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February 19, 2008

MEMORANDUM FOR: Directors, Field Operations

FROM: (b) (6), (b) (7)(C), Executive Director /s/  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Issuing Penalties For Failure to Report Arrival  
(Persons and Pleasure Vessels) (b) (7)(E)

This memorandum is a follow up to the memorandum issued July 25, 2007, titled: Failure to Report Arrival (Persons and Pleasure Vessels) (b) (7)(E) in which guidance was provided to the ports regarding the issuance of warnings when a violation for failure to report of a pleasure vessel arrival occurs.

Reporting requirements for persons are established under the regulation promulgated pursuant to the Immigration and Naturalization Act (INA), found at 8 CFR 235.1(a), which requires that application to lawfully enter the United States shall be made in person to a Customs and Border Protection (CBP) officer at a United States Port of Entry. Report of arrival requirements for vessels are established under 19 USC 1433 and the implementing regulation, found at 19 CFR 4.2, which requires that upon arrival in any port or place within the United States, the master of the vessel shall immediately report that arrival to the nearest CBP facility or other designated location.

As a reminder, each Field Office should supplement their strategy with the following to successfully increase compliance with small boat reporting requirements:

(b) (7) (E)

CBP OFO will continue to partner with other CBP/DHS components, other federal agencies, and local law enforcement entities in coordinating special enforcement operations to detect, deter and

warn non-compliant pleasure boaters. Each Field Office will take the necessary steps to effectively identify violators and issue appropriate warnings as well as educate the public on proper reporting requirements.

When a first time violation for failure to report arrival of a private pleasure vessel occurs, an informed (b) (7)(E)

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Field Offices

should increase outreach efforts to the boating community to reiterate reporting requirements.

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Under 19 USC 1459, a civil penalty of \$5,000 can be issued for the first violation, and \$10,000 for each subsequent violation.

Attached is a weekly muster for mandatory discussion with operational staffs. The information provided must be disseminated to all ports of entry processing small boats.

If you have any questions or concerns please have a member of your staff contact (b) (6), (b) (7)(C) Sr., Director, Traveler Policies Division, at (b) (6), (b) (7)(C)

Attachment

## Weekly Muster

**Week of:** February 18, 2008  
**Topic:** Pleasure Boat Enforcement Program  
**Reference Materials:** 19 USC 1433, 1436, 8 CFR 235.1 (a)  
**Headquarters POC:** (b) (6), (b) (7)(C)

Pleasure boat arrival reporting is mandated under the following regulations:

Pursuant to 19 CFR 4.2, the master of the vessel must report their arrival at the nearest CBP facility or designated location.

- Pursuant to 8 CFR 235.1, an application to lawfully enter the United States must be made in person to a CBP officer at a U.S. port-of-entry when the port is open for inspection. This must be done in person, including U.S. Citizens.

**Effective immediately, CBP will use the following strategy to enforce the reporting requirement for small boaters:**

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The narrative will include:

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Under 19 USC 1459, a civil penalty of \$5,000 can be issued for the first violation, and \$10,000 for each subsequent violation.

### Reporting methods for small vessels:

- The NEXUS, Local Boater Option (Miami, Tampa, and San Juan), and 1-68 programs allow boaters to phone in their arrival if all persons on board the vessel are members of the programs mentioned above.
- Reporting at a designated location or OARS phone.
- Reporting to a port-of-entry for an in-person inspection.

### Examples of failing to report:

(b) (7)(E)