

CBP Directive on NAFTA Verification Visits to Canada or Mexico Available

A copy of U.S. Customs and Border Protection's (CBP's) directive, entitled "North American Free Trade Agreement (NAFTA) Verification Visits", is available.¹ This directive, CD 3810-008b, is dated July 31, 2006 and supersedes CD 3810-008A, dated June 28, 1999. CBP states that the directive's purpose is to update policy guidelines for NAFTA verification visits.

Verification Visits Enable CBP to Review Business Records, Etc.

A verification visit is one of the three methods that CBP personnel have available to ascertain whether a good which NAFTA preference has been claimed originate. A verification visit to the premises of an exporter or producer in Canada or Mexico (the auditee) enables CBP personnel to review business records, question company representatives and view the manufacturing process, prior to issuing a determination.

CBP Procedures for Conducting a Verification Visit

CBP's directive covers the procedures that CBP employees must take in regards to conducting a verification visit, such as (*partial list*):

- The Import Specialist will notify the auditee in writing at least 30 days prior to the visit in accordance with 19 CFR 181.74(c). The notification to the auditee, in accordance with 19 CFR 181.73(a), must be sent by certified or registered mail, or by any other method that produces a confirmation of receipt.
- The Trade Agreements Branch (TAB) will notify Immigration and Customs Enforcement (ICE) as well as the Canadian or Mexican authorities of the upcoming visit.
- The Import Specialists are responsible for ensuring that all time limits are met.
- The Import Specialist may deny NAFTA preference based upon the auditee's failure to consent to a visit only after allowing 30 days from the receipt of such notification for a response, in accordance with 19 CFR 181.74(c).
- The Import Specialist may deny NAFTA preference if the auditee fails to maintain records or provide access to such records or otherwise cooperate during the verification visit, in accordance with 19 CFR 181.74(c).

- Barring extenuating circumstances, in accordance with 19 CFR 181.75, a written determination will be sent to the auditee within 60 days of the conclusion of the origin verification process.

¹ This document is listed as "internal use only"

CBP Directive (CD 3810-008b, dated 07/31/06) available via email by sending a request to documents@brokerpower.com

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