

9 FAM 41.42 Procedural Notes

(TL:VISA-514; 01-29-2003)
(Office of Origin: CA/VO/L/R)

9 FAM 41.42 PN1 Issuance of Crew-List Visas

9 FAM 41.42 PN1.1 Fees

(TL:VISA-514; 01-29-2003)

*A MRV processing fee is required for each crew member on a crew-list visa. **The MRV fee is to be collected only once for each crew-list member**, regardless of the number of crew-list visas the shipping company requests at the initial time of application for use within the six month validity period. There is no other fee charged for a crew-list visa, nor is there any additional charge for visaing multiple copies of a crew-list. Crew-list visas are conceptually different from other types of nonimmigrant visas, hence they fall outside the normal reciprocity schedules. Although crew-lists visas are classified as "D" visas, **individual members included on the crew-list are not subject to a reciprocity fee**, regardless of the ship's flag country or the crew member's nationality. All crew-list visas carry the same validity of 6 months, single entry, as noted in 22 CFR 41.42 (d).*

9 FAM 41.42 PN1.2 Submission of Crew-List Visa Applications

(TL:VISA-514; 01-29-2003)

Although foreign ship crews ideally should make application for crew-list visas at a consular post nearest the ship's home port, many crew-list visa applications are submitted by ship owners or agents on behalf of ships far from their home ports. Consular officers should not withhold visa services from such crews.

9 FAM 41.42 PN1.3 Notification of Crew-List Visa Issuance to U.S. Ports-of-Entry

(TL;VISA-514; 01-29-2003)

Prior to a ship's arrival in the United States, shipping companies will usually arrange to fax or forward by courier mail to the port-of-entry, a copy of a crew-list visa issued after the ship has already sailed. INS, at the port-of-entry often relies on an advanced faxed copy of the crew manifest, and will process a visa waiver if the captain or agent can show a consular fee receipt proving that the visa was applied for.

9 FAM 41.42 PN2 Preparation of Visa

9 FAM 41.42 PN2.1 Annotating Cumulative Pages of Crew-List

(TL:VISA-514; 01-29-2003)

If a crew-list presented for visaing is on more than one page, the pages shall be securely fastened together with eyelets in the upper left corner of the crew-list. The MRV should be annotated to indicate the total number of pages of the crew-list. For example:

CREW-LIST: TOTAL OF FIVE (5) PAGES
or
CREW-LIST: TOTAL OF SEVENTEEN (17) PAGES

9 FAM 41.42 PN2.2 Supplemental Crew-Lists

(TL:VISA-514; 01-29-2003)

In the event additional crewmen are signed on under emergency conditions making it impossible to include their names in the crew-list, a supplemental crew-list may be presented for visaing at the first port of call at which a consular office is located.

9 FAM 41.42 PN3 Derogatory Information Received After Issuance of Crew-List Visa

(TL:VISA-514; 01-29-2003)

a. Any information indicating that a crewman included in a crew-list visa is ineligible *for visa issuance* as an active member of a subversive organization, a known or suspected terrorist, a dangerous criminal, or a narcotic drug trafficker, shall be forwarded to the Department (CAVO/F/P) by immediate telegram. The telegram shall include:

- (1) The alien's name, and date and place of birth;
- (2) The name of the carrier on which the crewman is serving;
- (3) The date and port of first arrival in the United States; and
- (4) The facts regarding the grounds of ineligibility.

b. These messages shall not be marked "PASS TO" for any other government agency, as the Department will take any appropriate action.

9 FAM 41.42 PN4 Simultaneous Issuance of Two or More Crew-List Visas

9 FAM 41.42 PN4.1 Simultaneous Issuance of Two or More Crew-List Visas Authorized for Vessels

(TL:VISA-514; 01-29-2003)

Because crew-list visas are valid for one entry only, any ship wishing to make more than a single entry to the United States during a six-month period must receive a separate crew-list visa for each intended entry. Posts are authorized to issue simultaneously two or more crew-list visas to any vessel expecting to make two or more calls at U.S. ports within six months of the date of visa issuance. Copies of the original crew-list may be visaed if the copies are legible. The validity of each visa is six months from the date of issuance.

9 FAM 41.42 PN4.2 Visaing Identical Copies of Crew-Lists

(TL:VISA-514; 01-29-2003)

If identical copies of crew-lists are visaed, the consular office need retain only one copy. The copy shall be endorsed to show the number of visas issued and the date of issuance. The number of identical lists visaed shall be annotated on the visa. For example:

ONE OF SIX VISAS
or
THREE OF FOUR VISAS

9 FAM 41.42 PN4.3 Visaing Crew-List Not Identical

(TL:VISA-514; 01-29-2003)

Posts shall not decline to visa crew-lists which are not identical if, for instance, it is intended that substantial crew changes will take place in a future trip. In such a case, the consular office shall retain a duplicate of each visaed crew-list.

9 FAM 41.42 PN4.4 Reporting Requirements

(TL:VISA-514; 01-29-2003)

The consular officer shall report the number of crew-lists actually visaed, whether the visa was affixed to an original crew-list or to a copy. The consular officer shall not report the number of individual crew members covered by the crew-list visas.

9 FAM 41.42 PN5 Excluding Names for Reason of Visa Ineligibility From Crew-List Visas

(TL:VISA-514; 01-29-2003)

a. In any case in which a crew-member is found ineligible for visa issuance, the consular officer shall annotate the crew-list visa with the refused applicant's name and the ground of visa ineligibility. For example, if an alien is excluded from a crew-list visa because of crime involving moral turpitude, the following annotations should be made on the crew-list visa:

John Doe (212(a)(2)(A)(i)(I))

b. To save space in the annotation field, visa refusal annotations may also use the CLASS refusal code pertaining to the alien's ground ineligibility (or ineligibilities):

John Doe 1A1 or Joe Doe 2A1; 2B

9 FAM 41.42 PN6 Use of D Visas by Alien Crewmen Encouraged

9 FAM 41.42 PN6.1 Emphasizing D-visa Option to Shipping Companies

(TL:VISA-514; 01-29-2003)

a. *The Department encourages crew members to obtain individual D visas, which in general have a longer validity and greater number of entries than crew-list visas. The individual D visa also provides the crew member with greater flexibility in travel to the United States. For example, D visa classification allows the crewman to spend a layover period in the United States of up to 29 days.*

b. Posts can also issue individual D visas to crew members who are not currently employed on a vessel, as long as post are satisfied that the applicant is a crew member by occupation and will abide by the terms and conditions of the visa. Consular officers should point out these advantages to shipping companies or agents, and provide them with visa application forms to pass on to crewmen to apply for individual D visas. Reciprocity fees, however, do apply. No special notation for names of crew members on a crew-list who also possess individual D visas unless the D visa was issued on the basis of an approved waiver of ineligibility (see next note).

9 FAM 41.42 PN6.2 Ineligible Crewman Having a Valid D Visa Issued Under INA 212(d)(3)(A)

(TL:VISA-514; 01-29-2003)

An alien crewman may be ineligible for a crew-list visa but may have in his possession a valid D visa issued on the basis of an approved INA 212(d)(3)(A) waiver from the INS. If so, the alien's name shall be stricken from the crew-list manifest and the following annotation shall be made in ink to the right of the name:

John Doe has valid D Visa issued per INA 212(d)(3)(A) Waiver