



## **75/25 Rule**

*Written By Unknown Author*

The rule known to many as the “75/25” rule is really a federal law that addresses unlicensed seaman that may be employed on board certain vessels. The law is 46 USC 8103 and there are two provisions in this law that we routinely see. The first is (b)(1) which requires that not more than 25 percent of the total unlicensed seaman on board a documented vessel be aliens lawfully admitted to the United States for permanent residence. All other unlicensed seamen must be citizens of the United States or foreign nationals enrolled in the United States Merchant Marine Academy. If more than 25 percent of the total unlicensed seaman on board are aliens lawfully admitted OR there are unlicensed seaman that are not U. S. citizens or aliens lawfully admitted, or are not enrolled in the Merchant Marine Academy there is a violation of 46 USC 8103 (b)(1).

The second provision is (i)(1) and (2) and is applicable to fishing vessels engaged in fisheries. The first part (i)(1) requires all unlicensed seaman to be either a citizen of the United States, an alien lawfully admitted to the United States for permanent residence, an alien allowed to be employed under the Immigration and Nationality Act, or an alien allowed to be employed under certain rules and immigration laws of the Commonwealth of the Northern Mariana Islands. The second part (i)(2) requires that not more than 25 percent of the total unlicensed seaman that fall within the four categories identified in (i)(1) may be employed under the Immigration and Nationality Act. Therefore, on fishing vessels engaged in fisheries, if there are unlicensed seaman that do not fall within the four categories in (i)(1), there is a violation of 46 USC 8103 (i)(1). If more than 25 percent of the unlicensed seaman that fall with the four categories (*not* the total unlicensed seaman on board) are aliens allowed to be employed under the Immigration and Nationality Act, then there is a violation of 46 USC 8103 (i)(2).

It is important to document the names of all persons on board, the position each held on the vessel, and to document any statements made or make copies of any documents produced regarding citizenship, lawful admittance as an alien, enrollment in the U. S. Merchant Marine Academy, and employment under the Immigration and Nationality Act or immigration laws of the Commonwealth of the Northern Mariana Islands.

A statement or evidence that the vessel is either a documented vessel or a vessel engaged in fisheries in the navigable waters of the United States or the exclusive economic zone (EEZ), is necessary to the determination that a violation occurred.

A detailed discussion of the law and manner in which citizenship, lawful admittance, or proper employment might be demonstrated can be found in our newsletter, Vol III posted at the link at the beginning of this newsletter.

The KNOT is to know that a violation of 46 USC 8103 requires the collection and documentation of information about the persons on board a documented vessel or a fishing vessel engaged in fisheries. Take the time to ask the questions and document the answers, and collect documentation when available. This will assist in determining whether a violation occurred.