



**REPUBLIC OF
THE MARSHALL ISLANDS**

Marine Notice

No. 7-052-1

MARITIME ADMINISTRATOR

Jul/2020

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

SUBJECT: Repatriation

References: (a) **RMI Maritime Act ([MI-107](#))**
(b) **RMI Maritime Regulations ([MI-108](#))**
(c) **[MLC, 2006](#), *Maritime Labour Convention, 2006***

PURPOSE

This Notice outlines the circumstances under which seafarers must be repatriated by shipowners or operators. It also contains the entitlements that must be accorded to seafarers pursuant to Republic of the Marshall Islands (RMI) Maritime Regulations (MI-108), §7.52.4.

This Notice supersedes Rev. 12/09. Section 4.5 below has been added to incorporate the 2018 amendments to the MLC, 2006, which are expected to enter into force on 26 December 2020.

APPLICABILITY

This Notice applies to all RMI-flagged vessels.

REQUIREMENTS

1.0 General

- 1.1 A seafarer employed on an RMI flag vessel must be repatriated by the shipowner or operator in accordance with RMI Maritime Act (MI-107) §§843 and 844; MI-108, §7.52; and the provisions of this Notice.
- 1.2 In accordance with MI-108, §§2.23.2, 7.52.1, and 7.52.2, each shipowner 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 [MI-107](#), §843, and as outlined in §2.0 below.

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

2.0 Entitlements

A seafarer is entitled to repatriation on expiry of the notice period given in accordance with the provisions of the seafarer's employment agreement. If the seafarer's employment agreement expires while he or she is abroad, or if any of the following conditions apply, when a seafarer's employment agreement is terminated:

- 2.1 By the shipowner; or
- 2.2 By the seafarer for justified reason; or
- 2.3 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, they are entitled to repatriation as follows:
 - 2.3.1 in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel;
 - 2.3.2 in the event of shipwreck;
 - 2.3.3 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;
 - 2.3.4 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
 - 2.3.5 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

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

- 3.1 passage to one of the following destinations selected by the seafarer;
 - 3.1.1 the place at which the seafarer agreed to enter into the engagement;

- 3.1.2 the place stipulated by collective agreement;
- 3.1.3 the seafarer's country of residence; or
- 3.1.4 such other place as may be mutually agreed at the time of engagement.
- 3.2 repatriation by the most expeditious mode, which normally is considered air transport.
- 3.3 accommodations and food from the moment the seafarer leaves the ship until he or she reaches the repatriation destination.
- 3.4 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.
- 3.5 transportation of 30 kg of the seafarer's personal luggage to the repatriation destination; and
- 3.6 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 must be paid until the seafarer concerned is landed at a destination prescribed in §3.1, above, or provided with suitable employment on board a ship proceeding to one of those destinations.
- 4.3 If, after a young seafarer under the age of 18 has served on a ship for at least four months during their first foreign-going voyage, it becomes apparent that they are unsuited to life at sea, they should be given the opportunity for repatriation at no expense to themselves from the first suitable port of call in which there are consular services of the RMI, or the State of nationality or residence of the young seafarer. The Administrator should be notified of such a repatriation and the reasons for it.
- 4.4 An abandoned seafarer retains their right to repatriation.
- 4.5 Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, they retain their right to repatriation.

5.0 Loss of Right of Repatriation

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

- 5.1 desertion;
- 5.2 entering into a new agreement with the same owner after his or her discharge;
- 5.3 entering into a new agreement with another owner within one week after his or her discharge;
- 5.4 criminal offenses under [MI-107](#), §§847, 849, and 850;
- 5.5 unjustifiable repudiation of the Shipping Articles; or
- 5.6 failure of the seafarer to request repatriation within one week from the time that he or she is in condition to be repatriated.