

OUR PRACTICE

Crewman & Longshore

U.S. immigration law is specially designed to allow the crew of international vessels to land temporarily in the U.S., without allowing alien crewmen to work on the docks (with some exceptions), to enter indefinitely, or to obtain permanent residence.

There are many different kinds of crewmen and corresponding visa classifications for them:

- B-1 **business visitors** may include:
 - Private yacht crewmen cruising U.S. waters for more than 29 days;
 - "Coasting officers" of foreign vessels in U.S. waters for no more than twenty-nine days on any one vessel;
 - Certain Outer Continental Shelf (OCS) employees
 - Certain foreign airline employees
 - Certain Canadian and British crewmen of U.S. Canadian or British vessels operating between U.S. and Canada.
- **C-1 or TPOV** may be used by crewmen coming to join a vessel or aircraft that will promptly depart the U.S.
- **D-1** is nearly the only classification available for alien crewmen to land in the U.S. for up to 29 days and depart. The transportation line is responsible to the Department of Homeland Security to account for its crewmen and see to their departure. D-1 crewmen, who receive a form I-95 upon entry rather than I-94, are prohibited from extending or changing their nonimmigrant status, adjusting to permanent residence, or even receiving "cancellation of removal," so that they must depart and reenter in some other status to seek those benefits. A transportation line may file a form to pay off and discharge a crewman, who then obtains D-2 status until prompt departure on another vessel. D crewmen are subject to "summary exclusion" and "summary revocation" requiring that they remain on or return to the vessel without opportunity for hearing.
- For security reasons, the State Department in 2004 eliminated the crew list visa, requiring individual visa applications for crew members to be able to disembark at a U.S. port. Consulates have been instructed to try to accommodate applications for D visas for seaman applying while on brief leave at a port not in their home countries. In order to facilitate advance visa applications, consulates have been reminded that a crewman may be issued a D visa even before becoming officially employed by a vessel, and there is no requirement that applicants have specific itineraries.

Longshore work may be done by D-1 crewmen under limited exceptions administered by the Department of Labor.

How We Can Help

The Baker Donelson Immigration Group can represent international transportation lines concerning the administration of workers while landing in the U.S., including the dealings and disputes with the Department of Homeland Security or the Department of Labor that sometimes arise concerning particular workers or larger situations. We advise crewmen on their range of options and on strategies for obtaining less limiting status in order to enhance their options for longer stays or permanent residence. Our firm's robust admiralty law practice dovetails nicely with these issues.

Important Links

- [DOS FAM: Crewmen](#)
- [DOL: D-1 Crewmembers' Certification](#)