

SEAFARER SUBJECT GUIDE

ABANDONMENT IN BRAZIL

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

*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 Brazil has ratified the Convention 166 of the International Labour Organization, which regulates the repatriation of seafarers. Under the Convention a seafarer can be considered abandoned when the ship owner/employer abandons the vessel, or when the ship owner/employer cannot comply with the obligations stated on the labour contract due to insolvency, sale of the vessel or change in her register.

2. What is the immigration status of abandoned seafarers?

- 2.1 The immigration status of an abandoned seafarer will depend on the status of his passport, labour contract and visa. After his contract is completed or expired, it is likely that the seafarer will be considered to be an illegal immigrant.

3. Can an abandoned seafarer get shore leave?

- 3.1 Convention 166 of the International Labour Organization states that if the shipowner does not provide the repatriation after 15 days of the abandonment of the vessel and, if the vessel does not have safety and health conditions adequate to the permanency of the seafarers on board, the shipowner or its representative must provide inland hosting and food supply to the crew until the foreign seafarers are repatriated to their countries.

4. Is abandonment of seafarers considered a crime?

- 4.1 According to Brazilian law, abandonment is a crime against the labour organization and can be punished with administrative penalties.

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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

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