

THE 29 DAY RULE RESOLUTION

Seafarers Conference 2010

Port of Houston, Texas

WHEREAS international commerce is the foundation upon which the welfare of this country rests;

WHEREAS the crews manning vessels making foreign commerce possible for thousands of years are proud, hard-working, and honest ordinary citizens of their respective countries who take pride in their chosen profession;

WHEREAS international commerce would be non-existent without ocean transport and the crews to man the vessels;

WHEREAS 95% of foreign commerce is carried by sea;

WHEREAS U.S. Coast Guard Commandant Thad Allen in ALCOAST 108/08 expressed his expectations and clearly stated that, "licensed and documented mariners are professionals who share our interests in a safe, secure and environmentally compliant industry";

WHEREAS it is widely reported that crewmen arriving in the United States are being subjected to extra scrutiny and lengthy inspection procedures when presenting their D-1 visa at airports;

WHEREAS it is imperative that all countries contribute to the safe transportation of the world's commerce;

WHEREAS it is imperative that crews manning vessel carrying foreign commerce are trained and experienced;

WHEREAS it is recognized that fatigue is a major contributing factor to maritime accidents;

WHEREAS it is recognized that shore leave is the best remedy against fatigue and stress and maintains the morale onboard the vessel;

WHEREAS crewmen are professionals who should be recognized as such as any other foreign business person visiting the United States;

WHEREAS the 29 day rule has not been uniformly enforced to alien crewmen;

WHEREAS the 29-day rule has been in effect since 1953, permissions have as a usual practice been granted to allow crewmen to go ashore while their ship was in a U.S. port;

WHEREAS Customs and Border Protection has recently begun to enforce the rule inconsistently;

WHEREAS 8 C.F.R. 253 provides for parole of alien crewmen, 8 C.F.R. 253.1 (g) specifically provides that the CBP District Director may grant a parole to crewmen for emergent reasons or for reasons deemed strictly in the public interest;

WHEREAS crewmen who have unintentionally remained in the United States because their vessel's departure was delayed have had their visas revoked, contrary to the authority of 8 C.F.R. 253(g), causing an unnecessary hardship to a person who did not intentionally violate the law;

WHEREAS it is in the public interest that crewmen of vessels of all nationalities are well rested and not fatigued and maintain a high morale while onboard their vessel; and

WHEREAS the United States has a vested interest in promoting a positive opinion about our country and to that end should treat visitors with courtesy and respect.

BE IT RESOLVED:

THAT the maritime industry work together with the Commissioner of Customs and Border Protection to establish a protocol for parole to be applied consistently nationwide, as per 8 C.F.R. 253 (g), to an alien seafarer, who must unintentionally stay in the United States past 29 days for emergent reasons or for reasons deemed strictly in the public interest; and

THAT the U.S. Department of State and the Commissioner of Customs and Border Protection issue a memorandum expressing an expectation that seafarers be treated with respect while visiting the United States and be granted all privileges they are entitled to and treated in a like manner as all other visitors.