

SEAFARER SUBJECT GUIDE

ABANDONMENT OF SEAFARERS IN THE RUSSIAN FEDERATION

This Guide deals with the situation where seafarers are abandoned in a port in Russia as well as where seafarers are abandoned on a Russian flagged vessel in a port outside Russia. This document is not intended to be legal advice, nor does it constitute legal advice. If a seafarer is abandoned, he is strongly advised to consult a lawyer qualified to practise in Russia.

*A full text version of this Subject Guide including footnotes will become available for subscription in due course. In the meantime if there is a specific inquiry on any Subject Guide, please contact SRI.

1. When is a seafarer considered abandoned according to national case law or legislation? Is there any special legislation concerning abandoned crew?

- 1.1 There are no special internal regulations in Russia in relation to abandoned crew. However, Russia is a party to certain international conventions, which amongst other things provide for protection of the abandoned crew.
- 1.2 In accordance with Resolution A.930(22) on 'Guidelines on Provision of Financial Security in Cases of Abandonment of Seafarers' adopted by the International Labor Organization, as well as existing practice, seafarers can be considered as abandoned in the following cases:
 - (1) the shipowner fails to cover the cost of the seafarers' repatriation;
 - (2) the shipowner has left the seafarer without the necessary maintenance and support; and
 - (3) the shipowner has failed to pay contractual wages for a period of at least two months.

2. What is the immigration status of abandoned seafarers?

- 2.1 As mentioned above, Russian legislation does not specifically regulate the issues related to abandoned seafarers. Therefore, the general provisions of the Russian legislation in relation to the immigration status and registration of the foreign citizens in the Russian Federation is also applicable to the abandoned seafarers.
- 2.2 In accordance with Russian migration legislation foreign citizens (members of the crew of non-military foreign ships seeking shore leave and a temporary stay of more than 24 hours in the port area of the Russian Federation), shall be registered at the place of stay with the territorial body of FMS on the basis of a seafarer's identity documents if the document is marked with customs control upon entry of the foreign seafarer to the Russian Federation.

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3. Can an abandoned seafarer get shore leave?

- 3.1 The Russian Federation is a party to the International Labour Organization Convention No. 185 on 'Seafarers Identity Documents' (Revised) adopted in Geneva in 2003 ('Convention 185'). Convention 185 provides that a seafarer holding a valid seafarer's identity document is entitled to get shore leave without obtaining the visa of the country member of Convention 185.

4. Is abandonment of seafarers considered a crime?

- 4.1 The Russian Criminal Code contains provisions dealing with the failure to give assistance to persons in danger. If the shipowner leaves seafarers who are in danger, the shipowner may be subject to criminal liability.
- 4.2 The Criminal Code also provides for criminal liability of the shipowner who does not pay wages to seafarers for a period of more than three months.

5. What entities and/or persons may be involved with or assist an abandoned crew?

- 5.1 Various entities and/or persons may be involved with or assist an abandoned crew.
- 5.2 Lawyers

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at www.seafarersrights.org

- 5.2.1 In addition, reference may be made to the Guide on Using Lawyers and Fact File available on the SRI app and at

https://www.seafarersrights.org/seafarers_subjects/using_lawyers/

- 5.3 ITF Inspectors and union officials

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at www.seafarersrights.org

- 5.4 Welfare agencies

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5.5 Governments and Embassies

Additionally the seafarer may need to access government official websites, including lists of embassies, to find an appropriate contact.