



**U.S. Customs and
Border Protection**

Aug 15, 2011

MEMORANDUM FOR: See Distribution

FROM: Executive Director /s/ (b) (6), (b) (7)(C)
Cargo and Conveyance Security

SUBJECT: CBP Form I-418 Manifest Pilot

On July 8th, 2011, CBP/ HQ, Admissibility and Passenger Programs (APP) issued a memorandum to selected Directors, Field Operations, titled, Expansion of the I-418 Manifest Pilot. This memorandum (see attachment) provides a basic overview of the purpose of the test and discusses the developmental frame work for each phase of the pilot. It has come to our attention that some confusion exists between the instructions provided for in the I-418 Manifest Pilot memorandum and the requirements for a hard copy CBP Form I-418 to be presented to the CBP vessel entrance and clearance personnel at time of formal vessel processing.

On January 10, 2011, a pilot program commenced at four CBP ports of entry to test the gathering and reconciling crew manifest data, based on electric (b) (7)(E) [redacted] transmissions received, rather than the use of the CBP Form I-418 crew manifest paper copy. The pilot has now expanded to include, twelve field offices, thirty ports of entry, which are testing the electronic submission of crew manifest data from (b) (7)(E) voluntary vessel carrier participants.

The pilot framework encompasses two phases. The first phase included a verification/validation period for CBP officers and ports to evaluate the capture of data in both electronic and paper format in order to validate that the information captured was the same, as well as identifying any anomalies in the systems used. The second step of phase one allows CBP officers to rely solely on the electronic submissions of data to build the departure manifest, thus eliminating the requirement for the vessel masters and agents to submit the departure manifest in paper format.

Phase two commenced on June 1, 2011 and allows pilot participants to not provide a paper copy CBP Form I-418 at the first port of arrival, subsequent ports within the United States or upon the final departure of the vessel from the United States. As required by 8 CFR 251.5, vessel operators and or agents are required to transmit the crew information via the established eNOAD process, which CBP will utilize in place of the hard copy CBP Form I-418.

Currently, Vessel Entrance and Clearance processing personnel collect and review a hard copy CBP Form I-418 at time of formal entry and clearance, as required by CBP regulations (19 CFR 4.7, 4.7a, 4.81, 4.85, & 4.91). The primary purpose of the review is to validate and verify the actual crew on hand or those departing the vessel, this is completed by CBP (b) (7)(E) [redacted]

(b) (7)(E) [redacted] (b) (7)(E) [redacted] If no discrepancies are found the CBP Form I-418 is retained with

the manifest package and is stored as required by regulation and local policy. If any discrepancies are discovered, Vessel Entrance and Clearance personnel determine the issue and work with port management to resolve.

(b) (7)(E)

Current guidelines provided for by APP on the I-418 Manifest Pilot specifically address how CBP personnel can use current electronic systems (b) (7)(E) (b) (7)(E) to verify and validate crew and passengers arriving in, moving to, and eventual departure from the U.S.

It is imperative for the success of this pilot that CBP port management develop and establish local procedures to ensure open communication between CBP vessel processing personnel and those CBP officers determining admissibility of the crew and passengers. HQ CBP understands the mechanism (email, fax, phone call, etc...) adopted and approved by each port to confirm an I-418 was provided electronically upon formal entrance and clearance will vary due to each port's operational capabilities and SOPs. As the pilot evolves, Field Offices can expect the list of CBP ports within their areas of responsibility and the number of carrier participants to grow.

(b) (7)(E)

If you have any questions about this memorandum, please have a member of your staff contact (b) (6), (b) (7)(C), Branch Chief, Ocean, Air and Rail Manifest Branch, at (b) (6), (b) (7)(C). Any question in regard to the I-418 Manifest Pilot and its expansion should contact (b) (6), (b) (7)(C), Enforcement Policy, Admissibility and Passenger Programs, at (b) (6), (b) (7)(C).

Attachments

Distribution: Director, Field Operations, Atlanta
Director, Field Operations, Baltimore
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(b) (7)(E)

(b) (7)(E)

(b) (6), (b) (7)(E)

(b) (6), (b) (7)(E)

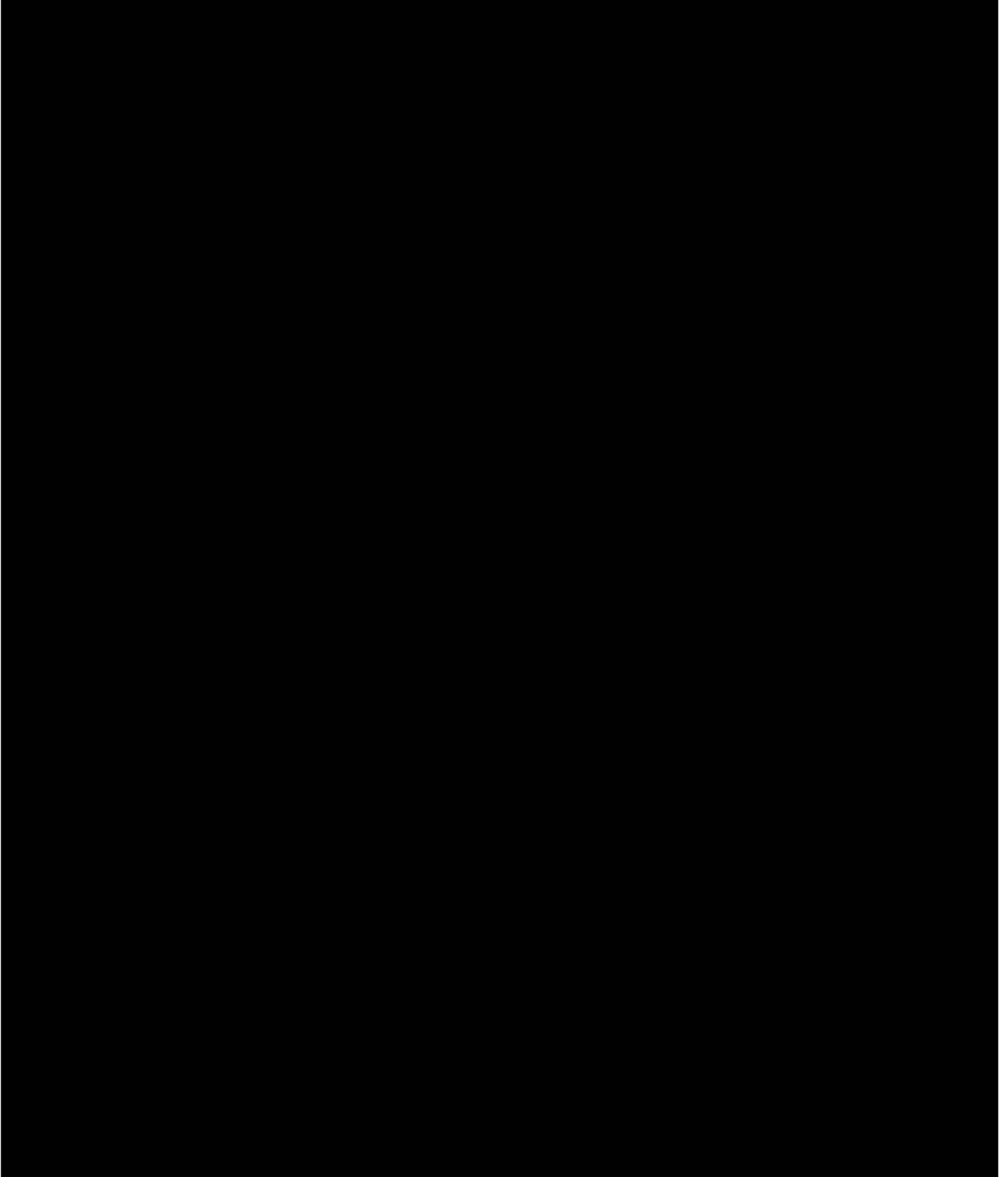
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(b) (7)(E)

(b) (7)(E)

(b) (6), (b) (7)(E)

Standard Operating Procedures (DRAFT) I-418 Pilot –Transition to Full Paperless

Procedures implemented for the paperless processing of crew manifest in no way affects current and established procedures for the advanced vetting or targeting of the vessel or crew and passengers onboard.

Prior to Vessel Arrival

Vessel is required to transmit the crew manifest data to DHS via eNOAD (pursuant to 33 CFR 160.208 and 19 CFR 4.7b).

- CBP receives eNOAD transmission from (b) (7)(E) (eNOAD data is represented by (b) (7)(E))
- Concurrently, CBP receives (b) (7)(E) accessible in (b) (7)(E) and (b) (7)(E)

Pilot participants *shall not* submit one consolidated Notification of Arrival, and are required to submit the eNOA upon arrival and with each port movement leading up to the submission of the eNOD at the time of departure.

Procedures:

- Prior to boarding the vessel for an admissibility inspection, the crew list/ manifest for the vessel crew will be extracted and printed from (b) (7)(E) or (b) (7)(E)
- The extracted manifest must be saved electronically, in a location to be determined locally, prior to printing.
- This printed list will be utilized, in place of the paper I-418, to compare the information provided to CBP electronically and vetted through CBP systems against the physical documents and crewmembers presented by the master.

(See Annex I for Instruction on accessing crew manifest data via (b) (7)(E) and (b) (7)(E))

Vessel Arrival – First US port

CBP officers must:

- Board vessel with crew list extracted from (b) (7)(E) (eNOAD) or (b) (7)(E) (APIS)
- Conduct admissibility inspection of crew
- Annotate inspection results on the extracted crew list
- Collect and retain other paperwork related to the inspection
- Ask master whether any crewmembers will perform longshore work while in the US, and if yes, under which exception(s)
- Ask the master if this information was included in the free form text portion of the eNOAD transmission
- Ask for supporting documentation, when warranted
- Annotate on extracted list masters responses regarding longshore work

Upon return to Seaport Office

CBP officer must record the inspection results for each crewmember.

- Inspection results must be updated on the electronic manifest, to serve as an arrival manifest.

- This document may be shared and utilized by CBP officers at subsequent ports visited by the vessel to record and update inspections results.

Inspection results:

- If the crewmember is a USC, LPR, CFA, or granted landing rights as a D1 or D2, indicate appropriately
- If the crewmember is granted parole, an I-193 waiver, or Refused- Detained on Board (DOB), record appropriately.
 - For DOBs, indicate the reason why (P, V, M, or §212 ground – reference IFM Chapter 23.6
- For crewmembers signing off the vessel as a D2, the period granted may be less than 29 days.
 - Annotate period of landing rights/authorized stay granted and travel information, as collected on the I-408.
- Crewmembers granted parole, an I-193 waiver, or Refused- Detained on Board require a secondary disposition in IO95.
- Enter data into (b) (7)(E) as required
- If, during the inspection, it is noted that the data transmitted electronically does not match the data on the document presented by the crewmember, note this as a possible eNOAD/APIS insufficiency.
- Inform the master and or agent of the error so that a correction can be made on subsequent eNOAD filings.

Subsequent actions by CBP officers at port of arrival

- CBP officer must properly record any actions taken on a crewmember after the initial inspection, such as but not limited to:
 - Change from D1 to D2
 - Change from D2 to D1
 - Parole for medical
 - Parole for repatriation
 - I-99 revocation

These actions must be annotated on the electronic manifest, saved locally, as well as in IO95. The IO95 record should include the specific vessel information as well as the information for the crewmember. When appropriate, make the necessary entry into (b) (7)(E)

In the event that the next port of call needs to verify this information, the electronically saved manifest should be made readily available.

Movement to Next US Port

Prior to the vessel departing for the next US destination, the vessel must:

- submit a US-to-US arrival eNOA pursuant to 33 CFR160.206 and 208
 - Crew changes must be submitted as an update to the eNOA prior to departure for next US port
- Receive clearance from CBP pursuant to 19 CFR 4.60

Crew Changes

Typically, for each off-signing (D2) or repatriating (parole to depart foreign) crewmember, a replacement crewmember is brought onto the vessel.

- Each of these crewmembers* should appear on the eNOA filed by the master of the vessel.
 - Once added to the crewlist (and ships articles), the master is statutorily responsible for the detention of that crewmember

*Joining crew typically arrive in the US as "C1" in transit via the airports. Occasionally, a crewmember will signoff (D2) one vessel to join another.

- If any action is taken on a crewmember who has joined the vessel in the US (after the vessel has been inspected for admissibility purposes), status of that crewmember must be updated on the electronically saved manifest and recorded in IO95.

US-to-US movements – "ports of call"

If conducting an enforcement boarding or other required action on a vessel while at a "port of call", CBP officers must:

- Query the vessel in (b) (7)(E) and or (b) (7)(E) to extract the crew list/manifest
 - Coastwise eNOA transmissions on US-to-US movements can be viewed in (b) (7)(E) (US flag icon indicates US-to-US movement) when the USCG icon is present. (See Annex I)
 - Coastwise APIS data is accessible via (b) (7)(E) with port code (b) (7)(E) to indicate US-to-US movements. (See Annex I)
- Determine if any of the crew was ordered DOB and verify that they remain onboard the vessel
 - This can be done through coordination with the arrival and or previous port.
 - An I-259 should have been served on the master for all DOB crew
- Record any actions taken on crewmembers on the extracted manifest

Upon return to the Seaport Office, CBP officers must:

- Record results on the electronically saved version of the extracted manifest
- Record results as in IO95, associating the record with the vessel
- Record results in (b) (7)(E) when warranted

Departure Port

- 60 minutes prior to the vessel departing the US, the vessel must submit an eNOD including the names of all crew departing onboard the vessel.
- This submission satisfies the requirements under 19 CFR 4.64.

Note: The requirement under INA 251(c) requires the names of all crew that have signed off the vessel or have otherwise landed in addition to those departing onboard the vessel. Since this data is not collected in the eNOD (APIS) transmission, the CBP officers will need to reconcile the electronic data collected via the eNOAD process with the I-418 information to build a complete list of all crew movements for the vessel between arrival and departure ports.

- For pilot participants, CBP officers will not reconcile paper manifests in the form of the traditional I-418.
- Instead, the CBP officers at the departure port will utilize the electronic manifests submitted to match the data provided upon arrival and at subsequent ports.
- In the event that a violation has occurred, the departure port will coordinate with the arrival port to initiate fines proceedings.

The following should be utilized to complete the reconciliation:

- Arrival manifest submitted via eNOAD (b) (7)(E) or available in (b) (7)(E) (APIS) (saved electronically at arrival port and updated as appropriate)
- Subsequent eNOAD transmissions (US-to-US) to indicate any crew changes (crew added to vessel) (available via (b) (7)(E) and or (b) (7)(E) (to include any additional crew lists extracted and updated at the coastwise ports)
- I095 records associated with vessel (crew status changes)
- Departure manifest in (b) (7)(E) and or (b) (7)(E) (outbound crew) (extracted and reconciled with any supporting documents, such as the I-94s, I-95s, I-408s, etc. submitted by the vessel agent no later than 30 days after the vessel's departure)
- Any additional electronic or paper documentation available that relates to the crew during the particular voyage

Fines and penalties:

Vessels participating in the pilot will not be subject to fines for lack of submitting the paper I-418 (at arrival or departure) pursuant to 8 CFR 251.5. All other fines are still applicable.