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## Legal limbo: cargo ship crew trapped in Port Everglades for 3 months



By Alex Harris

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Unlike all the other ships streaming in and out of Port Everglades, one cargo ship floats in legal limbo.

The 11 crew members aboard the M/V Delphinus have been stuck on the ship for three months, even since it arrived at port. In April, the ship unloaded its cargo and was instantly seized by government to cover debts of the German ship owners.

The Ukrainian, Polish and Filipino crew have expired U.S. visas keeping them off shore and contracts with the shipping company keeping them on board.

The "27-day rule" ties the crew to the Delphinus. As foreign nationals, their work visas allow them to visit the U.S. for 27 days, after which they must leave the country and return to refresh the visa. Their legal status expired in May, and because they can't exit the U.S. and return, the crew is trapped on the 121 meter by 19 meter ship.

Five crew members of the originally 13-member crew were sent home in mid-June when their contracts with the company expired, but three more staff were brought aboard to keep up with the Coast Guard's minimum staffing requirements.

Once a month the ship heads to port for a major resupply of food, water and fuel, and the crew gets fresh supplies every two weeks from a launch that zips from shore to ship. They're paid in full every month.

"The biggest thing has been the isolation and boredom," said Father Ron Perkins, a chaplain at [Seafarers' House](#), an organization dedicated to spiritually aiding seafarers,

The ship, built in 1997, is in constant motion, and unlike a cruise ship, has no design to minimize the vibration and noise of the continually running engine.

Working with the director of Customs and Border Patrol, Father Perkins was able to negotiate individual permission for small groups of men to come ashore for four-hour windows on Thursday and Friday. The Seafarers' House spent \$2,000 to charter a ship and hire an armed guard to escort groups of three men to shore.

Once inside the Seafarers' House, the crew members were able to buy familiar snacks from their home countries like pickled duck eggs and shrimp-flavored crackers, as well as enjoy a beer and a game of pool.

"It's what we do," Perkins said. "We're there to take care of the seafarers."

When they were ashore, the crew were told not to speak to the media, but one seaman told [Miami Herald news partner CBS4](#) that not knowing what would happen next was stressful.

"Oh, my God. For me, it's first time I have situation like this. So, for me it's new situation. I don't know now," Sebastian Blazial told the station.

With spotty TV and cell phone service, the most exciting on board activity was fishing until the Seafarers' House arrived. The organization sent DVDs, CDs, tapes, board games, magazines and board games. But most importantly, Perkins said, they sent spiritual help.

The crew is Catholic and Eastern Orthodox, so chaplains have held services and conversations with the crew, who are "in good shape and getting along great," Perkins said.

The ship was arrested by the U.S. Marshalls in April based on a federally filed claim over a legal dispute with the charter company, Afco Shipping Line LLC, said Alan Swimmer, president of National Maritime Services, Inc. Swimmer's company is the court appointed substitute custodian for the ship and has cared for the vessel and its crew since the ship was seized.

"The ship essentially cannot move until the owners bonds the ship out of its arrest," he said.

Ships are arrested regularly, Swimmer said. His company is managing five nationwide at the moment. But what makes this situation unusual is that the owner didn't fight for ownership of the ship.

"Generally an arrest lasts a couple days, not a couple months," he said.

The crew will remain on board until the fate of the Delphinus is decided. The ship went up for auction a few weeks ago, Swimmer said, but no one met the minimum bid of \$750,000. The judge scheduled the next auction for Aug. 11 and lowered the bid to \$100,000. If sold, the proceeds will go to repaying the cost of custody.

"The crew is first in line," Perkins said. "They get the first dime of the sale to send them home."

After that comes the \$400,000 custody bill Swimmer's company has footed, some of which was advanced by creditors of the ship. Repatriating the crew is the priority, he said.

"Then we'll work it out amongst ourselves how we'll get paid," Swimmer said.

If not, Swimmer said the judge must send the ship to the scrapyards. The crew will follow until the profits from the junk help buy their tickets home. The scrap value of the ship is worth more than \$100,000, Swimmer said.

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