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## DESERTERS AND STOWAWAYS

Pursuant to the *Immigration and Refugee Protection Act* and the Immigration and Refugee Protection Regulations, when a desertion or a stowaway is reported, cash security must be deposited with the immigration authorities. The amount is discretionary but the informal policy of the Department of Immigration is to require between \$15,000 and \$25,000 (Cdn) per deserter depending on various factors such as the ship's past record, the cost of repatriation, medical costs.

From the cash deposit, a standard administration fee of \$3,200 is deducted. When the deserter's or stowaway's case has been concluded, either by way of deportation or the granting of landed status, the un-

used portion, if any, of the remaining funds is reimbursed to the transportation company. If the repatriation and/or medical costs exceed the amount of the deposit, the authorities will seek to recover the balance from the transportation company.

Under the Act and Regulations, the range of responsible persons includes anyone who "owns, operates, charters or manages" the vessel and "the agent for that person". The "agent" includes "any person in Canada who provides services" as a representative of a shipowner, a ship operator or charterer. As a consequence, a time or voyage charterer has a statutory liability and perhaps an insurable interest.