

Immigration Reimbursable Services

It is requested that U.S. Customs and Border Protection (CBP) review and respond to the issue of Immigration reimbursable services. Specifically, the industry has expressed concern regarding the delayed action by CBP to issue bills and collect unpaid costs for inspectional services performed at their request.

The Homeland Security Act of 2002 transferred the immigration inspections program, including the statutory authorities to seek overtime reimbursement, to the Department of Homeland Security. This authority was later delegated to CBP by the President's Reorganization Plan in 2003. On October 1, 2004, CBP began accepting and processing bills for Immigration reimbursable services. CBP inherited a backlog of Immigration Service reimbursable charges (Form G-202's) dated back to October 2003. Further, CBP ceased billing Immigration reimbursable services temporarily in April 2005, because billing rules and assessable rates were not properly defined or established in accordance with statutory authority.

In April 2006, Assistant Chief Counsel (ACC) provided instructions to address the issues surrounding the billing of Immigration reimbursable services. ACC determined that even though the Immigration inspection functions were transferred to CBP, CBP was still required to follow the Immigration statutory authorities to bill for reimbursable overtime of "Immigration officers." The Immigration statutory authorities establish the compensation amounts for overtime services of Immigration officers, and require that compensation paid to Immigration officers be reimbursed by the master, owner, agent, or consignee of such vessel or other conveyance arriving in the United States from a foreign port.

All of the companies receiving these bills requested a service from CBP. While we understand the industry's concern, Immigration statutory authorities require CBP to seek reimbursement. CPB does not have the authority to waive these fees for reimbursable services. CBP has completed processing the backlog of bills for the Immigration reimbursable services.

Any questions or concerns regarding these bills should be directed to the APHIS/INS reimbursable bills help desk at (317) 614-4520.