



**COAST GUARD
MARINE SAFETY OFFICE
JACKSONVILLE**



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MARINE SAFETY INFORMATION BULLETIN 16-04

July 27, 2004

Waiver requirements to employ non-resident aliens as unlicensed Seamen aboard Documented Commercial Fishing Vessels in excess of the 25% non-resident alien crew limitation.

On June 28, 2001, the Coast Guard published G-MOC Policy Letter 01-02 titled "Procedures for Waiver of Requirements on Citizenship Aboard Commercial Fishing Vessels" which set out the procedures that govern the processing of requests for waivers of citizenship for employers seeking to exceed the 25-percent limit applicable to unlicensed seamen that are non-resident aliens aboard fishing industry vessels. Since the publishing of this policy letter, the Coast Guard has noticed that commercial fishermen are submitting the online citizenship waiver application available on the Coast Guard's Commercial Fishing Vessel Safety Program website <http://www.uscg.mil/hq/g-m/cfvs/Citizenship.shtml> without completing any of the prior steps required for a H2b Visa (Temporary Work Visa), and without receiving certification from the U.S. Department of Labor that citizens of the United States or resident aliens are not qualified or available to work. Both are prerequisites to the Coast Guard issuing a waiver of the U.S. citizenship requirements.

The purpose of this bulletin is to provide you with amplifying guidance to bring your commercial fishing vessel into full compliance with applicable U.S. citizenship requirements found in Title 46 United States Code 8103(i)(2). Use this guidance in conjunction with the guidance provided by the G-MOC Policy Letter 01-02 available at <http://www.uscg.mil/hq/g-m/moc/docs.htm>.

Steps to applying for an H2B VISA (Temporary Work Visa) and a Citizenship Waiver:

1. Employer contacts his/her state employment agency; simplified by visiting the following URL: <http://workforcesecurity.doleta.gov>.
2. Employer downloads Form ETA 750A.
3. Employer completes the form and sends it to the state employment agent.
4. The state employment agent will require employer to advertise for 3 days in a newspaper.
5. The state will advertise for the position in a government job database for 10 days.
6. If state determines that there is insufficient number of workers to perform the job, the state will forward the request to the U.S. Department of Labor (DOL)'s regional office.
7. DOL's regional office will give employer a "Final Determination" notice and the approved Form ETA 750A.
8. Employer will send approved, original ETA 750A Form and the CIS Form I-129 (Petition for Nonimmigrant Worker) to the U.S. Citizenship and Immigration Services (USCIS).

9. USCIS approves H2B Visa.
10. Employer submits DOL's "Final Determination" notice and a copy of the approved ETA 750A Form, list of Non-U.S. beneficiaries (names and country of birth) and vessel information (name, official number, size, fisheries type, crew total, and number of non-U.S. crewmembers on each vessel) to:

Commandant (G-MOC-3)
U. S. Coast Guard
2100 Second Street, S.W., Room 1116
Washington, D.C. 20593-0001

Questions and comments regarding this bulletin should be directed to Mr. Ed. Weiss, at the above number.


D. L. LERSCH
Captain, U.S. Coast Guard
Captain of the Port