

163, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

#### Statutory Notes and Related Subsidiaries

##### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

##### PART VI—SPECIAL PROVISIONS RELATING TO ALIEN CREWMEN

### § 1281. Alien crewmen

#### (a) Arrival; submission of list; exceptions

Upon arrival of any vessel or aircraft in the United States from any place outside the United States it shall be the duty of the owner, agent, consignee, master, or commanding officer thereof to deliver to an immigration officer at the port of arrival (1) a complete, true, and correct list containing the names of all aliens employed on such vessel or aircraft, the positions they respectively hold in the crew of the vessel or aircraft, when and where they were respectively shipped or engaged, and those to be paid off or discharged in the port of arrival; or (2) in the discretion of the Attorney General, such a list containing so much of such information, or such additional or supplemental information, as the Attorney General shall by regulations prescribe. In the case of a vessel engaged solely in traffic on the Great Lakes, Saint Lawrence River, and connecting waterways, such lists shall be furnished at such times as the Attorney General may require.

#### (b) Reports of illegal landings

It shall be the duty of any owner, agent, consignee, master, or commanding officer of any vessel or aircraft to report to an immigration officer, in writing, as soon as discovered, all cases in which any alien crewman has illegally landed in the United States from the vessel or aircraft, together with a description of such alien and any information likely to lead to his apprehension.

#### (c) Departure; submission of list; exceptions

Before the departure of any vessel or aircraft from any port in the United States, it shall be the duty of the owner, agent, consignee, master, or commanding officer thereof, to deliver to an immigration officer at that port (1) a list containing the names of all alien employees who were not employed thereon at the time of the arrival at that port but who will leave such port thereon at the time of the departure of such vessel or aircraft and the names of those, if any, who have been paid off or discharged, and of those, if any, who have deserted or landed at that port, or (2) in the discretion of the Attorney General, such a list containing so much of such information, or such additional or supplemental information, as the Attorney General shall by regulations prescribe. In the case of a vessel engaged solely in traffic on the Great

Lakes, Saint Lawrence River, and connecting waterways, such lists shall be furnished at such times as the Attorney General may require.

#### (d) Violations

In case any owner, agent, consignee, master, or commanding officer shall fail to deliver complete, true, and correct lists or reports of aliens, or to report cases of desertion or landing, as required by subsections (a), (b), and (c), such owner, agent, consignee, master, or commanding officer, shall, if required by the Attorney General, pay to the Commissioner the sum of \$200 for each alien concerning whom such lists are not delivered or such reports are not made as required in the preceding subsections. In the case that any owner, agent, consignee, master, or commanding officer of a vessel shall secure services of an alien crewman described in section 1101(a)(15)(D)(i) of this title to perform longshore work not included in the normal operation and service on board the vessel under section 1288 of this title, the owner, agent, consignee, master, or commanding officer shall pay to the Commissioner the sum of \$5,000, and such fine shall be a lien against the vessel. No such vessel or aircraft shall be granted clearance from any port at which it arrives pending the determination of the question of the liability to the payment of such fine, and if such fine is imposed, while it remains unpaid. No such fine shall be remitted or refunded. Clearance may be granted prior to the determination of such question upon deposit of a bond or a sum sufficient to cover such fine.

#### (e) Regulations

The Attorney General is authorized to prescribe by regulations the circumstances under which a vessel or aircraft shall be deemed to be arriving in, or departing from the United States or any port thereof within the meaning of any provision of this part.

(June 27, 1952, ch. 477, title II, ch. 6, § 251, 66 Stat. 219; Pub. L. 101-649, title II, § 203(b), Nov. 29, 1990, 104 Stat. 5018; Pub. L. 102-232, title III, § 303(a)(3), Dec. 12, 1991, 105 Stat. 1746.)

#### Editorial Notes

##### AMENDMENTS

1991—Subsec. (d). Pub. L. 102-232 substituted “consignee” for “charterer” after “the owner, agent,” in second sentence.

1990—Subsec. (d). Pub. L. 101-649 substituted “pay to the Commissioner the sum of \$200” for “pay to the collector of customs of any customs district in which the vessel or aircraft may at any time be found the sum of \$10” and inserted after first sentence “In the case that any owner, agent, consignee, master, or commanding officer of a vessel shall secure services of an alien crewman described in section 1101(a)(15)(D)(i) of this title to perform longshore work not included in the normal operation and service on board the vessel under section 1288 of this title, the owner, agent, charterer, master, or commanding officer shall pay to the Commissioner the sum of \$5,000, and such fine shall be a lien against the vessel.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-232 effective as if included in the enactment of the Immigration Act of 1990, Pub.

L. 101-649, see section 310(1) of Pub. L. 102-232, set out as a note under section 1101 of this title.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-649 applicable to services performed on or after 180 days after Nov. 29, 1990, see section 203(d) of Pub. L. 101-649, set out as a note under section 1101 of this title.

#### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

#### INAPPLICABILITY OF AMENDMENT BY PUB. L. 101-649

Amendment by section 203(b) of Pub. L. 101-649 not to affect performance of longshore work in United States by citizens or nationals of United States, see section 203(a)(2) of Pub. L. 101-649, set out as a note under section 1288 of this title.

### § 1282. Conditional permits to land temporarily

#### (a) Period of time

No alien crewman shall be permitted to land temporarily in the United States except as provided in this section and sections 1182(d)(3), (5) and 1283 of this title. If an immigration officer finds upon examination that an alien crewman is a nonimmigrant under paragraph (15)(D) of section 1101(a) of this title and is otherwise admissible and has agreed to accept such permit, he may, in his discretion, grant the crewman a conditional permit to land temporarily pursuant to regulations prescribed by the Attorney General, subject to revocation in subsequent proceedings as provided in subsection (b), and for a period of time, in any event, not to exceed—

(1) the period of time (not exceeding twenty-nine days) during which the vessel or aircraft on which he arrived remains in port, if the immigration officer is satisfied that the crewman intends to depart on the vessel or aircraft on which he arrived;

(2) twenty-nine days, if the immigration officer is satisfied that the crewman intends to depart, within the period for which he is permitted to land, on a vessel or aircraft other than the one on which he arrived; or

(3) 180 days, if the immigration officer determines that the crewman—

(A) intends to depart, within the period for which the crewman is permitted to land, on the same vessel or on a vessel or aircraft other than the vessel on which the crewman arrived; and

(B) will perform ship-to-ship liquid cargo transfer operations to or from any other vessel engaged in foreign trade during such period.

#### (b) Revocation; expenses of detention

Pursuant to regulations prescribed by the Attorney General, any immigration officer may, in his discretion, if he determines that an alien is not a bona fide crewman, or does not intend to depart on the vessel or aircraft which brought him, revoke the conditional permit to land which was granted such crewman under the provisions of subsection (a)(1), take such crewman into custody, and require the master or com-

manding officer of the vessel or aircraft on which the crewman arrived to receive and detain him on board such vessel or aircraft, if practicable, and such crewman shall be removed from the United States at the expense of the transportation line which brought him to the United States. Until such alien is so removed, any expenses of his detention shall be borne by such transportation company. Nothing in this section shall be construed to require the procedure prescribed in section 1229a of this title to cases falling within the provisions of this subsection.

#### (c) Penalties

Any alien crewman who willfully remains in the United States in excess of the number of days allowed in any conditional permit issued under subsection (a) shall be fined under title 18 or imprisoned not more than 6 months, or both.

(June 27, 1952, ch. 477, title II, ch. 6, § 252, 66 Stat. 220; Pub. L. 101-649, title V, § 543(b)(1), Nov. 29, 1990, 104 Stat. 5059; Pub. L. 102-232, title III, § 306(c)(3), Dec. 12, 1991, 105 Stat. 1752; Pub. L. 104-208, div. C, title III, § 308(e)(2)(E), (g)(5)(A)(i), Sept. 30, 1996, 110 Stat. 3009-620, 3009-623; Pub. L. 117-360, § 3, Jan. 5, 2023, 136 Stat. 6293.)

#### Editorial Notes

##### AMENDMENTS

2023—Subsec. (a)(3). Pub. L. 117-360 added par. (3).

1996—Subsec. (b). Pub. L. 104-208, § 308(g)(5)(A)(i), substituted “section 1229a” for “section 1252”.

Pub. L. 104-208, § 308(e)(2)(E), substituted “removed” for “deported” in two places.

1991—Subsec. (c). Pub. L. 102-232 substituted “fined under title 18” for “fined not more than \$2,000 (or, if greater, the amount provided under title 18)”.

1990—Subsec. (c). Pub. L. 101-649 substituted “shall be fined not more than \$2,000 (or, if greater, the amount provided under title 18) or imprisoned not more than 6 months” for “shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or shall be imprisoned for not more than six months”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104-208, set out as a note under section 1101 of this title.

##### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 310(1) of Pub. L. 102-232, set out as a note under section 1101 of this title.

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-649 applicable to actions taken after Nov. 29, 1990, see section 543(c) of Pub. L. 101-649, set out as a note under section 1221 of this title.

##### RULE OF CONSTRUCTION

For purposes of amendment by Pub. L. 117-360, performance by crewmen of ship-to-ship liquid cargo transfer operations not to be considered, for immigration purposes, to be services, work, labor or employment by the crewman within the United States, see section 4 of Pub. L. 117-360, set out as a note under section 1101 of this title.