



**U.S. CUSTOMS & BORDER PROTECTION
AREA PORT OF PEMBINA, ND
INFORMATION NOTICE**

NUMBER: 11-35
ISSUE DATE: May 16, 2011

SUBJECT: Cargo Release Procedures for Permitted Cargo at Northern Border Ports

The Northern Border Cargo Release System was designed to facilitate the flow of commercial cargo along the northern border, while at the same time maintaining a CBP enforcement posture in the areas of interdiction and regulatory compliance. All land vehicles carrying commercial cargo across the northern border must enter at a commercial port, with the exception of "permitted" shipments, which may enter at an authorized port location.

Ports of entry on the northern border that lack volume and infrastructure for cargo processing are commonly referred to as permit ports. A "permit" can be defined as the prior approval for an importer of record (IOR) or broker to obtain release of commercial merchandise at a port of entry other than at a commercial port.

In the post 9/11 environment, the Office of Field Operations (OFO) recognizes the release of cargo at the northern border ports using the existing permit process does not meet the higher security standards that should be applied to commercial importations into the United States. As a result, OFO has addressed the growing changes in the northern border cargo release system and has provided an updated evaluation process for brokers and importers requesting to obtain release of commercial merchandise at a port of entry other than a commercial port.

The commercial ports in the Pembina Area Port include Pembina, North Dakota; Portal, North Dakota; Dunseith, North Dakota; International Falls, Minnesota; Warroad, Minnesota; Roseau, Minnesota and Grand Portage, Minnesota.

GENERAL APPLICATION REQUIREMENTS:

Commercial cargo with a value in excess of \$2,000 must have an approved permit when entering at a permit port. Failure to have an approved permit will result in the denial of entry, and the shipment will not be allowed to proceed inland via a permit port.

Permits will not be issued for shipments requiring exam at a commercial port.

Originating in-bonds will not be processed at permit ports (trucks only).

Household effects entering by a common carrier utilizing CF 3299 or like form will not be processed at a permit port.

Effective June 1, 2011 all new permit applications and permit renewal applications must be submitted utilizing the new format and demonstrate the following:

1. File a completed application forty-five (45) days prior to the initial importation utilizing the permit application attached to this notice. CBP will notify the applicant within thirty (30) days of approval or denial.
2. Provide a sample of the commercial invoice and detailed description of the commodity (including the 10-digit HTS) for the transactions covered by the permit request.
3. If a change in an approved permit occurs (new IOR, change in commodity, destination, etc.), a modified application must be submitted. (*See Permit Modification Process below*)

An IOR or broker requesting to have cargo released at a permit port within the Area Port of Pembina must submit an application to the following address:

For North Dakota and Minnesota Permit Ports send to:

Customs and Border Protection
Asst Area Port Director, Trade
112 W. Stutsman
Pembina, ND 58271
Email address: pembinapermits@dhs.gov

Once approved, a permit is valid until cancelled or revoked. If a temporary permit is requested, an expiration date will be assigned. Customs and Border Protection will conduct periodic audits of all permits.

APPLICATION MODIFICATION PROCESS:

1. If a change to an approved permit occurs (new IOR, change in commodity, destination, etc.), a modified application must be submitted.
2. The IOR or broker must submit a modified application forty-five (45) days prior to any requested changes.
 - a. Upon receipt of the modified application, CBP will notify the IOR or broker within thirty (30) days of approval or denial of any requested changes.
 - b. Until approval of the requested changes is received, any shipments not specifically covered by the approved permit will be denied entry, with the exception of change in carrier only which is not necessarily grounds for denial.

PERMIT DENIAL PROCESS:

Permits may be denied based on the following criteria:

1. The application is incomplete.
2. Enforcement or trade related concerns.
3. No hardship established.
4. Application does not indicate anticipated annual volume. Less than 5 shipments annually may be cause for denial. (This provision may be waived at the discretion of the AAPD, Trade.)
5. Merchandise requires mandatory examination that cannot be done at the permit port. (Example: Merchandise requires examination by an Agriculture Specialist or another government agency.)
6. Merchandise requires additional documentation for release not available to the examining officer.

A denied permit may be resubmitted after amending the initial application and providing supplemental information.

If a second denial by an APD is received, the applicant may appeal the decision and submit supplemental information to:

Customs and Border Protection
Director, Field Operations
1000 Second Ave., Suite 2200
Seattle, WA 98104

PERMIT REVOCATION PROCESS:

1. Permits may be revoked based on the following criteria:
 - a. Enforcement related issues.
 - b. Attempting to enter at a port not listed on the approved permit.
 - c. Attempting to enter with a commodity not noted on the approved permit.

This Information Notice supersedes Pembina Service Port Pipeline 04-29, dated May 20, 2004, titled Northern Border Cargo Release System – Permit Port Processing Revision.

If you have any questions or encounter limited special circumstances that will cause undue hardship with the permit application requirements, please contact Assistant Area Port Director, Trade Barbara Hassler at (701) 825-6201, ext 271 or Supervisory Entry Specialist Lisa Thorlakson at (701) 825-6201, ext 226.

Mary Delaquis
/s/ Area Port Director

Attachment

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

Seattle Field Office

_____ Initial submission _____ Modification submission **Permit #** _____

Request is hereby made for permission to import merchandise as specified below at the Permit Port of:

Port: _____ Application Date: _____ New: _____ Update: _____

Point of origin (address): _____	
Point of Destination (address): _____	
Distance of destination facility from permit port? _____	
Will commodity/shipment(s) be manipulated on a regular and recurring basis within local counties?	<u>Yes / No</u>
Mileage from origin thru Commercial Port to destination: _____	
Mileage from origin thru Permit Port to destination: _____	
Customs Broker: _____	Filer Code: _____
Bond Number: _____	Limit of Liability: _____
Applicant Signature: _____	Application Date: _____
Email address: _____	
Shipper/Seller: _____	MID: _____
Street Address: _____	
City/Province/Postal: _____	C-TPAT Certified: <u>Yes / No</u>
Contact Person: _____	Phone: _____
Importer of Record: _____	Importer #: _____
Bond Name & Num: _____	
Street Address: _____	
City/Province/Postal: _____	C-TPAT Certified: <u>Yes / No</u>
Contact Person: _____	Phone: _____
Consignee/Purchaser: _____ Consignee #: _____	
<i>(If multiple consignees, attach hard or Excel copy of consignees to include consignee #, address, C-TPAT status)</i>	
Street Address: _____	
City/Province/Postal: _____	C-TPAT Certified: <u>Yes / No</u>

Description of Commodity:
(including country of origin) _____

10-Digit Harmonized Tariff Number: _____

Other Documentation/Forms Required: Yes / No

How is commodity packed/crated? _____

What type of tools/equipment are required to unload the commodity? _____

ATTACH AN INVOICE, ALONG WITH ANY PERTINENT DOCUMENTATION WHEN SUBMITTING THIS APPLICATION

Please circle Yes or No to the following:

Repetitive Shipment: Yes / No Number of shipments per year: _____

Hazmat: Yes / No TSCA: Yes / No USDA: Yes / No FDA: Yes / No

CPSC: Yes / No Other Federal Agencies: Yes / No Other State Agencies: Yes / No

Please state the circumstances for the specified merchandise to enter at the requested permit port. This information must be very specific and include the name of the carrier(s), country of origin of the merchandise, maps identifying the route, copy or sample of the commercial invoice, and economic hardship.

(If Multiple Carriers Used, List and Attach On Separate Sheet)

Approved: _____ Denied: _____ Modified: _____ Date: _____ Valid until: _____

By: _____ Signature: _____

Name / Title

Reason: _____

Revoked: _____ Date: _____

By: _____ Signature: _____

Name / Title

Reason: _____

It is the responsibility of the applicant to notify CBP immediately of any changes to this permit. All changes must be requested 45 days in advance of any importation. CBP reserves the right to approve or deny any requested changes.

Approval of this permit remains in effect until U.S. Customs and Border Protection deems removal is warranted or the conditions under which the permit was approved have changed.