



Australian Government

Department of Immigration and Multicultural Affairs

MARITIME CREW VISA

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people our business

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Introduction

In December 2005, the Australian Government announced the introduction of a Maritime Crew Visa (MCV) from 1 July 2007 for foreign crew of non-military ships. The MCV will replace the current Special Purpose Visa (SPV) for foreign crew which is granted by operation of law on arrival if foreign crew hold a valid passport and have been issued with a document that establishes their employment on the vessel (eg. seaman's book).

To simplify the implementation of the MCV, the design of the visa largely follows the existing SPV arrangements for foreign crew and their accompanying spouse and dependent children (where travelling with crew). However, the MCV will require a formal visa application to be made outside Australia. This will allow security checking of foreign crew and align them with other categories of temporary entrants who travel to Australia.

In line with existing arrangements, the term 'non-military ship' will encompass:

- commercial vessels (eg, cargo vessels, cruise ships, fishing vessels, seismic vessels) – temporarily in Australia in the course of an international voyage;
- public/Government scientific vessels (as approved by the Australian Department of Foreign Affairs and Trade).

The meaning of 'crew' for the purposes of the MCV will normally include supernumerary crew provided they arrive in or depart Australia on the ship. In this context, people flying in and out of Australia to conduct temporary work on the vessel (eg: technicians, auditors, refit workers) should obtain another visa suitable for the purpose other than an MCV.

Like the SPV, the new MCV will only be applicable to foreign crew for the purposes of international voyages. Therefore, operators of vessels seeking to remain in Australia and subject to Customs 'entry/import' must ensure foreign crew hold another visa with work rights if they seek to remain on the vessel (eg. 457 Business long stay visa).

Transitional period – 1 July to 31 December 2007

Applications for the MCV will commence from 1 July 2007. There will be a 6 month transitional period until 31 December 2007 to allow industry time to comply with the requirements of the MCV.

- During the transitional period, the SPV arrangements will continue to ensure that foreign crew who arrive without an MCV may still arrive lawfully in Australia.
- However, Customs and Immigration officers will increasingly be advising operators, ship agents, and ships' crew in cases of non-compliance.

Mandatory requirements from 1 January 2008

From 1 January 2008, the following requirements will be mandatory for the lawful arrival in Australia of foreign crew:

- crew must hold a valid national passport;
- crew must hold a Maritime Crew Visa granted against the same passport;
- there must be another document that establishes the crew member's employment on the vessel (eg, crew list, articles, seaman's book, contract).

Foreign crew who fail to meet the above requirements may be restricted on board the vessel. The operator, master, charterer, and agent may also be liable for a fine of \$5,000 for each person who is refused immigration clearance.

MCV - key features

- Foreign sea crew (except New Zealanders and Australian permanent resident visa holders) will be required to hold an MCV for arrival and stay in Australia.
- MCV will only be valid for travel to Australia by sea as ships' crew.
 - **MCV will not allow any travel to Australia by air.**
- MCV holders must be immigration cleared (as advised by Customs) before they can depart a vessel - otherwise their MCV ceases.
- MCV will be free of charge.
- MCV will be valid for 3 years from the date the visa is granted.
- MCV will allow multiple entries for ships' crew by sea for the period the visa remains valid.
- The period of stay permitted on each entry to Australia will be governed by the crew person's status as crew on a non-military ship (further details below).
- MCV will only permit work associated with duties performed as crew in connection with the vessel.

Crew signing on in Australia

- Crew travelling to Australia by air to join a ship must hold a valid visa for air travel such as the Transit Visa or the Electronic Travel Authority.
 - Transit Visas for crew will not be granted overseas until crew hold an MCV.
- Crew must be **lawfully** in Australia at the time of sign-on or face restriction on board.
- Crew must hold an MCV at time of sign on to a vessel.
 - If crew hold another visa other than an MCV, eg a tourist visa or ETA, that visa may be cancelled as it does not permit work in Australia. Crew may consequently face restriction on board. This may have serious consequences for any future visa applications.
- Crew holding both a Transit Visa and MCV will have 5 days to sign on to a ship.
- A *Pre-Sign-On Notification Form* will be introduced by Customs to enable visa checks of crew prior to sign-on. Agents must provide this to Customs 24 hours prior to sign-on.

Crew signing off in Australia

- Crew signing off a vessel will have 5 days, as a general rule, to depart Australia or sign-on to a non-imported vessel.
 - Extensions to the sign-off period may be available in exceptional circumstances. However, crew seeking to remain in Australia in excess of 5 days for specific reasons such as a holiday or medical treatment would be expected to apply for a visa appropriate to their purpose of stay.
- MCV will cease where crew overstay their sign-off period and become unlawful in Australia. This may affect any subsequent visa applications for crew.
- A *Pre-Sign-Off Notification Form* will be introduced by Customs to enable visa checks prior to sign-off. Agents must provide this to Customs 24 hours prior to sign-off.
 - This form will incorporate the existing guarantee from a master/agent, with respect to SPV holders, that crew will depart Australia. Holders of the MCV will not be subject to the guarantee arrangements. This guarantee will cease altogether from 1 January 2008 once the SPV arrangements for crew cease.

MCV applications

- MCV can be applied for over the Internet. Application processes outside this medium will be advised later.
- The MCV Internet application will be available from 1 July 2007 through DIMA's website at www.immi.gov.au/sea. The paper application form is also likely to be available from this website.
- MCV may be applied for by the visa applicant (ie. crew or spouse/dependent child) or a third party authorised by the applicant (eg. shipping company, crew manning agent, ship's agent) on the basis of information provided to them by the applicant.
- In general terms, MCV applicants will be required to provide:
 - passport biographical data, residential address and contact details;
 - address and contact details of their nominated employer;
 - character and security-related declarations.
- The MCV internet application is expected to take a few minutes to complete provided all relevant information is available. It will have a 'save' option for completion at a later time if required.
- Processing of internet applications will commence immediately upon receipt, and most will be finalised within days. Application processes outside this medium will be advised later.
- No Visa Application Charge (VAC) will apply to the MCV.
- MCV can only be applied for while the visa applicant (ie. crew) is **outside Australia**.
 - However, the MCV may be granted either while the applicant is outside Australia or after they have arrived in Australia.
- Progress of an Internet application may be checked at any time using a Transaction Reference Number which will be provided upon visa application.
- Once granted, the MCV is recorded against the passport identified in the visa application. No visa label for the MCV will appear in the passport.
- An Internet facility is planned which will allow shipping operators and agents to verify the existence of an MCV for crew.

Period of stay in Australia

The period of stay for each entry to Australia under the MCV will be governed by the person's status as crew on a non-military ship. The following is a summary of the usual events pertaining to crew in Australia and how these will affect the validity of the MCV:

- Crew arrival by sea will bring an MCV into effect. Crew remain lawful provided they remain with the ship and their visa has not expired.
- Crew sign-off will take the MCV out of effect after 5 days (unless extended in exceptional circumstances). Crew must depart Australia, sign on to a non-imported ship, or hold another visa to keep their MCV valid.
- Vessel imported/entered by Customs will end a ship's international voyage status and take the MCV out of effect after 5 days (unless extended in exceptional circumstances). Crew must depart Australia, sign-on to a non-imported ship, or hold another visa to keep their MCV valid.

Note: A vessel granted a Single or Continuing Voyage Permit by the Department of Transport and Regional Services will be regarded as continuing its international voyage for the period permitted under the permit (up to a maximum of 3 months). Such ships will

only be regarded as having ended their international voyage where Customs take action to enter/import the vessel, from which point the MCV will cease after 5 days.

- Crew sign-on will usually bring an MCV into effect. Crew remain lawful provided they remain with the ship and their visa has not expired.
- Crew arrival by air on a Transit Visa will bring the MCV into effect on arrival. Crew remain lawful provided they remain with the ship and their visa has not expired.
- Crew departure by sea or air will take the MCV out of effect, but the MCV still remains valid up to the visa's 3 year validity.
- If crew conducts work in Australia that is not associated with duties performed as crew in connection with the vessel, the lawful period of stay will cease immediately.
- Crew is subject to a Ministerial Declaration to cease the MCV eg. where a crew member is reported as having deserted the vessel. Lawful period of stay ceases immediately the declaration takes effect.
- Spouses and dependent children who hold an MCV largely follow the above rules, but will also have their MCV cease immediately if the MCV of the crew ceases for any reason, or if they are not onboard the same vessel as the crew MCV holder.
- For those people arriving in Australia on an ETA or a Tourist Visa, any MCV held will not come into effect until sign-on to a vessel. Crew then remain lawful provided they remain with the ship and their visa has not expired.

Further Information

For enquiries concerning the Maritime Crew Visa, please email: seaports@immi.gov.au

Subscribe to the MCV mailing list for email updates at: www.immi.gov.au/sea