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## **Submission by the Australian Government to the Consultation Meeting on Improved Security of Seafarers' Identification (9-10 May 2002)**

### **Seafarers' identification – Comments by Australian Customs and Department of Immigration and Multicultural and Indigenous Affairs**

The seafarers' identity document has come to the attention of security and law enforcement agencies as a result of terrorist attacks in the United States in September 2001. A number of issues have been raised by Australian border agency officers in relation to the problems that are being experienced with seafarers' identity documents.

The Seafarers' Identity Documents Convention, 1958 (No. 108) (Appendix A), constitutes a framework to balance security requirements, facilitation of maritime commerce and protection of workers' rights. Convention No. 108 provides for reciprocal recognition of national identity documents to enable seafarers to carry out the international professional movements necessary for their work. It specifically provides for the seafarer to take shore leave, enables the seafarer to join the ship, transfer to another ship or transit for purposes of joining a ship or for repatriation. Convention No. 108 requires the identity document to be made of durable material, to be designed in a simple manner and to be so fashioned as to make alterations easily detectable.

### ***Legislation***

Customs officers when boarding ships and processing crew act on behalf of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). A crew member on an international ship must be listed as crew on the ship's articles and present a passport or seafarer's identity document to be taken to hold a special purpose visa. The visa arrangements for ships' crews are extraordinary and fall within the provisions of subsection 33(2) of the Migration Act and regulation 2.40 of the Migration Regulations. Members of the crew of non-military ships are a class of persons who are taken to hold special purpose visas only while they retain their status as crew.

Under section 20 of the Customs Act, 1901:

A person who is in a waterfront area must, at the request of a customs officer, produce appropriate identification for the officer's inspection. For a crew member of an international ship appropriate identification means:

- (i) current passport; or
- (ii) a document issued by the shipping company having control of the ship concerned setting out the full name and nationality of the person and the passport number or other official identification number of the person; or
- (iii) a document issued by, or by an instrumentality of, the Commonwealth, a State or a territory providing photographic identification of the person and setting out the person's full name, address and date of birth.

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## **Problems identified**

A number of problems have been identified with seafarers' identity documents. They are listed below:

- *Quality of the documents:*

The security features on most seafarers' identity documents are virtually non-existent. The photographs are often glued or stapled into a document and open to tampering. The bearers' details contained within the document can be in handwriting which again allows the document to be easily forged. They exhibit none of the security features expected in a modern identity document.

- *Insufficient detail:*

Bearers' details are usually incomplete and do not offer the level of information available on a national passport.

- *Lack of expiry dates:*

There is no requirement for an expiry date to be put into a seafarers' identity document. This means that photographs within the document can be dated and make recognition of the crew member difficult. The document itself suffers and the pages, photographs and bindings deteriorate with age.

- *Ease in receiving extension dates on expired seafarers' identity documents:*

Documents that do have an expiry date are rarely renewed with a current photograph. The expiry date is extended and if required a new book attached. Information within the document is not updated.

- *Personal details variances:*

Personal details of the bearer of the seafarer's identity document may be entirely different to those stated on the same person's passport. Certain nationalities may express names on a passport with a western influence while seafarers' identity documents may have their names reported in keeping with their own ethnicity. Frequently no place of birth is shown or only a year of birth is given.

- *Documents issued outside bearer's country:*

Seafarers' identity documents can be issued outside the bearer's country. To quote the Convention "If a Member issues a seafarer's identity document to a foreign seafarer it shall not be necessary to include any statement as to his nationality, nor shall any such statement be conclusive proof of his nationality".

## **Current situation**

At present, most commercial vessel crews are arriving with both passports and seafarers' identity documents. Both documents are generally held by the master of the ship to act as a deterrent for potential deserters.

The passport of the crew member is always the preferred document when conducting face-to-document checks and crew musters.

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The problems highlighted above make it impossible to accept seafarers' identity documents issued by a number of countries.

## **Passports**

The primary form of personal identification, showing the seafarer's full name as recorded against the register of births in their country of birth, their date and place of birth and their country of citizenship, should be a properly issued passport exhibiting the security features now available to passport-issuing authorities.

The purpose of a passport is to establish the identity and nationality of the holder. Passports present a far higher level of security of the document than does the seafarer ID card.

Features of best practice passports include:

1. Laminate over photo and bio-details.
2. Laminate contains printed security features.
3. Pages contain watermarks.
4. Pages have UV security features.
5. Pages have security thread binding.
6. A machine-readable zone.
7. Special inks (intaglio, bleeding, optical variable).
8. Holograms, kinegrams.
9. Taslon page for the bio-data.
10. Good-quality synthetic cover.

There are also moves to standardize a double photo as an integral part of the passport, one photo being UV-sensitive and the other being normal. This list of features is now being insisted on by many States as desirable from a security of identity perspective post-11 September. It is unlikely that new systems to produce a "more secure" seafarer's ID card could replicate these features except at very high cost.

In addition, the primary documents that are required to be presented to establish ID for the purposes of passport issue are becoming more secure and consistent across the globe. It is unlikely that the IMO or ILO could unequivocally guarantee that the procedures for issue of a seafarer's ID would be of the same consistency as that for passports.

A number of States are well advanced in developing legislative, administrative and systems mechanisms for the electronic screening of sea and air crew, which rely on the provision of a passport number. It would be advantageous if the international regulatory regime for maritime transport also supported these measures.

Some countries, including the United Kingdom and United States, already require that crew carry passports. The United States already requires a label visa. Australia and New Zealand do not issue seafarer identity documents under ILO Convention No. 108, but

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require their nationals to hold valid passports. Their legislation, however, exempts the foreign crew of merchant ships (and commercial aircraft) from requirements for entry permits, and allows in some circumstances for the acceptance of certificates of identity other than passports.

Given the heightened appreciation of international security needs, the need for unequivocal evidence of identity for security purposes is unlikely to be met by a certificate of identity, which, by its very nature, does not provide evidence of the holder's nationality. Accordingly, while an identification document, such as may be issued under ILO Convention No. 108, might be acceptable for transport facilitation purposes, it is no substitute for a passport in a security context.

Consideration should also be given to the welfare implications for seafarers of enhanced security arrangements in ports. If seafarers are unable to meet the port State's requirements for appropriate identity documentation, it is possible that such seafarers will not be permitted to go ashore for recreation or other purposes such as medical treatment. Confinement to a ship or an isolated port facility for long periods will have adverse effects on seafarer welfare and may add to fatigue problems in the longer run, with obvious safety implications.

If maritime administrations are to upgrade seafarers' identity documentation procedures to improve their robustness, in the light of the events of 11 September and increasing concern about illegal immigration, it is likely that the costs and systems involved will approach those of the passport system, and may simply duplicate validation and documentation processes that already exist in national passport-issuing systems.

Maritime administrations should concentrate their efforts and resources on improving the integrity of maritime qualifications systems, to reduce the extent of fraudulent certification, while appropriate state border control authorities ensure the security of documentation for international travel by ships' crews.

## **Technology**

While a passport provides better integrity of information as to the holder's identity than does a seafarer's certificate of identity, and is favoured for this reason, new technology offers the best avenue for improving the speed and accuracy of identification and detection of fraudulent documents.

In this regard, we are conscious that the International Civil Aviation Organization (ICAO) and its member States are intensifying efforts to promote more rapid global acceptance and use of new technologies in security measures and the identification of persons, including biometric recognition.

A key technology promoted by ICAO is the use of machine-readable travel documents (MRTDs). MRTDs can be verified by machine, are capable of being processed much faster than a conventional document and can be checked extremely quickly against "look out" or databases.

Machine readability is not confined to passports but can include national identity cards, visas and other documents.

The technology is clearly of direct relevance to any documentation that may in future be required for the purposes of seafarer identification.

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In view of the widespread use of the technology in many applications outside the maritime context, it would be important for the IMO to consult with other international bodies such as ICAO that are already closely involved in pursuing MRTD acceptance and implementation.

### ***Imminent changes to entry processes***

Australia is introducing new legislation that will make it mandatory for seafarers to provide full personal details in advance of their arrival in Australia. The provision of the information will be in electronic form through Australia's existing advanced passenger processing system. Under this approach, crew will need to obtain a crew travel authority (CTA) before travelling to Australia. The crew member or the employing shipping line could do this on their behalf several weeks beforehand, in much the same way as travel agents currently obtain electronic travel authority for passengers. The key to a seafarer obtaining advanced entry clearance will be the provision of a passport number, which allows for checking in the context of internationally accepted standards of personal identification.

### ***Recommendation***

Australia should support the exclusive use of passports as a document of identity for crew members on commercial vessels.