

Coast Guard Proposes Rule Regarding Waiver of Fishing Crewmember Citizenship Requirements

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The U.S. Coast Guard has published a [notice of proposed rulemaking](#) to govern the issuance of citizenship waivers on U.S. commercial fishing vessels. Under existing law, each unlicensed seaman must be either (1) a U.S. citizen, (2) an alien lawfully admitted for permanent residence, or (3) an other alien otherwise allowed employment under U.S. law. The law also states that no more than 25 percent of the unlicensed seamen may be non-permanent resident aliens pursuant to the third category. However, relief from these citizenship requirements may be available if the Secretary of Homeland Security determines that qualified U.S. citizen seamen are not available.

Since 2001, the citizenship waiver process has been governed by U.S. Coast Guard [MOC Policy Letter 01-02](#). The proposed rulemaking would add it to formal Coast Guard regulations under 46 C.F.R. Part 28, helping to address the agency's concern that the waiver process is unknown to many in the industry. Furthermore, under the new rule, waivers would be conditioned upon completion of a dockside safety examination pursuant to the Coast Guard's Commercial Fishing Industry Vessel Safety Program. The Coast Guard also indicated that it intends to change the documentation requirements for waivers, and requested comments from the industry regarding alternative documentation to that required under the current process.

Comments to the proposal are due by November 16, 2011.

1 Min Read

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