

**From:** "Farkas, Andrew L." <[REDACTED]>  
**To:** Florida Science Foundation <jeevacation@gmail.com>  
**Subject:** Fwd: Draft Paper  
**Date:** Tue, 28 May 2013 20:35:10 +0000

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Sent from my iPad

Begin forwarded message:

**From:** Sebastiano Paiewonsky Cassinelli <[REDACTED]>  
**Date:** May 28, 2013 4:21:13 PM EDT  
**To:** "Mukamal, Thomas" <[REDACTED]>  
**Cc:** John de Jongh <[REDACTED]>, Cecile de Jongh <[REDACTED]>, "Farkas, Andrew L." <[REDACTED]>  
**Subject:** Re: Draft Paper

This is incredibly helpful. Grateful to you for the thought you have put into this.

Sebastiano Paiewonsky-Cassinelli  
AH Riise



On May 28, 2013, at 9:56 PM, "Mukamal, Thomas" <[REDACTED]> wrote:

Seb –

I think a big issue is that, given the realities, the process of obtaining a visa is cumbersome and requires significant advanced planning and preparation when compared to neighboring islands. Also, as we understand the rules (see below), if you are fortunate enough to originate from a US Visa waiver nation (like many Europeans who sail across the Atlantic for the winter) you must enter the US via an approved commercial carrier. This eliminates, for example, a family from the UK sailing to the USVI and staying for 3 months. In St. Lucia at the ARC rally, we host over 150 such vessels each winter, many have 3-5 individuals on board and stay on St. Lucia for 90 days. You can see the downstream benefits locally to merchants, repair facilities as these yachts are not the typical crewed yachts that in many instances are self contained. This also means that, if for example, St. Thomas was hosting a 2-3 day nautical event many individuals originating from a visa waiver countries on private vessels or individuals from non-visa waiver countries who may wish to participate would not do so because obtaining a visa can be a difficult process. On the other end of the spectrum, Yacht Haven (and its tenants) lose out on high value Russian owned super yachts for because the similar reasons.

Considering the cumbersome and confusing nature of the process another difficulty is educating the industry regarding the latest rules and regulations involved in entry and conducting business (charters) in US waters. Many

brokers think that logistics are impossible to overcome since they think foreign flagged vessels can only be in a US port for 24 hours but this is simply not the case. Additionally, as of last season at YHG, the YHG customs terminal now finger prints and photographs ALL foreign national passengers and crew each and every time they clear back into the USVI. This is very time consuming and frustrating and can cause other vessels to have delays in their schedules. Given that the overall the regulatory environment in the US is relatively more intense and restrictive when compared to other island nations in the immediate area perhaps at baseline a much more robust effort to provide clarity and certainty around clearance and procedures may even be beneficial.

**The process today that foreign nationals have to follow to obtain VISAs when entering the USVI (as we understand it)**

- Foreign nationals must apply and successfully receive one of two available types of US entry VISAS from their local embassy at their respective country of citizenship.
- C1D Visa is relevant to only working vessel crew and will be granted for up to 29 days upon each entry to a US port
- B1/B2 Visa is relevant to both working vessel crew as well as passengers and will be granted for up to 6 months and can be renewed/extended each time the individual enters a US port. Paying passengers of a vessel (non crew) can only enter the US with this form of Visa if a Visa is required at all.
- Visa Waiver Program: available to both crew and passengers hailing from Visa Waiver Program participating country that do not have any other type of Visa already in possession. Successful applicants of this program must also register through the ESTA website first (<https://esta.cbp.dhs.gov/esta/>). Once this process is complete, these passengers/crew must make their initial entry into the US via a commercial carrier (airline, ferry, etc.). This waiver is valid for up to 90 days from initial entry into the US.
- US flag vessels: US citizens or US permanent residents can be employed on board (but if the vessel 'based' outside of US waters they can have foreign nationals on board)...this is a very grey area.
- Foreign flag vessels: doesn't matter what nationality is employed unless that specific flag country has special requirements.

Happy to discuss over the phone further as necessary.

Thanks,  
Tom

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**From:** Sebastiano Paiewonsky-Cassinelli [<mailto:>  ]  
**Sent:** Thursday, May 23, 2013 6:37 AM  
**To:** Mukamal, Thomas  
**Cc:** John de Jongh; Cecile de Jongh; Farkas, Andrew L.; Farkas, Andrew L.  
**Subject:** Re: Draft Paper

Hi Tom:

One follow-up item, can you provide some information about how some of the boats and crew members would not be able to participate in USVI events because of the visa requirements? That would be helpful, especially those participating in some of the larger events.

Best,

Seb

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**From:** Sebastiano Paiewonsky-Cassinelli < >  
**Date:** Thursday, May 23, 2013 10:58 AM  
**To:** Tom Mukamal < >

Cc: John de Jongh <[REDACTED]>, Cecile de Jongh <[REDACTED]>, Andrew Farkas <[REDACTED]>, Andrew Farkas <[REDACTED]>

**Subject:** FW: Draft Paper

Tom,

The memo is *very* helpful and we appreciate you and your team taking the time and care to put this together on short notice.

The Governor is working to get some language introduced in the Senate and into the House's immigration bill and this is very opportune. We will keep you posted.

Many thanks.

Seb

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**From:** Tom Mukamal <[REDACTED]>

**Date:** Thursday, May 2, 2013 8:37 PM

**To:** Sebastiano Paiewonsky-Cassinelli <[REDACTED]>

**Cc:** "Farkas, Andrew L." <[REDACTED]>, Tom Mukamal <[REDACTED]>

**Subject:** Draft Paper

Seb –

Let me know if this is helpful. I have assumed in pulling this together that a third party is proposing specific changes to the existing visa entry/exit procedures. This paper was prepared with a view to support the notion that changes would result in greater economic activity.

Please call if you would like to discuss

Thanks,

Tom

Tom Mukamal

President

[REDACTED]

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