



U.S. Customs and  
Border Protection

United States  
Coast Guard



## PORT ADVISORY

### Customs and Border Protection & Coast Guard Procedures for High Risk Crew Members

03 October 2005

This joint U.S. Customs and Border Protection (CBP) Port Director (PD) and U.S. Coast Guard (USCG) Captain of the Port (COTP) Port Advisory is intended to provide the Fernandina, Jacksonville, and Port Canaveral port communities with information regarding new procedures related to the detention-on-board of certain high-risk crewmembers. These procedures are effective immediately.

#### BACKGROUND

On December 22, 2004, the Commissioner of U.S. Customs and Border Protection and the Commandant of the U.S. Coast Guard signed a Memorandum of Agreement (MOA) regarding the detention of high-risk crewmembers. This MOA establishes joint procedures to coordinate CBP and USCG efforts to strengthen port security through more efficient identification and control of crewmembers onboard foreign flag commercial vessels who are determined to be high-risk. The CBP Port Director may, pursuant to Section 252 of the Immigration and Nationality Act as amended, 8 U.S.C. § 1282, and regulations prescribed there under, may refuse an alien permission to land temporarily in the United States and may revoke the conditional permit to land which was granted to such alien as a crewman if, in the Port Director's discretion, it is determined that the alien is not a bona fide crewman or does not intend to depart on the vessel or aircraft which brought him. Similarly, the Captain of the Port (COTP) may require the restriction of any person from a vessel or waterfront facility within the jurisdiction of the United States, who is "not specifically authorized by him to go or to remain thereon or therein" (see Executive Order 10173, as amended by Executive Order 11249).

#### PURPOSE

The intent of the MOA is to provide consistent, nationwide guidance with regard to preventing high-risk detain-on-board crewmembers from leaving their vessel and illegally entering the United States. The following information is provided to facilitate an understanding of these new procedures.

(1) For the purpose of this agreement a *high-risk crewmember* is a crewmember who meets the criteria set out in subparagraph (1)(a) and (1)(b) or (1)(c):

(a) The crewmember has been denied permission to land in the United States by CBP or has been determined to be out of status,

and,



**U.S. Customs and  
Border Protection**

**United States  
Coast Guard**



(b) The crewmember is a national of a country listed in Annex VI of CBP/USCG MOA (see 68 CFR 2363, 16 January 2003 )(attached).

or,

(c) The crewmember is otherwise determined to be high-risk by the CBP Port Director, including at the request of, or in consultation with, the COTP.

(2) Enclosure 1 (Detained On Board Security Matrix). Provides an at-a-glance reference guide for port stakeholders to determine what circumstances will require what level of armed guard coverage.

(3) Enclosure 2 (Minimum Standards for Contracted Crewmember Security Services) provides specific minimum standards for contracted, non-law enforcement, security personnel engaged in security services related to the detention on board of certain high-risk crew members.

(4) Enclosure 3 (Recommended Elements of Crew Control Security Plans) provides specific recommendations for developing and executing a crew control security plan.

(5) Enclosure 4 is the Annex VI list of countries.

If you have any questions or comments regarding this bulletin contact Assistant Area Port Director Ed Warren (904-360-5024) (Fernandina and Jacksonville) and Port Director Joe Lawrence (321-783-2066 ext 223) (Port Canaveral).

/s/

Richard F. Quinn  
Area Port Director  
Area Port of Jacksonville (Ports of Fernandina and Jacksonville)  
U.S. Customs and Border Protection

/s/

Captain David L. Lersch  
Commander  
US Coast Guard  
Sector Jacksonville

/s/

Joseph W. Lawrence  
Port Director  
Port Canaveral  
U.S. Customs and Border Protection



**U.S. Customs and  
Border Protection**

**United States  
Coast Guard**



- Enclosure:
- (1) Detained On Board Security Matrix
  - (2) Minimum Standards for Contracted Crewmember Security Services
  - (3) Recommended Elements of Crew Control Security Plans
  - (4) Annex VI Countries



**U.S. Customs and  
Border Protection**

**United States  
Coast Guard**



**Enclosure (1) to Port Advisory 03 October 2005**

**DETAINED ON BOARD SECURITY MATRIX**

PURPOSE: In an effort to provide the Maritime Community of Fernandina, Jacksonville, and Port Canaveral with a consistent requirement for the security of High Risk Detained on Board personnel, the following Matrix has been established.

Types of Security	Armed Guard(s)* with Arrest authority (LE)	Armed Guard(s)* Properly Licensed** MTSA Trained***
Conditions when each type of security will be utilized.	<p>Vessel with High Risk DOB's and prior history (1 year or less) of absconders, deserters or stowaways.</p> <p>Vessel with known or suspected stowaways on board.</p> <p>Other Vessels of Interest with High Risk DOB's at the discretion of the CBP Port Director.</p>	<p>Vessel with High Risk DOB's Nationals of Annex VI Countries denied permission to land, or determined to be out of status.</p> <p>Other Vessels of Interest with High Risk DOB's at the discretion of the CBP Port Director.</p>

Notes: \* Number of Guard personnel to be determined by the CBP PD and/or USCG COTP. Factors to include vessel history, vessel and facilities security plan(s), numbers of high risk DOB's, size of vessel, Department of Homeland Security Advisory System Threat Level and USCG MARSEC level, and other factors and criteria to be determined by the PD and COTP.

\*\* All Armed Guards should be properly credentialed and licensed in accordance with all applicable state and local requirements for performing armed guard services.

\*\*\* MTSA training to be defined and certified by the COTP.



**U.S. Customs and  
Border Protection**

**United States  
Coast Guard**



**Enclosure (2) to Port Advisory 03 October 2005**

### **Minimum Standards for Contracted Crewmember Security Services**

Security services contracted to ensure accountability of crewmembers designated as “high-risk detain onboard” must meet or exceed the following standards to demonstrate competency and adequacy to perform the assigned task:

1. Contracted security guards who are not designated state or local law enforcement officers must provide full name and date of birth to CBP. CBP will conduct a background check using CBP automated enforcement systems to assure no criminal history or terrorist affiliations.
2. Security services must be contracted before the vessel is given permission to enter port. Contract must ensure the security services are in place before the vessel is allowed to moor or anchor in close proximity to land.
3. Contracted security guards must be armed with a firearm while on duty, consistent with the requirements and conditions of the facility, and the laws and regulations of local, state and Federal authorities. Guards must be properly licensed and permitted for armed security work.
4. Contracted security guards must display proper identification at all times, such as a laminated badge with a photograph that clearly identifies them as part of the contracted security service. Identification must meet requirements of the facility and laws and regulations of local, state and Federal authorities as applicable.
5. Contracted security guards must be fully apprised of all applicable use of force requirements and conditions within the particular jurisdiction, including requirements and conditions for use of force imposed by the facility.
6. Contracted security assigned to provide security services are to ensure that only those crewmembers authorized to disembark are allowed to do so. Pursuit of fleeing crewmembers and use of force in such situations must comply with the requirements and conditions of the facility, and the laws and regulations of local, state and Federal authorities.
7. Security services must have a copy of the entire crew list, with the names of those who are not authorized to go ashore highlighted. The security services must verify the identity of any subject requesting to come ashore, checking the subject’s stated name against that found on the shore pass, and checking the subject’s physical appearance against those descriptors found in the document presented and against the photograph on the identity document.
8. Contracted security guards assigned to provide security services at vessels on which CBP has detained crewmembers shall be capable of communicating with the Facility Security, Police, Security Dispatcher, local CBP, local USCG, and vessel agent. Contracted security guards shall provide their own communications as part of the contractual agreement between the ship’s agent and the security company as dictated by the situation. For example, if the terminal has a 24-hour operations center, radio communications may be appropriate, otherwise a cellular telephone or functional equivalent may be required.
9. Contracted security guards must have written operating procedures and contact numbers readily available in a crew control security plan. This plan will address specific communications procedures, emergency procedures, standard shifts, and logistics support to include shelter. These operating procedures shall also provide for specific facility and vessel orientation as applicable. Minimum elements of the crew control security plan are described in enclosure (3) to Port Advisory 03 October 2005.



**U.S. Customs and  
Border Protection**

**United States  
Coast Guard**



**Enclosure (3) to Port Advisory 03 October 2005**

### **Recommended Elements Of Crew Control Security Plans**

1. Security services must be in place before vessel arrives pier-side or onboard as per COTP Order.
2. Security services must have a complete crew list identifying those crewmembers that are not authorized to go ashore.
3. Security services must maintain a detailed log (names, reasons, etc.) of all persons going aboard and going ashore.
4. A muster of all individuals that are not authorized to go ashore shall be conducted every 4 hours.
5. Security services must have a communications plan that allows effective and continuous communications with appropriate security officials, to include the following:
  - a. Facility Security Officer
  - b. Vessel Security Officer
  - c. Local Police
  - d. Bureau of Customs and Border Protection
  - e. United States Coast Guard
  - f. Federal Bureau of Investigation
  - g. Immigration and Customs Enforcement
  - h. Ship's Agent
6. Any attempt, whether successful or not, to disembark a vessel by persons not authorized to land (including stowaways) shall be reported immediately to the proper authorities, as detailed in the crew security plan. Reports of such activities shall include the Detain on Board person's name, description, and circumstances surrounding the situation. Since each facility and vessel is different, it will be up the agent and vessel's master to determine the order of precedence for notifications, and outline such precedence in the crew security plan for approval by CBP and USCG.
7. Valid crew must present proper documentation and must be cross-checked against the crew list provided by CBP. Only those crewmembers identified as being in D-1 or D-2 status are permitted to disembark the vessel. Question related to whether a particular crewmember is allowed to disembark shall be forwarded to the ship's agent and, if necessary, CBP.
8. Non-crew, with proper identification, may board and leave the vessel. This may include vendors and service providers contracted to the ship (i.e., stevedores, agents).
9. When developing the crew control security plan, consideration should be given to the need for language services to ensure that security personnel can properly communicate with above officials and crew, especially high-risk crewmembers.
10. The elements listed in this document are general guidelines and will be used by CBP and the USCG when determining the adequacy of the CCSP. Each CCSP should address the specifics of each situation and may require more information than contained in these guidelines.



U.S. Customs and  
Border Protection

United States  
Coast Guard



Enclosure (4) to Port Advisory 03 October 2005

**Annex VI Countries  
from 68 F.R. 2363 (16 Jan 03)**

Afghanistan  
Algeria  
Bahrain  
Bangladesh  
Egypt  
Eritrea  
Indonesia  
Iran  
Iraq  
Jordan  
Kuwait  
Lebanon  
Libya  
Morocco  
North Korea  
Oman  
Pakistan  
Qatar  
Saudi Arabia  
Somalia  
Sudan  
Syria  
Tunisia  
United Arab Emirates  
Yemen