

IMPORTER RIGHTS

You should know your rights before Customs pays you a visit. If Customs visits and requests admittance, you do not have to let them in. The only time you are required to allow Customs Officers into your offices without an appointment is when they arrive with a search warrant. Most Customs Officers realize that importers and their staffs are very busy. Customs understands that to get the most out of a visit to an importer's premises, an appointment is the most productive approach. Customs will work with you to set up an appointment at a mutually convenient time.

Do not let Customs threaten you with a summons or penalty action unless he or she receives immediate answers. If this occurs, obtain the Officer's badge number and complain to the District Director of Customs (locally) and advise your Broker. Your Broker may be able to assist you in working with unreasonable demands. If Customs appears unannounced with a summons, your rights do not change. You do not have to let them in. Again, ask them to make an appointment.

What should be done when someone from Customs calls seeking answers to 'just a few questions'? The first step is to identify the person and what type of position the person has at Customs: Import Specialist, Inspector, Auditor, Special Agent, etc. You are within your rights not to take the call. You may wish to refer the caller to your Broker. Often the Broker can identify the reason for the call. Frequently, Customs simply has minor questions about a shipment. If so, give the information to your Broker and have him or her deal with it. Most Brokers know the limits of their assistance and will suggest you retain Customs counsel if the matter is complicated.

When the scheduled visit finally does occur, questions will be asked of a general or specific nature. We recommend the following:

- Be polite to the Officer(s) and avoid having anyone without Customs experience present.
- Do not guess as to the answers to their questions. Answer only the question asked, and if you are not absolutely sure about issues like assists, royalties, rebates and commission, do not answer the questions. Tell the official that you have to check into the details and will provide the officer with the answer as soon as possible.
- Keep detailed notes of the meetings and be sure that whatever information ends up being given to Customs is accurate and truthful.
- If information provided is later discovered to be inaccurate, notify Customs immediately.
- All of your communications with Customs should be in writing. Make no phone calls to Customs to convey information other than scheduling appointments, advising status of information searches, progress reports.
- You do have the right to have your Broker or an attorney present with the Customs visit.

Remember that only individuals who have knowledge of Import procedures and the facts under discussion should handle Customs inquiries, phone calls and visits.