

## Tariffs for Mexican Produce shipped Direct to Canada

Q) Will loads of Mexican produce crossing through the US and bound for Canada need to pay a tariff?

A. Loads can be imported for local importers with address in our commercial zone under an Immediate Delivery (ID) entry. This allows the importer to re-export the product under T&E to a foreign country (Canada) and minimize or eliminate the payment of duties; importers should expect additional handling fees from U.S. Customs Brokers. Must be done with 10 days, but realistically 8 days is more of a workable time for Brokers. It's important to know that ID imports will not apply to all importers, but we must get clarification and guidance from CBP for proper application. Otherwise, the shipments can go in-bond under a T&E directly from the import lot, Pharr or Roma; under this condition we would require USDA-PPQ to issue Intransit Permits for the commodities; including low risk fruit fly commodities and other restricted and prohibited commodities.

**Industry will require actual guidance from the U.S. Federal Register to provide confirmed directions. Again, IEEPA authorities are not regularly exercised and Treasury may provide conflicting guidance.**

Current regulations governing Immediate Delivery of Merchandise are as follows:

### **§ 142.21 Merchandise eligible for special permit for immediate delivery.**

Merchandise may be released under a special permit for immediate delivery, in accordance with section 448(b), Tariff Act of 1930, as amended ([19 U.S.C. 1448\(b\)](#)), in the following circumstances:

(a) **Contiguous countries.** At the discretion of the port director, merchandise arriving by land from Canada or Mexico may be released under a special permit for immediate delivery provided the importer has on file a bond on CBP Form 301, containing the bond conditions set forth in [§ 113.62 of this chapter](#). An entry summary shall be filed in accordance with [§ 142.22\(b\)\(1\)](#), and estimated duties, if any, shall be deposited, within the time period specified in [§ 142.23](#) for all merchandise from contiguous countries released under a special permit except for fresh fruits and vegetables for human consumption released under the provisions of [paragraph \(b\)](#) of this section.

#### **(b) Fresh fruits and vegetables.**

(1) An application for a special permit for immediate delivery may be made for the transportation of fresh fruits and vegetables for human consumption arriving from Canada or Mexico to the importer's premises within the port of importation but removed from the area immediately contiguous to the border.

(2) The application shall be accompanied by a continuous bond on CBP Form 301, containing the bond conditions set forth in [§ 113.62 of this chapter](#).

(3) The fresh fruits and vegetables shall be transported to the importer's premises in the vehicles in which they crossed the border or, if transshipment is necessary in vehicles provided by the importer. The fresh fruits and vegetables may be examined

at the importer's premises. Those portions without commercial value may be disposed of in accordance with the provisions of [§ 158.11\(b\) of this chapter](#), and the balance shall be entered for consumption or transported in bond under an entry for immediate transportation without appraisement or under an entry for transportation and exportation.

#### **142.22 Application for special permit for immediate delivery.**

(a) **Form.** An application for a special permit for immediate delivery will be made on CBP Form 3461, or its electronic equivalent, supported by the documentation provided for in [§ 142.3](#). A commercial invoice will not be required, except for merchandise released under the provisions of [19 U.S.C. 1484\(j\)](#). Instead of a commercial invoice, the importer may deliver to CBP a pro forma invoice, waybill, or other document setting forth an adequate description of the merchandise and the quantities, together with the values or approximate values when values are needed for the purpose of examination. If the merchandise is to be released under a term special permit, the documentation also shall show the term special permit number, as provided for in [§ 142.24](#).

(b) **CBP custody.** Merchandise for which a special permit for immediate delivery has been issued under [§ 142.21](#) of this part shall be considered to remain in CBP custody until the filing of one of the following:

(1) An entry summary for consumption, with estimated duties attached; an entry summary for consumption without estimated duties attached, if entry/entry summary information and a valid scheduled statement date (pursuant to [§ 24.25 of this chapter](#)) have successfully been received by CBP via the Automated Broker Interface; an entry summary for warehouse; or an entry summary for entry temporarily under bond, which may be filed in any of the circumstances under [§ 142.21 of this part](#) except for merchandise released from warehouse [under § 142.21\(f\) of this part](#);

(2) A withdrawal for consumption, with estimated duties attached, which shall be filed only for merchandise released from warehouse [under § 142.21\(f\) of this part](#);

(3) An entry for transportation and exportation, immediate transportation without appraisement, or direct exportation, which shall be filed in those circumstances under [§ 142.21\(b\)](#) and [\(e\)\(2\) of this part](#); or entry for transportation and exportation, or direct exportation, which shall be filed in the circumstances [under § 142.28 of this part](#) or

(4) An application to destroy, which shall be filed in those circumstances under [§§ 142.21\(b\)](#) and [\(e\)\(2\)](#), and [§ 142.28 of this part](#).

\*Information provided and approved for posting by [TIPA](#)