

Best Practices When Receiving CBP Form 28

Because each instance of a CBP Form 28 is unique, it is difficult to instruct an importer specifically on how to respond appropriately. However, these are some of the best practices that importers use to ensure proper handling of a CBP request for information:

1. Don't panic! While a CBP Form 28 could indicate control weaknesses within your import program, it could simply be a routine inquiry. Respond promptly and professionally.
2. If you cannot respond within the 30-day time limit, call the CBP officer that issued the request. Ask for an extension. Document that conversation and respond in writing to Customs confirming any verbal extension that may have been granted to you.
3. Read the entire CBP Form 28 and ensure you are responding to all the questions it is asking. Questions may be embedded within fields 12, 13 and 14 of the form. Pay attention to language that would indicate that the request is part of a "formal investigation" of the importer. This is a clear indication that the request is beyond routine.
4. Even if you can meet the 30-day deadline, call CBP and talk to them about what might have triggered the inquiry. It could be something simple like an inadequate product description or an unclear pricing notation on the commercial invoice. This will help you provide a more helpful response. In one instance an importer discovered that the inexperienced import specialist did not fully understand the details of a special duty program. After diplomatically sharing the regulations with him he was satisfied that the goods were indeed in compliance.
5. Ask yourself what might have triggered the inquiry. Were value, class and country of origin properly recorded on the entry? Is the claim for the free trade agreement accurate? Have similar transactions been subject to CBP scrutiny in the past? Are commercial documents complete and accurate? Did the vendor provide inaccurate information? By anticipating the concerns, you can begin to raise arguments and provide information the specialist otherwise may not have considered.
6. The CBP Form 28 may lead you to discover a material issue within your import program that will require you to disclose and tender unpaid duties. Seek and follow the advice of your Customs Broker and/or Legal Counsel.
7. When responding to CBP it is common to attach additional documents to the CBP Form 28. When doing so take care to reference this information in field 15 of the form. Should the documents become separated this will indicate to CBP that you made a complete response.
8. Be direct and concise when responding. Avoid providing excessive information that has nothing to do with the inquiry, the specific products or entry in question.
9. Notify executive management of inquiries from Customs. While management may not need to be directly involved in responding to each CBP Form 28, they and you have a fiduciary responsibility to protect the company. While an occasional inquiry from Customs is routine, excessive inquiries are not and could represent a serious risk to the company's importing privileges.

10. Authorize knowledgeable employees within the company to respond to the CBP Form 28. Ensure there is redundancy in your program so that more than one person is aware of the inquiry and can respond.
11. Provide training staff to ensure they can recognize communication from CBP and are aware of the need to urgently route the form to the appropriate import authorities in the company.
12. As part of your import compliance program, ensure your policies and procedures include standards for responding to a CBP Form 28. Those standards might include some of the suggestions listed above.

Reference: www.shippingsolutions.com, *International Trade Blog*, John Goodrich, *Import Basics*