

**Unclassified**

## **Advice to Industry - En-Route Clearances (ERC)**

### **Revised procedures: Requirements for Conducting En-Route Clearances**

#### **PURPOSE**

- This notice replaces previous advice to industry issued in February 2014.
- Areas of particular note in this Advice include:
  - The addition of an Australian Border Force (ABF) regional contact, which will be appointed for each en-route process, to be the liaison point with Agents/Ship Operators;
  - Specific requirements for ground transport arrangements to and from the private residences of ABF officers undertaking en-route clearances;
  - A separation of the requirements for approvals for en-route clearances from countries requiring visas and those countries that do not; and
  - Timeframes to be followed for application and approval of en-route clearances.
- Inquiries concerning this notice may be directed to the Maritime Traveller Processing Committee (MTPC) at [mtpc@abf.gov.au](mailto:mtpc@abf.gov.au) or on telephone number (02) 6198 7226 (Mon-Fri during Business hours).

**Unclassified**

# Contents

PURPOSE	1
<b>Contents</b>	<b>2</b>
<b>1. Introduction</b>	<b>3</b>
<b>2. Definitions</b>	<b>3</b>
<b>3. Legislative Background and Delegations</b>	<b>3</b>
<b>4. General Clearance Requirements</b>	<b>4</b>
<b>5. Clearance Options</b>	<b>4</b>
<b>6. Work Health and Safety Considerations</b>	<b>5</b>
<b>7. En-route Clearance – General Principles</b>	<b>5</b>
<b>8. Application Process for an En-route Clearance</b>	<b>5</b>
8.1. Approval process (no visa required)	5
8.2. Approval process (visa required)	6
7.3 Letter of Invite	6
<b>9. Travel Arrangements</b>	<b>7</b>
9.1. Air Travel	7
9.2. Accommodation and Meals in Foreign Ports	7
9.3. Accomodation and Meals On-Board Ships	7
9.4. Transport	7
<b>10. Immigration Processing on-board</b>	<b>8</b>
10.1. Location of Processing Area	8
10.2. Internet Access	8
10.3. Processing Requirements	8
<b>11. Attachment A:</b>	<b>10</b>

# 1. Introduction

The Australian Border Force (ABF) has a responsibility to Government and the community to ensure there are adequate controls in place to provide the appropriate level of border security while facilitating the legitimate movement of goods and people across the border.

To assist international cruise ship agents and operators and to ensure a nationally consistent approach to international cruise ship clearance processes, this advice outlines ABF specific requirements for en-route clearances.

It is important for agents and operators to provide the information and services requested in this advice within the specified timeframes as failure to do may impact on the approval of the en-route clearance application.

# 2. Definitions

The following table provides definitions of general terms used in relation to en-route clearance.

<b>Air and Sea Approvals Portal (ASAP)</b>	IT platform where cruise ship industry submit applications for MTPC review
<b>Direct Arrival</b>	Ship arrives directly from an overseas port to Australia (not on a round trip cruise)
<b>En-route Clearance</b>	Passenger clearance en route, between the last port overseas and the first port of arrival in Australia
<b>Invitation Letter</b>	Official invite letter from the ship for ABF officers joining a ship
<b>Maritime Traveller Processing Centre (MTPC)</b>	The MTPC coordinates applications to support a nationally consistent approach to cruise ship and super yachts approval process, whilst meeting regulatory requirements

# 3. Legislative Background and Delegations

Section 51 of the Australian Constitution gives the power to Parliament to make laws on immigration. These laws are contained in the *Migration Act 1958* (the Migration Act) and the Migration Regulations 1994 (The Migration Regulations). Section 5 of the Migration Act provides ABF officers with the powers of an officer under the Migration Act which enables them to exercise delegations under that Act.

Sections 64, 64ACA and 64ACB of the *Customs Act 1901* (the Customs Act) require an operator of each vessel intending to arrive in Australia from a place outside Australia to report to ABF regarding:

- The impending arrival of the vessel; and
- Each passenger and crew member who will be on-board the vessel at the time of its arrival.

## Unclassified

The report regarding the impending arrival of the vessel may be made by document, via the submission of the Form 13 Vessel pre-arrival report and electronically via the Integrated Cargo System (ICS)<sup>1</sup>.

The report regarding the impending arrival of passengers and crew is not required by ABF when those travellers have been reported to the ABF through the Advanced Passenger Processing system (APP). Please refer to Advice to Industry 2014/01 for more information regarding this requirement.

The impending arrival of ships and their travellers must be reported within the below timeframes:

- Not earlier than 10 days before estimated time of arrival; and
- Not later than 96 hours before estimated time of arrival, or in accordance with the below, for journeys of lesser likely duration

72 hours or more but less than 96 hours	72 hours
48 hours or more but less than 72 hours	48 hours
24 hours or more but less than 48 hours	24 hours
Less than 24 hours	12 hours

## 4. General Clearance Requirements

All incoming international cruise passengers, including transit passengers, are immigration cleared at or before their first port of arrival into Australia. Ship crew are subject to a face to passport check and document verification.

Passengers and crew permanently disembarking a ship at the final port of disembarkation are Customs cleared and the Department of Agriculture, Fisheries and Forestry (DAFF) cleared at the port where they permanently disembark the ship.

To assist ABF officers to identify the passengers and crew on-board ships, the Ships Purser is to supply a copy of each of the following documents as applicable.

- Embarking and disembarking passenger list (including identifying the different passenger categories such as domestic, international etc.);
- Form 13 — Notification of arrival;
- B522 Notification of Sign on;
- B465 Crew Declaration (for sign off crew only);
- B521 Notification of Sign off; and
- Form 5 parts 3 and 4 - Return of stocks / Report of ships stores.

Forms are available at <http://www.abf.gov.au/site/page4288.asp>

## 5. Clearance Options

In recognition of the significant activity and logistics associated with cruise ship clearances, it is important that ABF and cruise operators determine the most efficient and effective method of clearance. Options include:

---

<sup>1</sup> Reporting via ICS is mandatory where cargo is carried. Where cargo is not carried, operators may elect to lodge the reports electronically via the Integrated Cargo System (ICS) or, as a contingency, in documentary form via e-mail using the Form B365 Impending Arrival Report (Sea).

- on a wharf at dedicated or temporary facilities;
- on-board while ship is alongside; or
- en-route between the last port overseas and the first port of arrival in Australia.

## 6. Work Health and Safety Considerations

It is an expectation of the ABF that ship operators maintain an environment that is as safe as is reasonably practicable for embarked ABF Officers. This includes managing circumstances that are within their duty of care to any embarked ABF Officers; and that any information that may affect the safety or health of ABF Officers is shared with those officers and the ABF regional contact.

This expectation as a minimum extends to your ensuring that an induction for ABF Officers is provided as soon as reasonably practicable following boarding; and they are informed of the vessels emergency, medical and security procedures and practices.

It is expected that the cruise ship operator follows current guideline and advice issued by, [The Communicable Diseases Network Australia \(CDNA\)](#).

## 7. En-route Clearance – General Principles

An en-route clearance will be approved by ABF if it is determined to be the most appropriate option, taking into consideration factors such as the number of passengers and crew on-board, availability of ABF resources, length of voyage, location of the first port of arrival in Australia and supporting infrastructure at that port.

En-route clearances require ABF officers to join the ship prior to departure from the last overseas port. The agent or operator is responsible for all costs associated with the officer's overseas travel, including:

- ground transport from the office or private residence to the airport,
- air travel,
- ground transport in the overseas country,
- all meals between landing in the overseas country and embarkation on the ship,
- all meals and accommodation on-board the ship, and
- ground transport to the office or private residence at home port.

While ABF endeavours to provide officers from the nearest capital city, due to operational priorities and/or available resources, it may be necessary to identify suitably trained officers from other regions. Any additional costs are the responsibility of the agent or operator.

The ABF may impose additional requirements on any en-route clearance requests as appropriate to the specific circumstances. These requirements may relate to the en-route clearance itself and / or the arrival arrangements of the cruise ship into the first port in Australia.

## 8. Application Process for an En-route Clearance

Agents/Operators may apply for an en-route clearance up to a maximum of one year out and minimum six months in advance of the voyage. ABF will not accept applications outside of these timeframes.

### 8.1. Approval process (no visa required)

The following outlines the process for agents and operators seeking approval for an en-route clearance where the en-route clearance will start at an overseas port in a country **that does not require visas**.

## Unclassified

- a) The agent or operator submits an application for an en-route clearance in the ASAP;
- b) The agent or operator will receive a response from the portal advising whether the en-route clearance has been supported or denied;
- c) Subsequently, the nominated ABF regional contact will forward an 'en-route clearance advice' to the agent or operator via email outlining the proposed clearance process, the names of officers travelling and general requirements. Officer names may change due to unforeseen circumstances prior to travel, so booking flexible business class or equivalent tickets is encouraged;
- d) the agent /operator must provide the following documentation to the nominated regional contact a minimum of Six weeks prior to departure;
  - i. Travel itinerary including confirmation of international business class tickets;
  - ii. Comparison quote of an equivalent fully flexible economy fare for all international flights under four hours;
  - iii. Confirmation of accommodation;
  - iv. Confirmation of ground transport; and
  - v. Official Letter of Invite from operator/agent. A template for this is included at Attachment A.

### 8.2. Approval process (visa required)

- a) The agent or operator submits an application for an en-route Clearance in the Air and Sea Approval Portal.
- b) The agent or operator will receive a response from the portal advising whether the en-route Clearance has been supported or denied.
- c) If approved, the nominated ABF regional contact will forward an 'en-route clearance advice' to the agent or operator via email outlining the proposed clearance process, details of the names of officers travelling and general requirements. Officer names may change due to unforeseen circumstances prior to travel, so booking flexible business class or equivalent tickets is encouraged.
- d) The agent /operator must provide the following documentation to the nominated regional contact a minimum of six weeks prior to departure:
  - i. Travel itinerary of International business class tickets booked;
  - ii. Comparative quote of an equivalent fully flexible International economy fare for all international flights under four hours;
  - iii. Confirmation of accommodation;
  - iv. Confirmation of transport; and
  - v. Official Letter of Invite from ship/agent naming all officers attending. A template for this is included at Attachment A.

### 8.3. Letter of Invite

The agent or operator will arrange a "Letter of Invite" from the ship for ABF officers joining a ship overseas 8 weeks prior to the departure. This letter must list all ABF officers conducting the en-route clearance. This letter is required for travel purposes into some countries and for visa applications. A template for the Letter of Invite is provided at Attachment A This is to be sent by e-mail to the ABF regional contact at the time that travel and accommodation arrangements have been confirmed.

## 9. Travel Arrangements

### 9.1. Air Travel

In accordance with the Department of Home Affairs Official Travel Policy, all employees are entitled to travel business class (or equivalent) for all international travel on departmental business. For officers travelling to undertake en-route clearances, international air travel will be booked and paid for by the agent or operator at business class or equivalent from the departure point in Australia to the final destination. Officer names may change due to unforeseen circumstances prior to travel, so booking flexible business class or equivalent tickets is encouraged. Any fees or charges incurred as a result of this change will be the responsibility of the agent or operator.

ABF will meet the costs associated with passports, visas, wages and overtime.

**Note: Where the airline does not provide meals during the flight the agent or operator must organise pre-paid meals. This must be arranged and confirmed with the flight bookings.**

### 9.2. Accommodation and Meals in Foreign Ports

Accommodation will be arranged by the agent/operator and will be at a minimum 4.5 star rating or equivalent, where available with separate sleeping quarters (i.e. separate rooms or separate bedrooms in a multiple bedroom apartment).

Meals for ABF officers are to be provided at the accommodation or at another suitable venue notified by the agent or operator. This must be confirmed on the itinerary prior to officers' travel.

### 9.3. Accommodation and Meals On-Board Ships

Accommodation must be minimum a 4.5 star passenger rating or equivalent, where available with separate sleeping quarters for each officer.

To allow efficient and effective processing by ABF officers on-board the ship, consideration must be given to the location of cabins provided to officers (e.g. a cabin provided near on-board entertainment facilities is not acceptable).

All meals will be provided by the shipping company on-board the ship for the duration of the voyage.

Drinking water will be available to ABF officers at all times while on-board the ship.

To allow ABF officers to be appropriately attired whilst not on duty, agents or operators are required to provide advice on dress standards in advance of ABF officers joining the ship.

Laundry facilities will be provided without any charge while on-board ship for the duration of the voyage.

**Note: If these accommodation conditions cannot be met and a compromise cannot be agreed upon prior to departing Australia, ABF officers are authorised to disembark the ship (if not already underway) and return to Australia at the agent's cost.**

### 9.4. Transport

The agent/operator is responsible for providing all associated ground transport for ABF officers undertaking an en-route clearance. This includes:

- a) Travel associated with boarding the ship, such as transport:
  - i. from the office or private residence to the airport;
  - ii. from the airport to the accommodation; and

- iii. from the accommodation to the ship.
- b) Travel associated with returning the officer to the office or private residence on return to Australia, such as transport:
  - i. from the ship to accommodation (if required);
  - ii. from the ship or accommodation to the airport (if required);
  - iii. from the ship to the office or private residence.
- c) Where an ABF officer is to be transported to and from their private residence and does not wish to supply the agent/operator with their home address for transport, the agent or operator is to provide taxi vouchers, rental vehicle or another alternative (whichever is more cost effective) for:
  - i. transfer from private residence to the airport; and
  - ii. transfer from the ship to private residence.

**Note: Liaison must occur directly with the regional contact to negotiate transport options.**

## 10. Immigration Processing on-board

### 10.1. Location of Processing Area

Consideration is to be given to the processing area on-board the ship to ensure it meets the requirement of ABF officers; including access to power points, furniture, other equipment and appropriate power adaptors for Australian devices. The cruise ship operator is to accommodate any reasonable ABF officer request on the location and the set-up of the processing area.

If processing locations or time allocated for processing travellers is insufficient or appropriate high-speed internet access is not provided, the completion of traveller processing may need to occur alongside at the first port in Australia.

### 10.2. Internet Access

ABF uses a specialised electronic database to facilitate the clearance of cruise ships. To accommodate this, the ship must provide ABF officers with access to the highest speed data and voice wireless internet available on the ship at no charge for the duration of the voyage.

### 10.3. Processing Requirements

Cruise ship operators are to assist in marshalling of passengers and crew in the processing area.

The cruise ship operator is to ensure all passengers present to ABF officers with their passport and completed Incoming Passenger Card (IPC) at the time of clearance.

#### **Australian Border Force Requirements**

<b>PASSENGERS</b>	<b>CREW</b>
<b>All Passengers</b> All passengers on-board must be reported via Advance Passenger Processing (APP) to ABF a	<b>All Crew</b> All crew on-board must be reported by APP to ABF at a minimum 96 hours prior to arrival.



## Unclassified

<p>minimum of 96 hours prior to arrival (refer to sliding scale for voyages of less than 96 hours).</p>	<p>New Zealand crew are to complete IPC cards for ABF Clearance</p>
<p><b>Embarking Passengers</b></p> <p>Passengers embarking to travel overseas are processed at the port where they join the ship and present to ABF with their passports</p>	<p><b>Embarking Crew (sign ons)</b></p> <p>Crew undergo face-to-passport checks.</p> <p>A Maritime Crew Visa is mandatory for all foreign crews. It is not required for Australian or New Zealand citizens or permanent visa holders.</p>
<p><b>Disembarking Passengers</b></p> <p>Passengers must accompany their baggage and present themselves to ABF with a completed Incoming Passenger Card (IPC). The IPC is retained by ABF.</p>	<p><b>Disembarking Crew (sign offs)</b></p> <p>Crew undergo face-to-passport checks and baggage checks.</p> <p>Crew complete B465 Crew Declaration</p>

# 11. Attachment A:

## LETTER OF INVITE

[On letter head of the agency providing letter of guarantee]

To: [please select relevant Australian Border Force regional office]

Northern Territory	<a href="mailto:ntcruiseships@abf.gov.au">ntcruiseships@abf.gov.au</a>
New South Whales	<a href="mailto:sbs@abf.gov.au">sbs@abf.gov.au</a>
Queensland	<a href="mailto:brisshipping@abf.gov.au">brisshipping@abf.gov.au</a>
Victoria	<a href="mailto:viccruiseships@abf.gov.au">viccruiseships@abf.gov.au</a>
Tasmania	<a href="mailto:tascruiseships@abf.gov.au">tascruiseships@abf.gov.au</a>
South Australia	<a href="mailto:shippingadelaide@abf.gov.au">shippingadelaide@abf.gov.au</a>
Western Australia	<a href="mailto:wacruiseships@abf.gov.au">wacruiseships@abf.gov.au</a>

To whom it may concern

I [FULL NAME] acting as agent for [SHIPPING COMPANY] state [NAMES OF OFFICERS] are arriving in [CITY AND COUNTRY] for the purposes of joining [NAME OF SHIP] on [DAY AND DATE OF DEPARTURE] with the intent of departing on that ship bound for Australia.

Any costs associated with [NAMES OF OFFICERS] while in [COUNTRY] will be incurred by my agency until the time of departure.

For any questions regards this matter please contact

[NAME OF AGENT]

Contact details

[PHONE OR OTHER CONTACT DETAILS]