

Guidance on Permission for Arrival  
and Departure of Ships, etc. involving  
Foreign Deserters, etc. to and from a  
Trade Port

(Wholly Amended)

2020. 9. .

Jointly issued by

Ministry of Oceans and Fisheries, Ministry of  
Justice, Ministry of National Defense,  
Ministry of Health and Welfare, National  
Intelligence Service, Office for Government  
Policy Coordination, Korea Customs Service,  
Korea National Police Agency, Korea Coast  
Guard

# Guidance on Permission for Arrival and Departure of Ships, etc. involving Foreign Deserters, etc. to and from a Trade Port (wholly amended)

Enacted on Nov. 9, 2016, Implemented as of Nov. 11, 2016  
Partially amended on May 10, 2017, Implemented as of July 1, 2017  
Partially amended in Dec. 2017, Implemented as of Jan. 1, 2018  
Partially amended in July 2020, Implemented as of Aug. 1, 2020  
[Partially amended in Sept. 2020, Implemented as of Sept. 8, 2020](#)

## Article 1 (Purpose)

The purpose of this Guidance is to prescribe matters relating to permission for arrival and departure of ships which are deemed that special management is required for arrival at and departure from a trade port to ensure national security under Article 3 (2) 2 of the Enforcement Decree of the Act on the Arrival, Departure, etc. of Ships (hereinafter referred to as ‘Ship’s Arrival and Departure Act’) as well as ships for which the head of the relevant central administrative agency or the head of a national security agency (hereinafter referred to as ‘head of a national security agency’) prescribed in Article 2 (9) of the International Ship and Port Facility Security Act (hereinafter referred to as ‘Port Security Act’) deems that special management is required for arrival at and departure from a trade port in cases of wars, armed conflicts, or national emergencies equivalent thereto or where it is necessary for national security under Article 3 (3) of the Enforcement Decree of the Act on the Arrival, Departure, etc. of Ships.

## Article 2 (Definitions)

The definitions of terms used in this Guidance shall be as follows:

- (1) The term “ships on international voyage” means ships under Article 2 (1) of the Ship Safety Act, which are used for international voyage;

- (2) The term “unauthorized shore leave” means acts (trespassing within port facilities without due process of entry) prescribed in Article 33 (1) 3 of the Port Security Act or unlawful landing from a ship without permission on navigable waterways and waterfront facilities, including facilities for anchoring, mooring, etc., among basic facilities prescribed in Article 2 (5) (a) of the Harbor Act;
- (3) The term “unauthorized desertion” means leaving port facilities, where Port Facility Conformity Certificates are issued under Article 27 of the Port Security Act, without due process of entry among unauthorized shore leave prescribed in paragraph (2);
- (4) The term “violation of obligations related to quarantine inspection” means cases where a ship is found to have not notified the director of the quarantine station of matters including whether there is a patient of a quarantinable infectious disease and the sanitary state pursuant to Article 9 of the Quarantine Act as well as where a request for submission or presentation of documents prescribed in Article 12 (3) of the same Act is refused, obstructed and evaded, or any falsified document has been submitted or presented.
- (5) The term “unauthorized embarkation” means cases where a person, other than passengers, crew or operators boards the relevant means of transportation without a permission pursuant to Article 141 (2) of the Customs Act.
- (6) The term “permission for arrival and departure” means permission for a ship’s arrival at and departure from a trade port pursuant to Article 4 (3) of the Ship’s Arrival and Departure Act.
- (7) The term “port entry ban” means forbidding a ship’s arrival at and departure from a trade port pursuant to Article 4 (3) of the Ship’s Arrival and Departure Act.

### **Article 3 (Scope of Application)**

- (1) This Guidance shall apply to facilities under Article 40 (1) of the Enforcement Rules to the Port Security Act, navigable waterways and waterfront facilities including facilities for anchoring, mooring, etc. under Article 3 (5) (a), and ship mooring facilities falling under any of the following:
1. Ship mooring facilities at a shipyard where a ship is repaired or fabricated;
  2. Ship mooring facilities at oil storage facilities, LNG production base, or thermal power station;
  3. Ship mooring facilities at closed ports of the Republic of Korea where a foreign flagged ship is permitted to call by the Minister of Oceans and Fisheries under Article 6 of the Ship Act.
- (2) This Guidance shall apply to a ship which is designated as a ship subject to permission for arrival and departure by the Minister of Oceans and Fisheries pursuant to Article 3 (2-2) and (3) of the Enforcement Decree of the Ship's Arrival and Departure Act for unauthorized shore leave, unauthorized desertion, violation of obligations related to [quarantine inspection](#), or unauthorized embarkation of a seafarer while a ship is at mooring, in operation or at anchorage within the facilities prescribed in paragraph (1) as well as cases where the aforementioned ship arrives at or departs from the facilities prescribed in paragraph (1).

### **Article 4 (Notice of a Ship Subject to Permission for Arrival and Departure and Port Entry Ban)**

- (1) Where the head of the Regional Immigration Service lodges accusation pursuant to Article 101 of the Immigration Act, the head of the Regional Immigration service issues a written notice pursuant to Article 102 of the

same Act, the director of the quarantine station lodges accusation or imposes a fine pursuant to Article 39 (1) 2 and Article 41 (2) 2 of the Quarantine Act, or the head of a regional customs office imposes a fine pursuant to Article 277 (5) 4 with respect to unauthorized shore leave, unauthorized desertion, violation of obligations related to quarantine inspection, or unauthorized embarkation, the Minister of Oceans and Fisheries shall designate the ship concerned as a ship subject to permission for arrival and departure as well as port entry ban.

- (2) Where a ship is designated as a ship subject to permission for arrival and departure as well as port entry ban, the Minister of Oceans Fisheries shall notify a national security agency, etc. of such matters by sending the Appendix 1 'Confirmation of Receipt of Notice of Ships Subject to Permission for Arrival and Departure to and from a Trade Port (Port Entry Ban)'.

#### **Article 5 (Designated Period of Ships Subject to Permission for Arrival and Departure)**

The designated period of a ship subject to permission for arrival and departure falls under any of the following paragraphs:

- (1) Where one unauthorized shore leave occurs, the ship concerned shall apply for permission for arrival and departure over a six-month period from the designated date: Provided, That where the ship arrives at or departs from a port less than three times over a six-month period, the designated period shall be extended until the number of arrival and departure reaches three times without any unauthorized shore leave and/or desertion;
- (2) Where one violation of obligations related to quarantine inspection occurs, the ship concerned shall apply for permission for arrival and departure over a six-month period from the designated date: Provided,

That where the ship arrives at or departs from a port less than three times over a six-month period, the designated period shall be extended until the number of arrival and departure reaches three times without any violation of obligations related to [quarantine inspection](#);

- (3) Where one unauthorized embarkation occurs, the ship concerned shall apply for permission for arrival and departure over a six-month period from the designated date: Provided, That where the ship arrives at or departs from a port less than three times over a six-month period, the designated period shall be extended until the number of arrival and departure reaches three times without any unauthorized embarkation;
- (4) Where unauthorized shore leave, [violation of obligations related to quarantine inspection](#), or unauthorized embarkation reoccurs within one year after the designated period expires for a ship designated as a ship subject to permission for arrival and departure as prescribed in paragraph (1), (2) and (3), the ship concerned shall apply for arrival and departure over an one-year period: Provided, That where the ship arrives at or departs from a port less than six times over an one-year period, the designated period shall be extended until the number of arrival and departure reaches six times without any unauthorized shore leave, unauthorized desertion, [violation of obligations related to quarantine inspection](#), or unauthorized embarkation.

## **Article 6 (Designated period of Ships Subject to Port Entry Ban)**

The designated period of a ship subject to port entry ban falls under any of the following paragraphs:

- (1) Where unauthorized shore leave, [violation of obligations related to quarantine inspection](#), or unauthorized embarkation reoccurs during the designated period of a ship subject to permission for arrival and departure under Article 5, the ship concerned shall be subject to port

entry ban over a six-month period from the designated date;

- (2) Where unauthorized desertion occurs, the ship concerned shall be subject to port entry ban over a six-month period from the designated date;
- (3) Where unauthorized desertion reoccurs once within three years from the date when a ship is designated as a ship subject to port entry ban, the ship concerned shall be subject to port entry ban over an one-year period from the designated date;
- (4) Where unauthorized desertion reoccurs twice within three years from the date when a ship is designated as a ship subject to port entry ban, the ship concerned shall be subject to perpetual ban to enter a trade port.

#### **Article7 (Conditions on Permission for Arrival and Departure)**

- (1) Where the administrator of a Regional Office of Oceans and Fisheries, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do governor, or a Special Self-Governing Province Governor (hereinafter referred as 'Mayor/Governor') intends to grant permission for arrival and departure of a ship designated by the Minister of Oceans and Fisheries under Article 4 of the Act pursuant to Article 5 of the Enforcement Decree of the Ship's Arrival and Departure Act, he or she shall receive a plan to avoid reoccurrence of unauthorized disembarkation, [violation of obligations related to quarantine inspection](#) or unauthorized embarkation from a master or a ship owner, and consult in advance with the head of a national security agency (As for a trade port under the management of a Regional Office, the administrator of a Regional Office of Oceans and Fisheries is included), the head of a regional immigration service, the director of the quarantine station, and the head of a regional customs office to grant conditional permission.
- (2) Where the administrator of a Regional Office of Oceans and Fisheries or a mayor/governor deems that the plan to avoid reoccurrence of

unauthorized disembarkation, [violation of obligations related to quarantine inspection](#) or unauthorized embarkation received from a master or a ship owner is insufficient, he or she shall request the ship owner or master to take corrective action and prevent the ship from entering a trade port until corrective action is taken pursuant to Article 41 (5) of the Port Security Act. In such cases, a mayor/governor shall request the administrator of a relevant Regional Office of Oceans and Fisheries to order corrective action on the ship concerned.

(3) Conditions on permission for arrival and departure under paragraph (1) shall contain the following: Provided, That this shall not apply to [violation of obligations related to quarantine inspection](#):

1. Once a ship is berthed, a registered security guard pursuant to the Registered Security Guard Act, a security guard from a special security service provider pursuant to the Security Services Industry Act, and a security guard from a security service provider related to harbor service businesses pursuant to the Harbor Transport Business Act shall be present at all times until the ship leaves the port in order to prevent seafarers from unauthorized disembarkation and embarkation.
2. A master shall provide seafarers with a training on unauthorized shore leave, unauthorized desertion and unauthorized embarkation, ascertain whether there is any desertion on board every four hours after the ship is berthed, and report it to the administrator of a relevant Regional Office of Oceans and Fisheries.
3. A shipping agent shall embark on board a ship at mooring at least two times a day to ascertain whether there is any desertion on board and report it to the administrator of a relevant Regional Office of Oceans and Fisheries.



## **Article 8 (Notification of Measures Taken, etc.)**

Where the administrator of a Regional Office of Oceans and Fisheries or a mayor/governor grants permission for arrival and departure of a ship pursuant to Article 7 (1), he or she shall notify the head of a national security agency, the head of a regional immigration service, the director of the quarantine station, and the head of a relevant regional customs office of the grant in accordance with the Appendix 2. But as for a trade port under the management of a Regional Office, the administrator of a Regional Office of Oceans and Fisheries is included

## **Article 9 (Imposing Penalty For Violation of Conditions on Permission for Arrival and Departure)**

- (1) Any person who fails to allocate a security guard pursuant to Article 7 (3) 1 shall be punished by a fine not exceeding five million won as stipulated by Article 49 (5) of the Port Security Act.
- (2) The administrator of a relevant Regional Office of Oceans and Fisheries shall impose a penalty to any person in violation of Article 7 (3) 2 and Article 7 (3) 3 as stipulated by Article 52 (1) 26 of the Port Security Act.

## **Article 10 (Application for Termination of Designation on Permission for Arrival and Departure of Ships, etc.)**

- (1) A owner of a ship designated as a ship subject to permission for arrival and departure or port entry ban pursuant to Article 4 may apply for termination of designation on permission for arrival and departure of ships, etc. if a ship owner at the time of the incident of unauthorized shore leave, unauthorized desertion, [violation of obligations related to quarantine inspection](#), or unauthorized embarkation as well as a master who has been punished under the Immigration Act, Quarantine Act and

Customs Act are replaced.

- (2) Any person who intends to terminate the designation on permission for arrival and departure, etc. prescribed in paragraph (1) shall submit the Appendix 3 'Application for Termination of Designation on permission for Arrival and Departure, etc. to and from Trade Port' to the Minister of Oceans and Fisheries with attachments of a certificate of registry and a crew list.
- (3) Where it is found that the application prescribed in paragraph (2) submitted is based on the facts, the Minister of Oceans and Fisheries shall terminate the designation of a ship subject to port entry ban or permission for arrival and departure and notify a national security agency, etc. by sending the Appendix 4 'Notification of Termination of Designation on a Ship Subject to Permission for Arrival and Departure (Port Entry Ban)'.

#### **ADDENDA (2020.9. )**

This Guidance shall enter into force on September 8, 2020.

< 별지 제1호서식 Appendix 1 >

**무역항 출입허가(입항금지) 대상 선박 통보서**  
**Confirmation of Receipt of Notice of Ships Subject to**  
**Permission for Arrival and Departure(Port Entry Ban) to and**  
**from a Trade Port**

관리번호 Ref. No.		지정구분 Designation Type	
선명 Name of Ship		국적 Flag	
호출부호 Call Sign		IMO번호 IMO No.	
지정일자 Designated Date			
지정기간 Designated Period			
지정사유 Reasons for Designation			

<b>출입허가 조치결과 보고서</b> <b>Report on Measures for Permission for Arrival and Departure</b>
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작성기관(Reporting body) : (담당자 Person in charge : *직·성명 기재 Indicate your name*)

관리번호 Ref. No.	<i>해당선박의 관리번호 기재 Indicate the Ref. No. of an applicable ship</i>		
선 명 Name of Ship		국 적 Flag	
호출부호 Call Sign		IMO번호 IMO No.	
소 유 자 Ship Owner	(전화번호/Contact No.)	선박대리점 Shipping Agent	(전화번호/Contact. No)
출입허가 신청일자 Application Date for Permission for Arrival and Departure		조치완료일 자 Date for Measures Taken	

**조 치 내 용 Description on Measures Taken**

1. 선원 이탈 재발방지 대책 Measures to Avoid Reoccurrence of Desertion  
 ○ 징구일자 Date of Measures Taken :  
 ○ 검토결과 Review Result :  
 ○ 시정명령 등 추가조치사항 Additional Measures Taken including Corrective Action :

2. 출입허가 여부 결정 Confirmation on Permission for Arrival and Departure  
 ○ 결정일자 Confirmed Date :  
 ○ 허가여부 Permission Result :  
 ○ 조치사유 Reasons for Measures :

3. 출입허가 조건 등 Conditions on Permission for Arrival and Departure, etc.

**무역항 출입허가 등의 지정 해제 신청서**  
**Application for Termination of Designation on Permission for Arrival and Departure of a Ship to and from a Trade Port**

관리번호 Ref. No		지정구분 Designation Type	
선명 Name of Ship		국적 Flag	
호출부호 Call Sign		IMO번호 IMO No.	
지정일자 Designated Date		지정기간 Designated Period	

**선박 소유자 및 선장 변경 사항**  
**Details in Change of a Ship Owner and Master**

구분 Type	선박 소유자 Ship Owner		선장 Master			
	성명(회사명) Name (Business)	변경일자 Date	성명 Name	생년월일 DOB	국적 Flag	변경일자 Date
사고당시 At the time of incident						
변경 To be						

「선박의 입항 및 출항 등에 관한 법률」 제4조제2항 및 같은 법 시행령 제3조 제2의2호·제3조제3호 규정에 따라 대한민국 무역항 출입허가 대상 선박으로 지정된 상기 선박의 사고발생 당시 선박 소유자 및 선장이 변경됨에 따라 다음 서류를 첨부하여 대한민국 무역항 출입허가 등의 지정 해제를 신청합니다.  
 I apply for the termination of designation on permission for arrival and departure of a ship, etc. to and from a trade port in the territory of the Republic of Korea by submitting this application along with the following documents as the ship owner and master at the time of the incident when the aforementioned ship was designated as a ship subject to permission for arrival and departure to and from a trade port pursuant to Article 4 (2) of the Act on the Arrival, Departure, etc. of Ships and Article 3 (2) 2 and Article 3 (3) of the Enforcement Decree of the same Act are replaced.

1. 선박국적증서 Certificate of Registry
2. 승무원명부 A Crew List

2020. . .

신청인 Applicant t: \_\_\_\_\_ (서명 Signature)

**해양수산부장관 귀하**  
**To the Minister of Oceans and Fisheries**

**무역항 출입허가(입항금지) 대상 선박 지정 해제 통보서**  
**Notification of Termination of Designation on a Ship subject to Permission**  
**for Arrival and Departure(Port Entry Ban) to and from a Trade Port**

관리번호 Ref. No.		지정구분 Designation Type	
선명 Name of Ship		국적 Flag	
호출부호 Call Sign		IMO번호 IMO No.	
지정일자 Designated Date			
지정기간 Designated Period			
해제일자 Termination Date			
해제사유 Reasons for Termination			