



**REPUBLIC OF
THE MARSHALL ISLANDS**

**OFFICE OF THE
MARITIME ADMINISTRATOR**

Marine Notice

No. 7-052-1

12/09

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF
MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

SUBJECT: Repatriation.

References: (a) Marshall Islands Maritime Act (MI-107) §§ 843, 844, 847, 849 and 850
(b) Marshall Islands Regulation (MI-108) § 7.52
(c) Maritime Labour Convention, 2006 (MLC, 2006), Standard A2.5

PURPOSE:

This Notice outlines the circumstances under which seafarers shall be repatriated by shipowners or ship operators and lists the entitlements, pursuant to Marshall Islands (MI) Regulation § 7.52.4, to which they shall to be accorded.

APPLICABILITY:

This Notice applies to all vessels registered in the MI flag.

REQUIREMENTS:

1.0 General

- 1.1 A seafarer employed on a MI flag vessel shall be repatriated by the shipowner or operator in accordance with MI Regulation § 7.52, MI Maritime Act §§ 843 and 844 and the provisions of this Notice.
- 1.2 Under MI Maritime Regulations §§ 2.23.2, 7.52.1 and 7.52.2, each vessel owner is required to maintain, at all times, satisfactory third-party liability insurance coverage. This proof of coverage usually takes the form of a “cover note” or similar confirmation, provided by a member of the International Group of P & I Clubs, which verifies that liability insurance coverage is currently in full force and effect for the vessel. In the case of a self-insurer, proof of coverage may be a duly acknowledged statement with an attached auditor’s report, setting forth the type and amount of the vessel’s liability reserve, and the nature of security provided. In either case, this proof shall cover the owner’s repatriation obligations as required under § 843 of the Maritime Act and as outlined in Section 2.0 below.

1.3 Seafarers' employment agreements shall contain the particulars of the seafarer's entitlement to repatriation.

2.0 Entitlements

2.1 A seafarer shall be entitled to repatriation upon the expiry of the period of notice given in accordance with the provisions of the seafarer's employment agreement, if the seafarer's employment agreement expires while he/she is abroad or if any of the following conditions apply.

2.2 When a seafarer's employment agreement is terminated:

- .1 By the shipowner; or
- .2 By the seafarer for justified reason; or
- .3 When the seafarer is no longer able to carry out his or her duties under their employment agreement or cannot be expected to carry them out in specific circumstances, a seafarer shall be entitled to repatriation as follows:
 - a. in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel;
 - b. in the event of shipwreck;
 - c. in the event of the shipowner not being able to continue to fulfill their legal or contractual obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ship's registration or any other similar reason;
 - d. in the event of a ship being bound for a war zone, as defined by national laws or regulations or seafarers' employment agreements, to which the seafarer does not consent to go; and
 - e. in the event of termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.

3.0 Shipowner Costs

3.1 Costs to be borne by the shipowner for repatriation, at a minimum, shall include:

- .1 Passage to one (1) of the following destinations selected by the seafarer:
 - a. the place at which the seafarer agreed to enter into the engagement;

- b. the place stipulated by collective agreement;
 - c. the seafarer's country of residence; or
 - d. such other place as may be mutually agreed at the time of engagement;
- .2 Repatriation by the most expeditious mode, which shall normally be considered air transport;
 - .3 Accommodations and food from the moment the seafarer leaves the ship until he or she reaches the repatriation destination;
 - .4 Pay and allowances from the moment the seafarer leaves the ship until he or she reaches the repatriation destination, if provided for by collective agreements;
 - .5 Transportation of 30 kg of the seafarer's personal luggage to the repatriation destination; and
 - .6 Medical treatment, when necessary, until the seafarer is medically fit to travel to the repatriation destination.

4.0 Additional Provisions

- 4.1 Time spent awaiting repatriation and repatriation travel time shall not be deducted from paid leave accrued by the seafarer.
- 4.2 The costs of repatriation shall be paid until the seafarer concerned is landed at a destination prescribed in 3.1.1, above, or provided with suitable employment on board a ship proceeding to one (1) of those destinations.
- 4.3 If, after a young seafarer under the age of 18 has served on a ship for at least four (4) months during their first foreign-going voyage, it becomes apparent that they are unsuited to life at sea, they should be given the opportunity of being repatriated at no expense to themselves from the first suitable port of call in which there are consular services of the Republic of the Marshall Islands, or the State of nationality or residence of the young seafarer. Notification of any such repatriation, with the reasons therefore, should be provided to the Maritime Administrator.
- 4.4 An abandoned seafarer shall retain his or her right to repatriation.

5.0 Loss of right of repatriation

A seafarer shall forfeit his or her right of repatriation in case of:

- .1 Desertion;

- .2 Entering into a new agreement with the same owner after his or her discharge;
- .3 Entering into a new agreement with another owner within one (1) week after his or her discharge;
- .4 Criminal offenses under §§ 847, 849, and 850 of the Maritime Act;
- .5 Unjustifiable repudiation of the Shipping Articles; or
- .6 Failure of the seafarer to request repatriation within one (1) week from the time that he or she is in condition to be repatriated.