



U.S. Customs and  
Border Protection

January 26, 2010

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations (b) (6), (b) (7)(C)

FROM: Assistant Commissioner [REDACTED]  
Office of Field Operations

SUBJECT: Repatriation of Remains of U.S. Citizens from Haiti

The purpose of this memorandum is to establish a uniform process and provide Field Offices guidelines for release of remains of U.S. citizens arriving in the United States as a result of the disaster in Haiti.

One of the most essential tasks of U.S. Customs and Border Protection (CBP) is to assist the Department of State (DOS) and U.S. embassies and consulates abroad in providing assistance to families of U.S. citizens who die abroad.

Due to the sensitive nature of this tragedy, the Office of Field Operations (OFO) is issuing the following guidance for processing and release of remains arriving in the United States as a result of the disaster in Haiti.

The DOS will verify that all remains shipped to the United States are U.S. Citizens or Legal Permanent Residents.

Shipments of remains will be processed and released at the first port of arrival in the United States. Due to the lack of infrastructure in Haiti, CBP officers will accept the DOS consular report or death certificate as verification of citizenship or legal permanent residence in the U.S.

Release of the remains will be processed utilizing the cargo manifest or, the CBP form 6059B, if the remains are accompanied by a family member.

[REDACTED] (b) (7)(E)  
[REDACTED] (b) (7)(E) Remains will be released from the manifest under the Harmonized Tariff Schedule of the United States General Note 3(e)(i), and turned over to Department of Defense personnel for final disposition.

Thank you for your assistance in this matter. Should you have any further questions regarding this memorandum, please contact Mr. (b) (6), (b) (7)(C) OFO Branch Chief, Cargo Release at (b) (6), (b) (7)(C)

**DEPARTMENT OF HOMELAND SECURITY**  
**U.S. Customs and Border Protection**

**CBP DIRECTIVE NO.**

**DATE: January 19, 2010**

**ORIGINATING OFFICE: FO: APTL**

**REVIEW DATE:**

**SUBJECT:** Returning Remains of U.S. Citizens

**1. PURPOSE.**

1.1 The purpose of this directive is to establish a uniform process and provide Field Offices guidelines for entry and release of remains of U.S. citizens arriving from foreign countries as a result of a natural disaster or other causes.

**2. BACKGROUND.**

2.1 One of the most essential tasks of Customs and Border Protection (CBP) is to assist the Department of State (DOS) and U.S. embassies and consulates abroad to provide assistance to families of U.S. citizens who die abroad. The U.S. consular officer abroad in the foreign country assists the family with making arrangements with local authorities for preparation and disposition of the remains, following the family's instructions in accordance with local law. The authority and responsibilities of a U.S. consular officer concerning return of remains of a deceased U.S. citizen abroad are based on U.S. laws (22 U.S.C. § 4196; 22 CFR Part 72), treaties, and international practice. Options available to a family depend upon local law and practice in the foreign country. Certain documents are required by U.S. and foreign law before remains can be sent from one country to another. These requirements may vary depending on the circumstances of the death.

**3. RESPONSIBILITIES.**

3.1 Directors, Field Operations (DFO) are responsible for ensuring the policies set forth in this Directive are implemented.

**4. POLICY.**

4.1 A U.S. consular mortuary certificate is required to ensure the orderly shipment of remains and to facilitate CBP clearance. The certificate is in English and confirms essential information concerning the cause of death. The U.S. consular officer in the foreign country will prepare the certificate and ensure that the foreign death certificate (if available), affidavit of the foreign funeral director, and transit permit, together with the consular mortuary certificate accompany the remains to the United States.

4.2 The U.S. consular officer will ensure that the required affidavit is executed by the local (foreign) funeral director. This affidavit attests to the fact that the casket contains only the remains of the deceased and the necessary clothing and packing materials. The affidavit may also state that the remains have been embalmed or otherwise prepared. In addition, the U.S. consular officer ensures that a transit permit accompanies the remains. The transit permit is issued by local health authorities at the port of embarkation.

4.3 If the remains have been embalmed, then the documentation which accompanies the Consular Mortuary Certificate will satisfy U.S. public health requirements.

4.4 If the remains are not embalmed, the U.S. consular officer should alert, in advance, CBP and the U.S. Public Health Service (PHS) at the port of entry.

4.5 The Bureau of Consular Affairs of the DOS may fax copies of the consular mortuary certificate, local death certificate (if available), affidavit of a foreign funeral director, and a formal statement from competent foreign authorities stating that the individual did not die from a communicable disease. This statement generally is required even if the exact cause of death is unknown in order for remains that are not embalmed to enter the United States.

4.6 If the foreign Death Certificate is not available at the time that the remains are returned, the Consular Mortuary Certificate will include an annotated reference to the fact that the deceased did not die from a communicable disease for which federal quarantine would be authorized and that the remains have been embalmed.

4.7 Consular Affairs is to ensure that a transit permit issued by local health authorities at the port of embarkation accompanies the remains.

4.8 Consular Affairs will notify CBP and PHS of the intended port of entry and date of entry.

4.9 If a casket bearing human remains is entered at a facility where a PHS officer is on-site, the PHS officer usually will provide a stamp of release on the Airway Bill or other document. CBP may then admit the casket and human remains without restriction.

4.10 Persons accompanying the remains may be required to present a copy of the official Death Certificate and / or supporting documentation regarding the deceased person.

4.12 If a casket bearing human remains is entered at a facility where a PHS officer is not on-site, a CBP officer will examine the death certificate to determine the cause of death and associated processing requirements.

4.13 The Transportation Security Administration (TSA) recommends that ashes intended to be carried onto an aircraft as part of carry-on luggage be transported in a container of wood, light plastic or cardboard that is transparent to X-rays. TSA rules permit a crematory container to be transported as checked baggage provided that it is successfully screened for explosive materials/devices, though some airlines do not allow cremated remains to be checked as baggage.

## **5. PROCESSING REQUIREMENTS.**

5.1 CBP may admit the remains unless the person died of a communicable disease for which federal quarantine would be authorized (cholera, plague, yellow fever, infectious tuberculosis, diphtheria, suspected smallpox, or suspected viral hemorrhagic fever).

5.2 If the casket is hermetically sealed it may be released under any condition.

5.3 If the casket is not hermetically sealed, then the CBP officer may detain the casket and contact the appropriate PHS officer or quarantine station for guidance and/or instructions.

5.4 Cremation ashes may be admitted into the U.S. without restriction, regardless of the cause of death.

5.5 In the event of a catastrophic incident, the Centers for Disease Control and Prevention (CDC) may exercise enforcement discretion with respect to the requirements of § 71.55 of Title 42 of the Code of Federal Regulations (CFR). Notification of the exercise of enforcement discretion will be transmitted by OFO to CBP Field Offices upon official receipt and verification from CDC.

5.6 Entry is not required under 19 U.S.C. § 1484 and 19 CFR § 141.4 because corpses, together with their coffins and accompanying flowers, are exempted by the Harmonized Tariff Schedule of the United States (HTSUS) General Note 3(e)(i).

## **6. EXAMINATION.**

6.1 CBP may pass the casket and remains through a non-intrusive inspection technology to screen for the presence of contraband.

6.2 All remains will be treated with dignity and respect at all times.

## **7. IMPORTATION AND RELEASE.**

7.1 Documentation:

- Foreign Government transit permit
- U.S. Consular Mortuary Certificate
- Transport Document (bill of lading, airway bill, or electronic equivalent)

7.2 The U.S. Consular officer is responsible for ensuring all document requirements are met prior to departure from the country where the death occurred.

7.3 The transit permit identifies the deceased by sex, race, age, and cause of death. CBP may use this information to verify information provided.

7.4 Upon arrival, the shipment will be released without entry, as corpses, together with their coffins and accompanying flowers, are exempted from the HTSUS under General Note 3(e)(i).

7.5 Remains accompanied by a family member may be released on a Customs Declaration Form, CBP 6059B.

## 8. ADDITIONAL INFORMATION.

8.1 For additional information concerning return of remains of a deceased U.S. Citizen, CBP Field Offices may contact Mr. (b) (6), (b) (7)(C) Director, Ag/Bio Terror Counter Measures at (b) (6), (b) (7)(C)

8.2 Additional information regarding Consular Mortuary Services can be obtained by contacting the appropriate geographic division of the Office of American Citizens Services, Department of State, Room 4817 N.S., 2201 C. Street, N.W., Washington, D.C. 20520, at 202-647-5225 or 202-647-5226.

## 9. REFERENCES

- 42 CFR § 71.55
- 22 U.S.C. § 4196
- 22 CFR Part 72

## 10. NO PRIVATE RIGHT OF ACTION

10.1 The statements made herein are not intended to create or confer any rights, privileges, or benefits for any private person but are intended merely for internal guidance.

*DISCLOSURE OF INFORMATION – This Directive contains information which may be exempt from public disclosure under the Freedom of Information Act (5 U.S.C. § 552) or 19 CFR § 103.12 (b), (g).*

(b) (6), (b) (7)(C)

Assistant Commissioner  
Office of Field Operations

## **Return of Remains of Deceased Americans**

**SUMMARY:** One of the most essential tasks of the Department of State and of U.S. embassies and consulates abroad is to provide assistance to families of U.S. citizens who die abroad. The U.S. consular officer in the foreign country will assist the family in making arrangements with local authorities for preparation and disposition of the remains, following the family's instructions in accordance with local law. The authority and responsibilities of a U.S. consular officer concerning return of remains of a deceased U.S. citizen abroad are based on U.S. laws (22 U.S.C. 4196; 22 CFR 72.1), treaties and international practice. Options available to a family depend upon local law and practice in the foreign country. Certain documents are required by U.S. and foreign law before remains can be sent from one country to another. These requirements may vary depending on the circumstances of the death.

**CONSULAR MORTUARY CERTIFICATE:** A U.S. consular mortuary certificate is required to ensure orderly shipment of remains and to facilitate U.S. Customs clearance. The certificate is in English and confirms essential information concerning the cause of death. The U.S. consular officer will prepare the certificate and ensure that the foreign death certificate (if available), affidavit of the foreign funeral director, and transit permit, together with the consular mortuary certificate accompany the remains to the United States.

**AFFIDAVIT OF FOREIGN FUNERAL DIRECTOR AND TRANSIT PERMIT:** The U.S. consular officer will ensure that the required affidavit is executed by the local (foreign) funeral director. This affidavit attests to the fact that the casket contains only the remains of the deceased and the necessary clothing and packing materials. The affidavit may also state that the remains have been embalmed or otherwise prepared. In addition, the U.S. consular officer ensures that a transit permit accompanies the remains. The transit permit is issued by local health authorities at the port of embarkation.

**U.S. ENTRY REQUIREMENTS FOR QUARANTINE AND CUSTOMS:** In general, if remains have been embalmed, the documentation which accompanies the consular mortuary certificate will satisfy U.S. public health requirements. If the foreign death certificate is not available at the time the remains are returned, the consular mortuary certificate will include reference to the fact that the deceased did not die from a quarantineable disease and that the remains have been embalmed. The affidavit of the funeral director which is attached to the consular mortuary certificate complies with the U.S. Customs requirement that the casket and the packing container for the casket contain only the remains. If the remains are not accompanied by a passenger, a bill of lading must be issued by the airline carrier company to cover the transport. The customs house permit for entry to the United States is obtained by the airline carrier at the point of departure.

**SHIPMENT OF UNEMBALMED REMAINS:** If the remains are not embalmed, the U.S. consular officer should alert U.S. Customs and the U.S. Public Health Service at

point of entry in advance, faxing copies of the consular mortuary certificate, local death certificate (if available), affidavit of foreign funeral director, and a formal statement from competent foreign authorities stating that the individual did not die from a communicable disease. This statement generally is required even if the exact cause of death is unknown in order for unembalmed remains to enter the United States.

**ADDITIONAL INFORMATION:** For additional information concerning return of remains of a diseased U.S. citizen, contact the appropriate geographic division of the Office of American Citizens Services, Department of State, Room 4817 N.S., 2201 C. Street, N.W., Washington, D.C. 20520, tel: (202) 647-5225 or (202) 647-5226 or the consular officer in the American Citizens Services Section of the U.S. embassy or consulate in the foreign country where the death occurred.

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American Citizens Services