



AUSTRALIA'S NEW VISA POLICY FOR FOREIGN SEAFARERS

The government of Australia will implement a new visa policy procedure for foreign crew members starting 1 July 2007.

The Philippine Department of Foreign Affairs has reported last May that the Migration Amendment (Maritime Crew) Act of 2007, passed by the Australian Parliament on 10 May 2007, would require security checks before foreign crews are granted visas to enter Australia. The Act seeks to strike a balance between Australia's national security interests and the demands of the shipping industry.

Under the Act, **the Maritime Crew Visa (MCV)** will replace the current Special Purpose Visa (SPV) granted on arrival of foreign crew holding a valid passport and have been issued with a document that establishes their employment on the ship. It largely follows the existing SPV arrangements for foreign crew and their accompanying spouse and dependent children (where traveling with crew). However, the MCV will require a formal visa application to be made outside Australia to allow security checking of foreign crew and align them with other categories of temporary entrants who travel to Australia.

The new visa policy for seafarers provides for the following:

- There will be a six-month **transitional period from 1 July 2007** (also the start of application for MCV) **to 31 December 2007**. This will give the industry time to comply with the MCV requirements. During this period, the SPV arrangements will continue to apply to ensure that foreign crew will still arrive lawfully in Australia, even without an MCV.

- **The Mandatory requirements from 1 January 2008** for the lawful arrival in Australia of foreign crew are as follows:
 - a. The crew must hold a valid national passport.
 - b. The crew must hold a Marine Crew Visa granted on the same passport.
 - c. There must be another document establishing the crew member's employment on the ship (for example, crew list, articles, seaman's book or contract of employment).

Failure to meet the above requirements may lead to restriction in boarding the ship. The operator, master, charterer and agent may also be fined AUD5,000 for each person who is refused immigration clearance.

- **MCV key features:**
 - a. This will be required for foreign sea crews (except New Zealanders and Australian permanent Visa Holders) arriving and staying in Australia.
 - b. This will be valid only for travel to Australia by sea for the ship's crew and will not be allowed for air travel.
 - c. This will be free of charge and applicants can apply via the internet, or by mail or courier.
 - d. The holder of MCV must be cleared by the immigration authorities (as advised by Customs) before the ship departs, otherwise MCV ceases.
 - e. It allows multiple entries by sea (as sea ship's crew only) during the validity of the visa, which is for three years from date of issuance.

The Department of Immigration and Citizenship (DIAC) of Australia applies the strict letter of the law when it comes to visa requirements. Failure to present a visa or proper travel documents by arriving crew members is considered an offense (even if employed on the ship). As such, DIAC will impose a fine of AUD5,000 for each person refused of immigration clearance. The offence is a strict liability and even where there are unusual circumstances, DIAC is unlikely to withdraw or waive the fine.

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