

# **MEMBER ALERT**



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## **STOWAWAY ACTIVITY IN THE DOMINICAN REPUBLIC-PUERTO RICO TRADE**

It has been brought to the Managers' attention that the Dominican Republic - Puerto Rico trade is experiencing increased stowaway related activity especially with vessels carrying bulk cargoes. Surges in stowaway activity appear to be cyclical and associated with changes in social and economic conditions at both locations. Although recent stowaways appeared to be mostly of Dominican Republic origin, they have also included persons from other locations in the Caribbean, South America, and Africa.

In Puerto Rico, US Customs and Border Protection (CBP) usually process stowaways from the Dominican Republic expeditiously whereby repatriation can be achieved within 24 hours or less following their being taken into custody. In the Dominican Republic, the time for repatriation can take significantly longer. Depending on the circumstances of each case and the nationality of the stowaway, there likely are other associated expenses owners and operators usually bear. These include costs for security personnel, lodging, medical care, food, and travel for both stowaways and escorting security personnel.

In addition to the costs associated with repatriation, as Puerto Rico is a US territory under the jurisdiction of US CBP, when owners and vessel operators fail to prevent stowaways from landing on US soil, penalties of up to US\$ 6,215 per stowaway may also be assessed.

Stowaways have been finding creative ways to access and hide inside vessels, using dangerous practices such as: burying themselves under scrap, sand, cement, or grain in bulk cargoes, hiding inside containers, or climbing rudder stocks and hiding in adjacent recess areas and hiding along rubber fenders of tugboats, among other methods.

### **Recommendations**

To successfully defend against stowaway related penalties, owners and operators should be prepared to demonstrate that they are acting with the highest degree of diligence in their security prevention measures.

For ports in the Dominican Republic, it is customary for local authorities to conduct inspections looking for stowaways and drugs prior to departure. A certificate on the inspection result is issued. The certificate may assist in defending against penalties as it demonstrates that diligent prevention measures to find stowaways on board were taken prior to departure.

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Additionally, the vessel should have an active security plan at the port of origin and regularly conduct onboard security searches with trained crew members, especially before departure and prior to arrival at Puerto Rico or any other US port. Stowaway prevention measures should be carefully and diligently implemented and consistently documented and logged as required under the vessel's security plan procedures.

Vessel access control procedures should be well documented and strictly implemented to prevent stowaways from gaining access to vessels. Preventative measures should also include discouraging any locals, such as stevedores or other shore personnel, from assisting persons attempting to board vessels illegally. The pre-departure inspections by local authorities and crew demonstrate to locals the seriousness of such measures taken by the vessel and local authorities, and can discourage them from assisting potential stowaways.

Taking accurate account of all personnel coming on and off the vessel is imperative. Shipboard security plans should include a pre-departure security search plan that is documented and logged to enable owners or operators to provide evidence to US CBP for any reason.

Your Managers recommend that Members take note of this information and be guided accordingly. They also thank Club correspondent JGL Attorneys at Law (formerly Jiménez, Graffam & Lausell) in Puerto Rico for providing the information upon which this Alert has been based.