

ALERT ON INCREASED STOWAWAY ACTIVITY IN THE DOMINICAN REPUBLIC-PUERTO RICO TRADE

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Correspondents in Puerto Rico, JGL Attorneys at Law (formerly Jiménez, Graffam & Lausell), inform that the Dominican Republic-Puerto Rico trade is experiencing increased stowaway activity, especially in vessels carrying cargo in bulk. Surges in stowaway activity appear to be periodic and are probably associated with evolving social and economic conditions at both ends of the trade. Although recent stowaways appeared to be mostly of Dominican Republic origin, they may include persons from other areas of the Caribbean, South America, and even Africa. USA Immigration authorities usually process stowaways from the Dominican Republic rather expeditiously, sometimes achieving repatriation within 24 hours or less from taking them into custody. In other cases, the time for repatriation can significantly increase, as well as the associated costs that must be borne by owners and operators, of security personnel, custody, lodging, medical care, food, and travel, depending on the circumstances of each case and the nationality of the stowaways.

In addition to the costs associated with repatriation, as Puerto Rico is a USA jurisdiction, when owners and vessel operators fail to prevent stowaways from landing on USA soil, penalties of \$6,215.00 per stowaway may be assessed by US CBP authorities.

It is noted that, in this latest surge in stowaway activity, the illegals have been using creative ways to access and hide inside vessels, some of them rather dangerous to their safety, i.e., burying themselves under scrap, sand, cement, or grain in bulk, or hiding inside containers, ship's rudder shafts and rubber fenders of tugboats, among other.

To successfully defend against stowaway-related penalties, owners and vessel operators must be prepared to show that they acted with the highest degree of care under the circumstances by taking preventive measures, such as ensuring that departing port authorities conduct pre-sailing inspections with the issuance of inspection certificates. Additionally, the vessel must have an active security plan at the port of origin and regularly conduct onboard security

searches with trained crewmembers, especially before departure and arrival to Puerto Rico or any other US port. Any such preventive measures must be carefully and consistently documented and logged. For example, boarding procedures must be strictly complied with and always documented. The primary purpose of all these preventive measures is to reduce to a minimum the possibility of stowaways gaining access to vessels, to discourage any locals, such as stevedores or other shore personnel, to assist persons attempting to board vessels illegally, and to have solid arguments for the remission or reduction of penalties assessed by CBP authorities.