

Stowaways Guideline:

The Convention on Facilitation of International Maritime Traffic defines a stowaway as *"A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the Master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the master to the appropriate authorities"*.

While it is relatively uncommon for individuals to stow away on vessels departing from Brazilian ports, the country remains a frequent point of arrival for stowaways, most of whom embark in West Africa.

In this respect, the first step to be taken by Members is to appoint a local protective agent to act on Owner's behalf and formally inform the matter to the local authorities by means of a letter containing the stowaways known details and asking for their disembarkation, also including details on the vessel's call such as ETB and loading terminal's details.

For safety reasons, the Federal Police does not carry out the disembarkation of stowaways at outer anchorage and only disembark them upon vessel's shifting to inner anchorage or upon her berthing.

Upon disembarkation of the stowaways the Federal Police/Immigration will ask for medical evaluation in order to determine their health condition and attest that they were not maltreated or have not been forced to work on board during the sea passage.

In addition, a fine of about USD 200 per stowaway is imposed to vessel's Owners for bringing passengers without passport/Visa, and in line with the Brazilian law local the vessel's Owners' Protective Agents must sign a Term of Commitment confirming that they will safekeep the stowaways during their stay in Brazil until conclusion of the Immigration procedures.

In respect to the stowaway that apparently bears a Passport/Drivers' License/ID/Seaman's Book, the Federal Police have the means to verify the documents' authenticity.

Moreover, the Federal Police/Immigration officially inquires the stowaways to learn whether they want refuge in Brazil or if they wish to return to their country.

In case the stowaway(s) ask for refuge in Brazil, we will assist in the refuge proceedings towards the Unions Public Defense and CONARE (National Refugees Council), who shall arrange vacancy for the stowaway(s) at a local shelter and assist them in obtaining provisory Brazilian documentation. The time frame will depend on the availability of the local shelters.

On the other hand, in case they wish to return home, the usual procedure would be to present their official statements to their country of origin's Embassy/Consulate in Brazil in order to obtain Emergency Travel Documents and start repatriation procedures.

In the meantime, as per the Term of Commitment towards the Federal Police, local agents shall arrange lodging/meals/24-hour private surveillance that must be supported by the vessel's Owners until transference of the stowaways to a local shelter in case of refuge, or, in case of repatriation, local agents must arrange the air tickets for the stowaways, two Federal Police officers per stowaway that will escort them during the repatriation trip until their country of origin.

In addition, some African countries have also recently start to request to accompany the stowaways and Federal Police escorts on the air trip. The time frame for the repatriation trip will be defined by the Federal Police, as it depends on the official publishing the "Repatriation Mission" in the Union Official Gazette with at least one month in advance. It is worth mentioning that in the most recent cases attended by our office the Federal Police took about 6 months to conclude the repatriation processes.

The Master and crew should act with firmness yet maintain a humane approach. No matter how inconvenient or disruptive the stowaways may be to the Master, crew, or Shipowner, they must always be treated with dignity and respect. When necessary, the Master and crew are also responsible for ensuring that the stowaways receive appropriate medical care.

The Master must promptly notify the Shipowner and the P&I Club or their local correspondent directly in order to receive specific and timely guidance on how to best handle the situation, as well as to ensure proper reporting to the local authorities.

We are fully prepared to assist the Members with all procedures related to the stowaways.