



JAPAN P&I NEWS

外航組合員各位

プエルトリコ密航者に注意

プエルトリコのコレスポンデント Jiménez, Graffam & Lausell から以下の情報を入手しましたので、ご参考に供します。

ドミニカ共和国とプエルトリコ間の航路において密航者の案件が増加していて、とりわけ、ばら積み船で多く見られます。米国の移民当局はドミニカ共和国からの密航者を迅速に送還する傾向があり、拘置から 24 時間以内に対応が行われます。

密航者案件では、送還等で発生した費用は船主やオペレーターが負担することになります。プエルトリコ特有の事情として、同地は米国の管轄領のため、米国当局は入国した密航者一人あたり USD6,215.00 の過怠金を科す場合があります。最近、ドミニカ共和国とプエルトリコ間の航路で 11 名の密航者が発見された件でも、この過怠金が科されたとの報告があります。

密航者に関する過怠金を科されないためには、船主やオペレーターはできる限り最大の注意を払って予防策を講じなければなりません。予防策としては、以下のような例が挙げられます。

- 出港地の港湾当局が出港前に検査を実施している場合、検査証を保持すること
- 出港の時点で本船のセキュリティプランを作り、訓練された船員による本船の調査を定期的に行うこと。特に、プエルトリコを出発、または同地に到着する前には重点的に行うこと
- 乗船手続を厳格に行い、記録すること

プエルトリコへの寄港予定がある場合は、これらの点に十分ご注意願います。

以上

添付資料：ALERT ON INCREASED STOWAWAY ACTIVITY IN THE DOMINICAN REPUBLIC-
PUERTO RICO TRADE

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

San Juan, Puerto Rico, April 21, 2023.

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.