

SEAFARER SUBJECT GUIDE

ABANDONMENT IN CYPRUS

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

*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 is no special legislation governing the abandonment of a seafarer.
- 1.2 The law on masters and seamen provides for the relief, maintenance and repatriation of shipwrecked or otherwise distressed seamen found in any place outside the Republic of Cyprus.
- 1.3 An abandoned seafarer will fall under the broad definition of a seaman in distress.
- 1.4 The law on the repatriation of seamen provides the following as regards abandonment and repatriation of seafarers:
 - (1) The abandonment of a seafarer is forbidden at any port without prior arrangements being made with respect to the seafarer's accommodation and repatriation; if so abandoned, the Republic of Cyprus will be responsible for the seafarer's repatriation and all related expenses;
 - (2) If abandonment is due to fault of the seafarer, neither the shipowner nor the Republic are liable for his repatriation expenses.
- 1.5 Note that Law 12(III)/1995 is now repealed by the International Maritime Labour Convention of 2006 (Ratifying) and Related Matters Law of 2012, (6(III)/12), which brings into force the Maritime Labour Convention.

2. What is the immigration status of abandoned seafarers?

- 2.1 Abandoned seafarers will fall under the broad definition of a seaman in distress. The law provides that no alien has an absolute right of entrance into the country and a visa is at all times required for a lawful entry into Cyprus. However, in exceptional

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circumstances, the immigration authorities may waive the general rule and grant permission under such conditions and restrictions as they may deem fit under the circumstances.

- 2.2 Where the vessel is arrested, this matter is usually under the supervision of the Admiralty Marshal's office.

3. Can an abandoned seafarer get shore leave?

- 3.1 This will depend on the facts of each case. Usually, no shore leave is granted unless the circumstances demand it. Where the vessel is arrested, the court may grant permission for shore leave to be provided to members of the crew that remain on board under such conditions and restrictions as it deems appropriate under the circumstances. Where no shore leave is granted, if the seafarer attempts to get ashore, he commits a crime.

- 3.2 Depending on the facts of the case, a temporary visa may be granted by the immigration authorities at the request of the Admiralty Marshal's office.

4. Is abandonment of seafarers considered a crime?

- 4.1 The law on repatriation of seamen provides that a master or a shipowner who knowingly cooperates with, or contributes to, the abandonment of a seafarer in breach of the law commits a criminal offence punishable by imprisonment of up to two years or with a fine of up to €8,543, or both. Note that the Law on repatriation is now repealed by the International Maritime Labour Convention of 2006 (Ratifying) and Related Matters Law of 2012, (6(III)/12), which brings into force the Maritime Labour Convention.

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

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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.