

## SEAFARER SUBJECT GUIDE

---

### ABANDONMENT IN NIGERIA

This Guide deals with the situation where seafarers are abandoned in a port in Nigeria as well as where seafarers are abandoned on a Nigerian flagged vessel in a port outside Nigeria. 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 Nigeria.

\*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 The word 'abandonment' is not used in any of the Nigerian legislation connected with the welfare of seafarers or related issues. However, the Merchant Shipping Act 2007 (the MSA) contains 'special provisions' in respect of seamen left behind abroad.
- 1.2 According to the MSA, a seaman or cadet serving on board a Nigerian ship must not be left behind at any place out of Nigeria except where:
  - (1) the seaman is discharged in accordance with the provisions of the MSA;
  - (2) the services of a cadet are terminated in accordance with his training agreement; or
  - (3) the master obtained the certificate of the appropriate officer at the port at which the seaman or cadet is left behind, stating the cause of his being so left behind, whether the cause be unfitness or inability to proceed to sea, desertion, disappearance or otherwise.
- 1.3 Further provisions to ensure that the rights of Nigerian crewmen and cadets left behind abroad are protected, especially with regard to accounting for and payment of their wages and other entitlements, as well as their repatriation back to Nigeria or the port of their employment are contained in the MSA.

#### **2. What is the immigration status of abandoned seafarers?**

- 2.1 In the course of the stay of abandoned crew on board their ship, they retain their status as seamen.

## SEAFARER SUBJECT GUIDE

---

2.2 However, they would be classified as illegal immigrants if they were to stay on shore longer than a temporary stay as a seafarer on shore leave would allow.

### **3. Can an abandoned seafarer get shore leave?**

3.1 An abandoned seafarer may get shore leave from the master or the officer in command of the ship and validly proceed ashore.

3.2 The limitations of an abandoned seafarer to proceed on shore leave should be the same as that of any other seafarer on a ship that has sailed into Nigeria since shore leave is the right of any seafarer for a temporary period.

### **4. Is abandonment of seafarers considered a crime?**

4.1 The master of a ship who unlawfully leaves a seaman or cadet abroad or otherwise fails to comply with the requirements of the MSA in respect of a seaman or cadet abroad, commits an offence and on conviction is liable to a fine not less than N100,000.00 (about US\$ 625.00) or to imprisonment for a term not less than two years, or to both.

### **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](http://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/](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](http://www.seafarersrights.org)

5.4 Welfare agencies

## SEAFARER SUBJECT GUIDE

---

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at [www.seafarersrights.org](http://www.seafarersrights.org)

### 5.5 Governments and Embassies

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