

place outside thereof, or that he was reported by the master or commanding officer of such vessel or aircraft as a deserter, shall be prima facie evidence of a failure to detain or remove such alien crewman.

**(c) Removal on other than arriving vessel or aircraft; expenses**

If the Attorney General finds that removal of an alien crewman under this section on the vessel or aircraft on which he arrived is impracticable or impossible, or would cause undue hardship to such alien crewman, he may cause the alien crewman to be removed from the port of arrival or any other port on another vessel or aircraft of the same transportation line, unless the Attorney General finds this to be impracticable. All expenses incurred in connection with such removal, including expenses incurred in transferring an alien crewman from one place in the United States to another under such conditions and safeguards as the Attorney General shall impose, shall be paid by the owner or owners of the vessel or aircraft on which the alien arrived in the United States. The vessel or aircraft on which the alien arrived shall not be granted clearance until such expenses have been paid or their payment guaranteed to the satisfaction of the Attorney General. An alien crewman who is transferred within the United States in accordance with this subsection shall not be regarded as having been landed in the United States.

(June 27, 1952, ch. 477, title II, ch. 6, § 254, 66 Stat. 221; Pub. L. 101-649, title V, § 543(a)(4), Nov. 29, 1990, 104 Stat. 5058; Pub. L. 102-232, title III, § 306(c)(4)(C), Dec. 12, 1991, 105 Stat. 1752; Pub. L. 104-208, div. C, title III, § 308(e)(1)(I), (2)(F), (12), Sept. 30, 1996, 110 Stat. 3009-619, 3009-620.)

**Editorial Notes**

**AMENDMENTS**

1996—Pub. L. 104-208 substituted “remove” for “deport” in subsecs. (a) and (b), “removal” for “deportation” wherever appearing in subsecs. (a) and (c), and “removed” for “deported” in subsec. (c).

1991—Subsec. (a). Pub. L. 102-232 substituted “Commissioner” for “collector of customs” before period at end of penultimate sentence.

1990—Subsec. (a). Pub. L. 101-649 substituted “Commissioner the sum of \$3,000” for “collector of customs of the customs district in which the port of arrival is located or in which the failure to comply with the orders of the officer occurs the sum of \$1,000” and “\$500” for “\$200”.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 1996 AMENDMENT**

Amendment by Pub. L. 104-208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104-208, set out as a note under section 1101 of this title.

**EFFECTIVE DATE OF 1991 AMENDMENT**

Amendment by Pub. L. 102-232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 310(1) of Pub. L. 102-232, set out as a note under section 1101 of this title.

**EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by Pub. L. 101-649 applicable to actions taken after Nov. 29, 1990, see section 543(c) of Pub. L. 101-649, set out as a note under section 1221 of this title.

**ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS**

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

**§ 1285. Employment on passenger vessels of aliens afflicted with certain disabilities**

It shall be unlawful for any vessel or aircraft carrying passengers between a port of the United States and a port outside thereof to have employed on board upon arrival in the United States any alien afflicted with feeble-mindedness, insanity, epilepsy, tuberculosis in any form, leprosy, or any dangerous contagious disease. If it appears to the satisfaction of the Attorney General, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel or aircraft and that the existence of such affliction might have been detected by means of a competent medical examination at such time, the owner, commanding officer, agent, consignee, or master thereof shall pay for each alien so afflicted to the Commissioner the sum of \$1,000. No vessel or aircraft shall be granted clearance pending the determination of the question of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums or of a bond approved by the Commissioner with sufficient surety to secure the payment thereof. Any such fine may, in the discretion of the Attorney General, be mitigated or remitted.

(June 27, 1952, ch. 477, title II, ch. 6, § 255, 66 Stat. 222; Pub. L. 101-649, title V, § 543(a)(5), Nov. 29, 1990, 104 Stat. 5058.)

**Editorial Notes**

**AMENDMENTS**

1990—Pub. L. 101-649 substituted “Commissioner the sum of \$1,000” for “collector of customs of the customs district in which the port of arrival is located the sum of \$50” in second sentence, and “Commissioner” for “collector of customs” in third sentence.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by Pub. L. 101-649 applicable to actions taken after Nov. 29, 1990, see section 543(c) of Pub. L. 101-649, set out as a note under section 1221 of this title.

**ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS**

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

**§ 1286. Discharge of alien crewmen; penalties**

It shall be unlawful for any person, including the owner, agent, consignee, charterer, master, or commanding officer of any vessel or aircraft, to pay off or discharge any alien crewman, except an alien lawfully admitted for permanent