

ENT-14 OT:TPP:TAPP:TO JS

October 24, 2008

MEMORANDUM FOR: Directors, Field Operations
Assistant Directors Trade, Field Operations
Office of Field Operations

FROM: Executive Director, Trade Policy and Programs
Office of International Trade

SUBJECT: TBT-08-017 New Visa Requirements for Goods Claiming
Preferential Treatment under the Haitian Hemispheric Opportunity
through Partnership Encouragement Act (HOPE)

REFERENCE: TBT-08-013 Amendments under the HOPE II Act for Certain
Apparel and Other Articles
QBT-08-108 2009 Apparel Restraint Limits and/or Visa
Requirements under Haiti HOPE II

BACKGROUND

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II Act), found as Title XV, Subtitle D, Part I of the Farm Bill 2008, was passed by Congress on June 18, 2008. In order to provide benefits afforded under the HOPE II Act, the United States has updated the 2007 Visa Arrangement with Haiti.

This administrative notice details the new visa requirement and entry procedures to be followed for claiming benefits under HOPE.

VISA REQUIREMENTS

All Haiti HOPE claims must be accompanied by a paper visa. Each paper visa shall include the following:

1. Visa stamp: An original visa will be circular stamp in blue ink on the front of the commercial invoice.
2. Each visa stamp will include:
 - a. Visa number: The visa number shall begin with one numeric digit of the year of export from Haiti, followed by the two character alpha code Haiti (HT), as

specified by the International Organization for Standardization (ISO), followed by either the number one or two, to indicate the country of export – 1 for Haiti, 2 for the Dominican Republic, followed by a five-digit alpha-numeric code.

For example, 8HT123456 would represent a shipment exported from Haiti in 2008; 8HT223456 would represent a shipment exported from the Dominican Republic in 2008.

- b. Official signature: The visa stamp must include the original signature of the issuing official in Haiti with his or her name and title typed or stamped above his or her signature.
- c. Date of Issuance: The date of issuance shall be the day, month and year the visa was signed by the issuing official in Haiti.
- d. Textile category(ies). The category listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce. Category 900 will be used for all items that do not have a category number associated with them.
- e. Quantity. The quantity in whole numbers and unit of measure associated with the category listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce.

If the quantity in the shipment is less than one-half dozen, then it will be rounded down on the visa (i.e. 4 dozen and 4 pieces will be 4 dozen). If the quantity in the shipment is one-half dozen or greater, then it will be rounded up on the visa (i.e., 4 dozen and 6 pieces, would be 5 dozen). If the total quantity in the shipment is less than 1 dozen, even if it is less than a half-dozen, the quantity shown on the visa will always be 1 dozen (i.e., 3 pieces or 6 pieces will be reported as 1 dozen). CBP will not accept visas with fractions or decimals.

If the quantity indicated on the visa is less than that of the shipment, only the quantity shown on the visa will be eligible for preferential tariff treatment and the excess will be subject to the column one rate of duty.

If the quantity indicated on the visa is more than that of the shipment, only the quantity of the shipment will be eligible for preferential tariff treatment. Any overage cannot be applied to any other shipment.

The visa will not be accepted and preferential tariff treatment will not be permitted if the visa number, quantity, name and signature of the authorized official, or date of issuance, is missing, incorrect, illegible or has been crossed out or altered in any way.

If the visa, which is stamped on the commercial invoice, is deemed to be invalid, CBP will not return the original document after entry, but will provide a certified copy of that commercial invoice which contains the visa stamp for use in obtaining a new, correct, original commercial invoice on which a new visa must be stamped.

If a visa is not acceptable, then a new visa must be obtained from Haiti before preferential tariff treatment can be claimed.

ACTION

As of October 15, 2008 Haiti will begin issuing visas with the new visa number format as required by the new visa arrangement for shipments of goods wholly assembled or knit-to-shape in Haiti qualifying for preferential treatment under HOPE and exported either from Haiti or the Dominican Republic. It is anticipated that Haiti will begin transmitting data electronically via the Electronic Visa Information System (ELVIS) later this year. A subsequent notice will be issued when Haiti and the CBP have fully implemented ELVIS.

A paper visa with the old visa stamp and visa number format (as described in TBT 07-006) will be valid for making HOPE claims if the visa was issued and dated prior to October 15, 2008.

Until CBP completes the necessary programming changes, entries for articles classified in any of the HOPE provisions must be filed non-ABI. A notice will be issued when these changes have been completed.

Please pass this notice to Port Directors, Assistant Port Directors, Import Specialists, CBP Officers, Entry Specialists, Brokers, Importers and other interested parties.

INFORMATION

For additional information, please contact Import Specialist Jacqueline Sprungle at (202) 863-6517, Import Specialist Nancy Mondich at (202) 863-6524, or Textile Operations Branch Chief Robert Abels at (202) 863-6503.

/s/

Brenda B. Smith

cc: National Import Specialists