

7 FAM 750 REPATRIATION OF SEAMAN

*(CT:CON-111; 09-15-2005)
(Office of Origin: CA/OCS/PRI)*

7 FAM 751 INTRODUCTION

(CT:CON-111; 09-15-2005)

- a. U.S. owners or operators of United States merchant ships are responsible for the repatriation of all seamen (seamen of any nationality who are serving on a vessel of the U.S.) separated from their vessels at foreign ports for any reason (ill or injured) including stragglers, except in cases of desertion, shipwreck or other acts of misconduct by the mariner. You should inform the seamen needing assistance, or the individual/organization that contacted you, that your office is available to assist seamen of the United States as appropriate. (See 46 U.S.C. 10318(e)).
- b. You should attempt to place destitute seamen of the United States on board another United States flag vessel bound for a port in the United States as indicated in 7 FAM 741.
- c. Ultimate responsibility for the cost of repatriation by maritime practice, Comptroller general decisions, or maritime bargaining agreements rests with United States owners or operators who are held responsible for relief and repatriation of all seamen separated from their vessels at foreign ports.

See ...

Center for Seafarers' Rights

7 FAM 752 DESTITUTE SEAMEN OF THE U.S.

(CT:CON-111; 09-15-2005)

- a. If a seaman who is a United States citizen or permanent resident alien contacts you for assistance because he/she is destitute, by statute, you must first contact the ship owners or their agents, to determine whether the seaman is in fact destitute. If so, try to place him/her on another

ship bound for the United States if there is a position available by contacting any United States flag vessel that may be in port. Local Port Control Officers of the foreign state (or their equivalent) may be able to provide information about vessels in port.

- b. The United States Coast Guard’s National Maritime Center may provide addresses and information such as next of kin for routine and emergency situations.

National Maritime Center
4200 Wilson Blvd. Suite 630
Arlington, VA 22203
Telephone: 202-493-1022
FAX 202-493-1060

- c. Otherwise, you should assist him/her in the manner you would any other destitute United States citizen. (See 7 FAM 300; and 46 U.S.C. 11104).
- d. Also, direct permanent resident aliens to the nearest consular office representing his/her nationality.
- e. You should ask the following questions:
 - (1) The circumstances under which the condition of being left destitute occurred;
 - (2) The name of the vessel on which he/she last shipped;
 - (3) The name of the master; and
 - (4) The time, place and cause of the discharge or separation from the vessel.
- f. A seaman may be considered destitute, for example, when:
 - (1) The vessel has been sold in a foreign country;
 - (2) There has been a loss of the vessel;
 - (3) The vessel is un-seaworthy;
 - (4) The seaman has suffered cruel treatment aboard the vessel; and
 - (5) The ship owner has declared bankruptcy or is insolvent.

See ...

Admiralty and Maritime Law 2nd ed. by Schoenbaum, Chapter 6

“Seaman Protection and Welfare.”

7 FAM 753 DESERTERS

(CT:CON-111; 09-15-2005)

A seaman of the U.S. who deserts ship without cause and becomes destitute is not entitled to assistance under the shipping laws, **but**, under the United States Department of State rules, shall be assisted in the same manner as any other destitute U.S. citizen.

7 FAM 754 ALIENS

(CT:CON-111; 09-15-2005)

If an alien is returning to the United States, in addition to any passport and/or visa requirements, you should provide him/her with a certified statement for use by the immigration authorities listing biographic data and indicating that the individual was on board a vessel of the United States (name) and is now bound for the United States.

7 FAM 755 MILITARY SEALIFT COMMAND (MSC)

(CT:CON-111; 09-15-2005)

- a. The U.S. Navy's Military Sealift Command (MSC) operates ships in support of the Department of Defense (DOD). Some of the ships are operated by private shipping companies, while others are operated by United States Civil Service seamen. Seamen employed by private shipping companies are members of the United States merchant marine entitled to protection and assistance as seamen of the United States.
- b. United States Civil Service seamen that operate vessels for the MSC do not fall under the jurisdiction of overseas posts. However, where a MSC disbursing officer is not available, relief may be extended to them via the Navy Department account and the MSC should provide the necessary fiscal data. If these seamen become destitute, provide assistance, relief, or repatriation as you would other seaman of the United States. The Form DD-489 Seaman's Identification Card; or United States DOD/Uniformed Services Identification Card may provide evidence of employment with MSC.

- c. Personnel of United States Naval vessels, although not entitled to relief as merchant seamen, may be assisted if distressed or in need of transportation upon written/electronic authorization from the commanding officer (CO) or from the Department of the Navy. Assistance should also be rendered to distressed or stranded United States Coast Guard (USCG) personnel upon the written/electronic authorization from the USCG in the same manner as rendered to the Navy personnel. The military member's branch of service will provide funding or reimbursement for such costs.
- d. The **MSC Staff Duty Officer** may be reached by:

Telephone: 202- 685-5155
FAX: 202- 685-5375 or
E-mail: sdo.msc@msc.navy.mil

7 FAM 755 THROUGH 759 UNASSIGNED