16, Section 1, Annex B***).

2.1. Form IS 18

Form IS 18 gives the holder leave to enter for six months in line with visitors. If a person is in a category which requires leave to enter to be given for less than six months, the IS 18 should be suitably amended.

The period of leave includes subsequent calls at United Kingdom ports if the yacht does not, in the meantime, call at a port outside the Common Travel Area.

Where appropriate, one form IS 18, suitably amended, may be issued to the skipper of the yacht in respect of all persons who arrived with the vessel and will be leaving with it (in accordance with Paragraph 6(4) of Schedule 2 to the 1971 Act).

2.2. No landing cards required

Landing cards are not necessary for passengers who arrive in a yacht and sail in her and such persons do not come within the scope of the current system. No statistical record or return is required for persons arriving and departing in yachts.

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2.3. **Persons given leave to enter on form IS 18 failing to leave with yacht**

Where it comes to notice that a person who arrived in a yacht and was given limited leave to enter by means of form IS 18 has failed to sail with the vessel, a report should be submitted to BCPI at the earliest opportunity.

3. PASSENGERS ON CRUISE SHIPS AND SHIPS IN TRANSIT

3.1. **Visa requirements**

Visa nationals, other than nationals of the countries precluded from the Transit Without Visa (TWOV) concession, who arrive in a ship and intend to leave the United Kingdom in the same vessel on the day following arrival may benefit from the visa waiver concession (see ***Chapter 2, Section 2, Annex D***).

Visa nationals require visas where the ship will call at more than one United Kingdom port without, in the meantime, calling at a port outside the common travel area.

However, as a concession, the requirement for a visa in these circumstances may be waived in the case of wives and children of crewmembers who arrive as supernumeraries and intend sailing in the same ship. Again, this does not include nationals of the countries precluded from the TWOV concession.

3.2. **Landing cards - ships leaving within 24 hours**

If a ship in transit or a cruise ship is to leave for areas outside the common travel area within 24 hours of its arrival in the United Kingdom, landing cards should not normally be required from passengers who will be leaving with the ship. The immigration officer may, however, require the production of landing cards by passengers if there is good reason for doing so even if the passenger is staying less than 24 hours.

Immigration Officers at ports will be required under EU legislation to accept crew and passenger lists submitted by the captain of ship on IMCO FAL forms 5 and 6.This does not oblige us to accept though the passenger or crew member.

3.3. **Landing cards - ships in transit which are to remain in the UK for more than 24 hours**

If a ship in transit is to remain in the United Kingdom for more than 24 hours or it is to call at several ports in the United Kingdom over a period of more than 24 hours, landing cards should be completed on the first arrival.

3.4. **Landing cards - cruise ships which are to remain in the UK for more than 24 hours**

If a cruise ship is to remain in the United Kingdom for more than 24 hours or is to call at several ports in the United Kingdom over a period of more than 24 hours, landing

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cards need only be completed where the district Inspector considers that it would be inadvisable to dispense with them, eg because of previous experience of incomplete or inaccurate passenger lists.

Whenever it is decided that landing cards will not be required from passengers on a cruise ship the Captain should be required to provide 2 copies of the passenger list, preferably in advance of the ship's arrival.

3.5. Disposal of landing cards

Landing cards should be retained at the first port of arrival until departure has been confirmed and then retained for 6 months before destruction.

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If, when granting leave to enter, the immigration officer decides that it is appropriate that embarkation should be confirmed, the landing card should be sent to the departure port with a request that it be returned to the arrival port after the embarkation is confirmed.

3.6. Examination of passengers on transit ships seeking to go ashore

All passengers on ships in transit who are seeking to go ashore should be required to present a passport or other document satisfactorily establishing identity and nationality and examined in the normal way.

3.7. Examination of passengers on cruise ships

All passengers on cruise ships who are seeking to go ashore should be required to present a passport or other document satisfactorily establishing identity and nationality but, unless the immigration officer has good reason to do otherwise, he should normally limit his examination to establishing that the document is valid, contains a United Kingdom visa where necessary, and is in the hands of its rightful holder.

There are occasions when passengers arrive in the United Kingdom by air or sea then join a cruise ship, subsequently to return to the United Kingdom. On their return, such "fly/cruise" and "cruise/cruise" passengers need not be required to present passports or other documents, but it will suffice to give bulk leave to enter by endorsement of a passenger list as outlined in paragraph 3.9 below.

3.8. Leave to enter

Any passenger, other than one on a vessel engaged in coastwise trade, who intends to leave the United Kingdom in the vessel in which he arrived and who is either leaving within 24 hours or is to go ashore on successive days using the ship as a hotel should be given leave to enter on Code 6:

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"Leave to enter the United Kingdom on condition that the holder maintains and accommodates himself and any dependants without recourse to public funds is hereby given for the period during which the ship in which the holder arrived remains in the United Kingdom'.

Code 6 landings do not come within the scope of the current system and arrival numbers need not be recorded.

3.9. Endorsement of leave

Passengers on a ship in transit should be given leave to enter by the endorsement of Code 6 in their passports/travel documents.

Passengers on a cruise ship may be given leave to enter in one of two ways:

where landing cards are taken the passengers should be given leave to enter by the endorsement of Code 6 in their travel documents;

where landing cards are not taken, where a cruise leader is available and 2 copies of the passenger list have been provided, leave to enter may be given by the endorsement of Code 6 on one copy of the passenger list, which should then be given to the cruise leader. No endorsement need be made on individual travel documents.

"Cruise/cruise" and "fly/cruise" passengers (see paragraph 3.7 above) may also be given leave to enter by endorsement of a passenger list, but in these cases Code 5N rather than Code 6 may be appropriate.

3.10. Embarkation procedure

Passengers given leave to enter on Code 6, with the exception noted below, need not be seen by an immigration officer on embarkation. Embarkation may be presumed unless information is received to the contrary.

If the immigration officer who granted leave to enter requests confirmation of embarkation from the port of departure, an immigration officer from the port at which the vessel clears for areas outside the common travel area should attend to confirm embarkation.

3.11. Statistics

Passengers arriving in the circumstances outlined in paragraphs 3 - 3.9 above should be classified as "V" for statistical purposes.

4. CHILDREN

Special considerations apply to the interviewing of children and the instructions as contained in the Best Practice guide issued by the Border Control Asylum Team

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should be followed. Any queries on this should be directed to the team at Green Park House, Croydon. Copies of the guidance can be obtained from BCPI.

5. STOWAWAYS

Stowaways are non-paying passengers and should be seen and considered like any other passenger. Usually, they will be undocumented and any request for leave to enter will fail on these grounds. Should they decide not to seek leave to enter they should be refused entry using the following formula: You have arrived in the United Kingdom as a stowaway on board the MV…..and have not sought leave to enter but I am not satisfied that you intend to leave the United Kingdom with that ship.

Should the stowaway seek leave to enter the formula should be worded to include whatever category the subject has chosen: You have arrived in the United Kingdom as a stowaway on board the MV …..and have sought leave to enter as a….but you do not hold a valid national passport/entry clearance issued to you for that purpose and under the Immigration Rules you are required to hold a visa…….

Should removal be directed on the ship then it will be necessary to serve forms IS83 and IS7 on the Captain.

Carriers Liability action should be taken where appropriate although discretion is often applied since it is difficult to safeguard against the boarding of stowaways. If though a vessel repeatedly arrives with stowaways CLA action should follow. As with any other passenger the decision to pursue penalty action rests with an Inspector.

Note

Whilst a stowaway is technically a passenger, they are nevertheless seeking to circumvent the immigration control and to enter the United Kingdom clandestinely. For this reason these must be identified to INDIS by means of an Operation Shorts pro-forma within two days of arrival, to include details of the routing, vessel name, owners and agents and any other information that may inform the intelligence process. Operation Shorts is the only mechanism for recording instances of stowaways arriving in the United Kingdom.

5.1. Procedure

An immigration officer should examine a stowaway at the earliest opportunity, to establish whether he wishes to enter the country. If he does, the immigration officer will need to determine, in the normal way, whether the applicant requires leave to enter and, if so, whether he qualifies under the Immigration Rules. An application by a stowaway for asylum in the United Kingdom is to be considered in the normal way as per standard procedures. If a stowaway has remained on board a ship which is due to leave before the application has been determined, arrangements must be made locally for him to be taken off the vessel before it sails, to be detained or granted temporary admission. The following points should also be borne in mind:

* a stowaway may have spent a long time in hiding and have been inadequately fed and clothed;

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* as in any other case, an interpreter should be used when necessary; and

* the master or agents may claim the stowaway is a danger to the ship or is an asylum seeker as a means of removing him from the ship, or they may attempt to prevent an examination by an immigration officer to avoid a charge under the Carriers Liability Act. The immigration officer must insist on seeing the stowaway and interviewing him in person.

5.2. **Reference to Headquarters**

Any case where doubt arises about how to treat a stowaway should be referred to a CIO at BCPI via the BCPI Enquiries box.

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