

CHAPTER 16
SECTION 2

MEMBERS OF AIRCREW

1. INTRODUCTION

Section 33(1) of the Immigration Act 1971 defines crew members as all persons actually employed in the working or service of an aircraft, including the captain. Staff such as security guards are *not* crew members within this definition (see paragraph 6. below). All airline staff seeking leave as crew are dealt with by the Airline Employee (ALE) Section of IS at ports.

ANNEX E (below) provides guidance relating to overseas Aircrew Based in the United Kingdom

Chapter 5, Section 7 relates to Operational Ground Staff of Overseas Airlines (who are subject to the provisions of Paragraph 178 of the Rules)

2. CREW MEMBERS ARRIVING IN THE UNITED KINGDOM

A person arriving as a crew member of an aircraft may enter without leave, if he is under engagement to leave *within 7 days* on that or another aircraft (Section 8(1) of the Immigration Act 1971). Such persons may remain until the departure of the aircraft on which they are required by their engagement to leave.

2.1. Crew members who require leave

A crew member may not enter without leave if:

- * there is a deportation order in force against him;
- * he has at any time been refused leave to enter and has not since been given leave to enter or remain; or
- * an immigration officer requires him to submit to examination.

2.2. Visa requirements

The visa requirement should be waived in respect of visa nationals who arrive and leave as aircrew within seven days.

Visas *are* required by visa national aircrew arriving as:

- * passengers or supernumeraries to join an aircraft as crew or as supernumeraries under training;
- * aircrew, but who do not intend to leave within seven days; or
- * aircrew who are to be based in the United Kingdom.

2.3. Waiving of visa requirement in respect of aircrew of Nigeria Airways

In accordance with an undertaking given in 1987 to Nigeria Airways by the then British High Commissioner, crews of that airline coming to the United Kingdom to join an aircraft, and leave as operational crew, are not required to hold a "Joining aircraft" visa.

2.4. Examination of crew members and granting leave to enter

If it is necessary to examine a member of the crew of an aircraft which has arrived in the United Kingdom from or after calling at a place outside the common travel area, leave to enter *must* either be given or refused. *Section 8(1) of the Act ceases to apply once such a crew member is examined by an immigration officer.*

If leave to enter is given this should be done by the issue of form IS 123 which contains the printed endorsement giving leave for 7 days on Code 1. The name of the crew member should be entered on the form. If more than one member of the crew is given leave, the notice, on which the names of those examined should be entered, may be served on the Captain as being the person in charge.

3. PERSONS SUBJECT TO CONTROL ARRIVING TO JOIN AIRCRAFT AS CREW MEMBERS

Where a person intends to leave as a member of a crew of an aircraft from a United Kingdom airport he may be given leave to enter on Code 5N or for a short time on Code 1 and should be classified in the "CS" category. The letters "CS" should be written below immigration officer's date stamp in the passport. Where Code 1 is imposed the arrival number box in the limited leave endorsement should be struck through. Only where Code 1 has been imposed is it necessary for the landing card to be sent to the airport from which the person is expected to leave. In such cases, the company, flight number and destination should be noted on the landing card.

Entry clearances issued to aircrew who are to enter the United Kingdom as passengers or supernumeraries and leave as operating crew will be endorsed "Joining aircraft". Persons holding "Joining aircraft" entry clearances should be given leave to enter for a short time on Code 1.

Visa nationals who arrive as passengers but will leave within 24 hours as operating crew may benefit from the visa waiver concession for transit passengers set out in *Chapter 2 Section 2*.

4. AIRCREW WISHING TO STAY MORE THAN 7 DAYS

A crew member who has entered lawfully without leave under Section 8(1) and wishes to remain longer than 7 days is treated as seeking leave to enter (Section 11(5) of the Act). He should report to an immigration officer who will then examine him in accordance with Schedule 2 and grant or refuse leave to enter as appropriate. Leave to enter, if granted, should be on Code 1.

Where leave to enter is given, the landing card should not be sent to Home Office but should be cleared locally. The "ALE" procedures described in *ANNEX E*, paragraph 3.1, should be followed and the name of the airline, flight number and destination should be noted on the landing card.

5. AIRCREW CONVICTED OF OFFENCES

Since 1978, an index compiled from immigration officers' reports on aircrew who have been convicted of offences in the United Kingdom has been maintained at Gatwick. Where it is discovered that an aircrew member has been convicted of an offence in the United Kingdom and the case has not already been reported, reference should be made to an Inspector if it is considered that the person should be refused leave to enter and removed because of the seriousness of the offence.

A report should be submitted whenever information is obtained that an aircrew member has recently been convicted in the United Kingdom, and precise details of the offence and sentence should be included. In such cases and in cases where an aircrew member is refused leave to enter and removed as a direct consequence of such a conviction, the appropriate report should be marked for the attention of the Assistant Director (Immigration) responsible for airline employees and crew who will decide whether a gating circular should be issued.

Similarly, details of any such convictions coming to the attention of ICD caseworkers should, after full details of offences have been obtained, be sent to IS, via Passenger Casework Section, to the Assistant Director responsible for Airline employees and crews.

6. SECURITY GUARDS ON AIRCRAFT

Persons who are employed on aircraft as security guards are not crew members and do not therefore benefit from the provisions of Section 8(1). They should be required to present themselves for examination and, if admissible, should normally be given leave to enter for seven days on Code 1. Landing and embarkation cards should be forwarded to Home Office in the normal way. Visa nationals must satisfy the requirements of Paragraph 24 of the Rules.

7. DEPENDANTS OF AIRCREW

Dependants of those covered by Section 8(1) of the Act are subject to control in the normal way.

8. OBLIGATION OF THE CAPTAIN OF AN AIRCRAFT TO PRODUCE DETAILS OF CREW MEMBERS

Under the Immigration (Particulars of Passengers and Crew) Order 1972, as amended, the captain of an aircraft arriving in the United Kingdom from or after calling at a place outside the common travel area must, *if so required by an immigration officer*, furnish a list of names and nationalities of all the passengers and the names, dates of birth and nationalities of all members of the crew.

The Order also makes provision for the captain of an aircraft which started its flight *in the Republic of Ireland* to furnish, if so required by an immigration officer, a list of names and nationalities of all passengers, who are not Irish citizens, *who started their journey to the United Kingdom outside the common travel area* and who transitted through the Republic but were *not given leave to land in the Republic* in accordance with Irish law.

Immigration officers should require the production of a general declaration at ports where declarations are also required by the Customs authorities and where there are no alternative arrangements for the collection of statistics. Arrangements should be made for occasional visits to aircraft on arrival to examine the documents of crew members.