

### **Non-Resident Importers May Need to Take Immediate Action to Avoid Delays in Receiving Tariff Refund Payments**

By: Bradley T. French (Member, Business Practice Group and Chair, International Trade Team)

**An emerging issue affecting tariff refund claims under the IEEPA Phase 1 Declaration process submitted through the CAPE system may require immediate action by non-resident importers to avoid delayed or rejected refund payments.**

As we reported in [our April 22 Business Law Update](#), U.S. Customs and Border Protection (CBP) established a dedicated online portal (CAPE) for submitting refund claims for tariffs imposed under the International Emergency Economic Powers Act (IEEPA). The portal has been in operation since April 20 and refund claims are being approved and transmitted to Treasury, **but some payments are being rejected or returned due to the absence of a qualifying U.S. bank account capable of receiving ACH deposits.** This issue is primarily affecting non-resident importers that do not have a qualifying U.S. bank account on file. As a result, a number of importers who have successfully filed Phase 1 declarations are experiencing delays or non-receipt of expected refund payments.

To avoid disruption and ensure timely receipt of refunds, non-resident importers should act promptly to:

- Establish a U.S. bank account capable of receiving ACH payments and update their banking details in their ACE portal account; or
- Evaluate alternative arrangements, such as authorizing a licensed U.S. customs broker to receive ACH refunds on their behalf through the appropriate CBP authorization form.

Given the anticipated volume of filings and potential processing backlogs, we recommend taking immediate steps to implement one of the above solutions. Note that in order to qualify, U.S. bank accounts must be properly enrolled through the ACE Portal ACH Refund Authorization process.

We will continue to monitor evolving developments and provide updates as additional information becomes available.

**If you have questions regarding eligibility, claim preparation, account requirements, coordination with customs brokers,** or any other issue involving tariff reimbursement, please contact [Bradley T. French](#), Chair of Bodman's [International Trade Team](#): ([bfrench@bodmanlaw.com](mailto:bfrench@bodmanlaw.com)) | 616-205-1869. Bodman cannot respond to your questions or receive information from you without establishing an attorney-client relationship and clearing potential conflicts with other clients. Thank you for your patience and understanding.