



## Tips for Foreign Flagged Vessels to Legally Operate in US Waters

It would be an understatement to say that the rules and regulations of US Customs at Ports of Entry—and maritime law in general—are incredibly complex. It is hard enough for US flagged vessels to remain compliant with all necessary requirements, but things are far more difficult if you own a foreign flagged vessel and you are interested in bringing it to the United States.

The consequences of illegally operating a foreign flagged vessel in US waters can be dire, so it is absolutely vital that you take the time to understand the US government's expectations for you and your craft before embarking on your journey. Below we have outlined some helpful tips to help ensure your foreign flagged ship can legally operate in US waters. If you have any questions which we do not answer in this guide, or if you need assistance with documentation or Customs requirements, please be sure to contact Howard S. Reeder, Inc today at (305) 371-8431.

### **1) Report Arrival to Customs and Border Protection**

Upon entering US territorial waters from a foreign port, the first step you will need to immediately take is to inform US Customs and Border Protection (CBP) of your arrival. US Customs is a part of the Department of Homeland Security, and entry to the United States by land, air, or sea is highly regulated and taken very seriously, so it is absolutely essential that you alert CBP once you arrive. In South Florida, CBP can be reached at either 1-800-432-1216 or 1-800-451-0393.

Once you contact CBP, your vessel will be issued a clearance number that will begin with the four digit number for your Port of Entry (Miami - 5201, Ft. Lauderdale - 5203, Palm Beach - 5204). Keep this number at all times. It is vital that you enter the Customs house that is located in the Port in which you arrived.

Keep in mind, no one may board or disembark from the vessel until all Customs processing has been completed, with the exception of disembarking to alert CPB of your arrival.

### **2) Clear Crew through Immigration**

Your next step will be to clear everyone on board the vessel through US immigration. Your crew has 24 hours to clear immigration after reporting your arrival to CBP. Make sure everyone on board has all necessary documentation, such as passports, in order to be granted entry to the US through Immigration. Additionally, all persons on board must have obtained a Visa prior to arrival which grants them legal access to enter the country.



### **3) Formal Entry**

Once all immigration requirements have been cleared, all foreign flagged or undocumented vessels must complete a Formal Entry with Customs using Form CF 1300—the Vessel Entrance or Clearance Statement. Formal Entry must be completed by the vessel within 48 hours of arriving in the US, and you can only do so in the Port at which you arrived. At this time the Captain will need to notify CBP of any foreign merchandise on board the ship that is subject to duty.

### **4) Bring Proper Documentation**

In order to complete your Formal Entry and legally operate your foreign-flagged vessel in US waters, one of the simplest things you can do is to make sure that you and everyone on board the vessel has all necessary documentation. For example, to complete Formal Entry, the master of the vessel must provide the ship's original Certificate of Registry, proof of being foreign such as clearance from your previous port, and a crew list with the names, birth dates, and passport numbers of everyone on board.

As previously mentioned, foreign flagged and undocumented vessels must complete Form CF 1300, which can be provided by Customs upon your arrival or you can obtain online ahead of time. Without all the necessary documentation, your trip to the US could be quickly cut short.

### **5) Obtain Cruising License**

All foreign flagged vessels are required to obtain a cruising license. This license will allow you to travel from one jurisdiction to another without having to make Formal Entry or Clearance all over again in each new location. If your vessel is eligible, you may be issued your cruising license during your first Formal Entry, and the license will be valid for up to one year.

A first time cruising license may also be issued to a vessel during closing if the closing occurs in US waters and the closing paperwork reflects this fact.

### **6) Report Arrival in New Jurisdictions**

Once your Formal Entry has been approved and you have been granted your cruising license, you may proceed freely to new ports and jurisdictions. The only caveat is that you must alert each new jurisdiction of your arrival. For example, if you enter the US in Miami, and next you proceed to the port at Palm Beach, you will need to call and alert CBP at the port in Palm Beach that you have arrived. A list of US ports and their contact information can be found at [www.cbp.gov/contacts/ports](http://www.cbp.gov/contacts/ports).



## **7) Pay Attention to Cruising License Expiration**

Be sure to pay close attention to the expiration date on your cruising license. When it does expire, you must surrender your Original Registry to Customs in the jurisdiction in which the vessel is currently located. If the boat is US-built and owned by a US citizen or Permanent Resident, you may be able to obtain a successive cruising license when the old one expires. However, if you are not eligible for a successive cruising license, you will be required to clear out of Customs to a foreign port for a minimum of 15 days.

Once the necessary 15 days has passed, you may return to a US Port of Entry and once again complete Formal Entry and apply for a new cruising license. Keep in mind that the 15 day rule can be interpreted differently from port to port, so call ahead and check with the port at which you plan to re-enter the US to find out their exact interpretation of the rule.

## **8) Formal Clearance and Entry for Florida Registered, Foreign Owned Vessels**

A somewhat unique situation occurs when a vessel is registered in the state of Florida but not owned by a US citizen or Permanent Resident. These vessels are NOT considered by CBP to be US flagged, and they take on the nationality of the owner. So a Florida registered boat owned by a Canadian citizen would be considered to be an undocumented Canadian vessel with a Florida registry. Unfortunately, these vessels are required to physically clear in and out with Customs every time they make a jurisdictional change using Form 1300. Failure to do so can result in fines of up to \$5000 per infraction.

If you are a foreign flagged vessel wishing to legally enter and operate in US waters, it can be incredibly difficult to keep track of all of the rules and regulations to which you must adhere. Fortunately, Howard S. Reeder, Inc can help! We will work with you to ensure that you are compliant with all necessary regulations and documentation, and our experienced, licensed customs brokers will guide you throughout the entry process to ensure you are able to properly clear customs. Please give us a call today at (305) 371-8431 today to learn how we can help you take the fear, confusion, and uncertainty out of operating your craft in US waters.