

HANJIN SCENARIOS UPDATED

Scenario 1: Vessel Diverted to Foreign Port and Discharged: A Hanjin vessel does not arrive in the intended U.S. port and diverts to a foreign port to discharge freight.

- The manifest and Importer Security Filing (ISF) must be deleted.
- All bills of lading need to be deleted (not cancelled)
- Entries and entry summaries need to be cancelled.
- For cargo subsequently entering the U.S. through land border or other means, a new entry should be filed at the appropriate port of entry.
- For shipments subject to Food and Drug Administration (FDA) requirements, filers must request deletion and a new Bio-Terrorism Act (STA) prior notice submission should be transmitted along with the new entry if the cargo subsequently enters the U.S.

Scenario 1a: Hanjin Vessel Diverted to Foreign Port Not Discharged: A vessel diverted to a foreign port of entry is not discharged but cargo is transferred to an alternative conveyance (i.e. barge) for arrival and discharge at the original intended U.S. port of entry.

- This should be used only in limited situations.
- No change is needed to the manifest, bill of lading, ISF, or pre-filed entries.
- A new FDA prior notice is not required.
- The arrival date will reflect the date the conveyance arrives at the intended U.S. port to be offloaded.

Scenario 2: Hanjin Vessel Diverted to Another U.S. Port and Discharged: This includes any scenario where shipments manifested for one U.S. port are discharged in a port other than the manifested port.

- Manifest and bill information should be updated to reflect the port code where the freight will actually be discharged.
- No change is needed to the ISF. However, ISF filers should monitor the ISF disposition codes to ensure that any changes to the manifest and bill information did not cause the original bill match to drop.
- Change pre-filed entries to reflect the actual port code of discharge. The filer may opt for any of the following:
 - Using ACE Cargo Release corrections capability, to change pre-filed entries to reflect the actual port code of discharge. As long as the shipment is not held or arrived/released, this process should be fully automated with minimal CBP intervention.
 - Initiate an electronic in-bond movement or use a 7512 to allow for inter-modal transport of the goods to the original intended U.S. port for processing by CBP.
 - Entries may be cancelled and refiled for the new port of entry.
- A new FDA prior notice is not required; filers can retransmit a corrected/updated prior notice.

In all cases under this scenario, manifest and bill information should be updated, but no change is needed to the ISF. Please note that without updating the bills of lading, the shipments cannot be arrived at the first port of arrival which will prevent entries from releasing. Changes in entry process with ACE Cargo Release has linked the entry release to the manifest arrival to increase the number of fully paperless transactions. Without this, paper entries and other documents will be needed for shipments not requiring examination or further processing with ACE. In addition, since shipments being held for examination or document review will need to be amended in any scenario, this process provides a standard process with most compliant transactions requiring minimal CBP intervention.

Scenario 2a: Hanjin Vessel Diverted to Another U.S. Port Not Discharged: When a vessel is diverted to another U.S. port of entry but not discharged, no change is needed to the bill of lading or entries. The arrival date for the vessel will reflect the date the ship returns to the intended U.S. port to be offloaded.

Scenario 3: Hanjin Vessel Rests at Anchor and Not Diverted: A vessel arrives in port but due to work stoppage rests at anchor until freight can be discharged.

- The carrier must continue to provide advance notification to local CBP ports of their pending arrival (CBP Form 3171).
- When a vessel arrives at a U.S. port (within CBP territory) and comes to rest whether at anchor, dock, or harbor, carriers must notify local CBP vessel processing personnel.
- After initial arrival, a change to the vessel's arrival status should be considered (vessel unarrived) to avoid automated cargo release and general order issues.
- The carrier and vessel agents should maintain close communication with local CBP port vessel processing office to share information, updates, instructions, and port-specific guidance.
- CBP will work with the carrier on a case-by-case basis so the actual arrival date and time at the first U.S. port closely reflects the actual date/time the vessel begins to unlade the cargo.
- CBP will also take into consideration situations where cargo has been unladen but due to work stoppage cannot be moved from the dock.

Scenario 4: In-bond (IT and T&E) cargo already in the U.S. moving under Hanjin's bond to U.S. port for entry or export.

This cargo must be arrived to process the entry and allow release. Customs brokers and others using ABI functions QP/WP can arrive and/or export any in-bond at destination. As an alternative, the in-bond document (or information as appropriate) can be delivered to CBP and in-bond destination in order to be manually arrived/exported.

Scenario 5: Entry has been filed, cargo has been released by CBP but terminal operator will not allow it to leave the terminal due to payment issues. Importers are requesting entry cancellations to avoid payment of duties etc. based on the 10 day entry summary clock.

In these scenarios, entries should not be routinely cancelled to avoid payment of duties or completion of entry summary. If the trade partner requests, CBP can suspend the 10 day clock by placing the entry on hold. CBP users should place a “Documents Required” hold action on the entry using the option “Other” and requesting terminal release documentation. The hold can be removed by CBP once the terminal grants release and proof is provided to CBP via DIS or other means to be determined by the ports. The purpose of this hold needs to be well documented so that CBP and trade can identify it as one related to the Hanjin issue. Ports should monitor the number of days the merchandise is held in the event the shipment stays on hold beyond 30 days and the detention policy requirements are triggered.

Scenario 6: Cargo for export has been loaded on board a foreign flagged vessel at a U.S. port. Vessel is now at a subsequent U.S. port and to avoid issues, the exporter/carrier is requesting permission to unload the export cargo in the U.S.

This would be a Jones Act Violation under 46USC 55102. CBP does not and cannot grant waivers. Only the DHS Secretary can and the criteria is for national defense. CBP can mitigate when there are exigent circumstances.