

D-Visa

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The D-visa is a non-immigrant visa that could be used to enter the U.S. for a very limited time. It is used by ship or air carrier employees when their vessel enters the U.S. Just like other non-immigrant visas, this one could also be abused. This happens when some crewmen "jump ship" in order to remain in the U.S. even after their visas expire. It should be noted that crewmen who do so will find it difficult to legalize their status. They are not allowed to extend their stay beyond the maximum allowable period of 29 days, nor are they allowed to change to other non-immigrant visa status.

Everyone who works aboard a ship, whether employed by the ship owners themselves or by the concessionaires, needs a D visa when entering the U.S. This includes even the waiters, cooks, entertainers etc. Family members of the crewmen travelling on the ship cannot be issued D-visas.

The D visa could be issued to each individual crew member or to the crew as a group. Consular officers often prefer to process individual D visas, but ship owners sometimes prefer to get visa for the group as a whole. A person applying for an individual D-visa must have a passport where the visa will be stamped. Crew-list visas on the other hand are stamped on the last page of the manifest containing the employees' names and their respective positions.

When a vessel enters the U.S., the crew will be inspected by an immigration officer before anyone can get off the ship. The officer has to be sufficiently satisfied that the aliens are legitimate crewmen or that no one is planning to "jump ship". If he finds evidence to the contrary, he will ask the captain of the vessel to detain the crewman concerned and to deport him at the expense of the transportation company.

After the inspection, the officer will issue a D-1 or D-2 visa depending on how the crewman intends to leave the U.S. after his temporary stay. Those who will be leaving on the same vessel that brought them in or on another vessel but owned by the same transportation company, will be issued a D-1 visa. The D-2 is issued to those who will be leaving the U.S. on a vessel owned by a different transportation company or to crewmen who will leave as passengers by some other means of transportation.

Each crewman will also be given an I-95 conditional landing permit. This form will document the date of each entry and departure and it could be used until it is fully filled up. The crewmen are given a maximum of 29 days in the U.S. after which they have to depart or face deportation. An alien crewman who is found guilty of willfully remaining in the U.S. after his visa expires is guilty of a misdemeanor and will be subjected to a fine of \$ 5,000 and imprisonment of up to six months if convicted.

After the 29 days the vessel and its crew must officially leave the U.S. by entering a foreign port or place. If it travels to international waters but never enters a foreign port and then attempts to enter the U.S., this will be considered as "coastwise in nature" and will remain subject to the 29 day limitation.