## A CIVIL GUIDE TO RECOVERING YOUR VEHICLE SEIZED THROUGH U.S. CUSTOMS AND BORDER PROTECTION'S ADMINISTRATIVE FORFEITURE PROCEEDINGS UNDER

8 U.S.C. § 1324

# **ALIEN SMUGGLING**

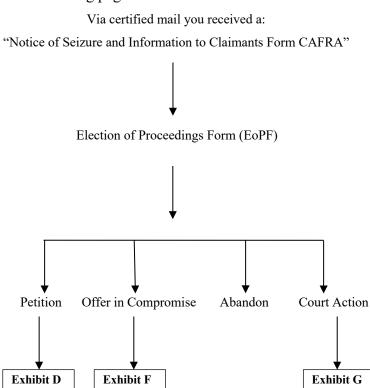
The contents of this document are intended to convey general information only and not to provide legal advice or opinions. This document is limited to administrative proceedings and does not extend to litigation in court. The contents of this document should not be construed as, and should not be relied upon for, legal advice in any particular circumstance or fact situation. The information presented in this document may not reflect the most current legal developments. Readers agree to waive any right of action of any kind in reliance on the information contained in this document and we disclaim all liability in respect of actions taken or not taken based on any or all of the contents of this document to the fullest extent permitted by law. An attorney should be contacted for advice on specific legal issues.

#### **CONTENTS**

- 1. Flow chart overview of administrative proceedings
- 2. Guide to Civil Forfeiture Recovering Vehicle Seized Under 8 U.S.C. § 1324
  - a. Legal Options and Explanations
    - i. Petition
    - ii. Offer in Compromise
    - iii. Abandon
    - iv. Court Action
  - b. Possible Legal Defenses against Forfeiture of Vehicle Seized
  - c. Applicable Laws
- 3. **EXHIBIT A** *Redacted* example of a Notice of Seizure and Information to Claimant's Form CAFRA
- 4. **EXHIBIT B** Instruction Sheet
- 5. EXHIBIT C Election of Proceedings (YOU MUST CHECK ONLY ONE)
- **6. EXHIBIT D** Petition for Remission or Mitigation of Forfeitures and Penalties incurred [CBP Form 4609]
- 7. **EXHIBIT E** *Model* Petition for Remission or Mitigation of Forfeitures and Penalties incurred and Example arguments under Part II Box C.
- 8. **EXHIBIT F** Offer in Compromise Template
- 9. **EXHIBIT G** CAFRA Seized Asset Claim Form
- 10. **EXHIBIT H** *Model* CAFRA Seized Asset Claim Form
- 11. **EXHIBIT I** Personal Facts Sheet
- 12. **EXHIBIT J** *Model* Personal Facts Sheet
- 13. **EXHIBIT K** Supplemental Petition Template
- 14. **EXHIBIT L** Time Extension Template
- 15. **EXHIBIT M** Lien Holder Financial Statement [CBP Form 4632] (Applies to Lienholder ONLY)

### A Civil Guide to Recovering a Vehicle Seized Under 8 U.S.C.§ 1324

This guide provides information on legal options that a person who has a legal interest in the vehicle seized under 8 U.S.C. § 1324 by the U.S. Customs and Border Protection ("CBP") can pursue. This guide is prepared as a "do-it yourself" option. This guide does not guarantee the return of your vehicle, it is not intended to provide any legal advice and this guide is subject to the Disclaimer provided on the cover page. The flow chart below shows the documents to be filed based on legal options that you can choose to get your vehicle back. Please note if you are able to reclaim your vehicle you may be subject to paying storage fees prior to retrieving the vehicle. These storage fees are generally not revealed until a decision in your favor has been rendered. Review the entire document before beginning the process. Please read the flow chart with the explanations given on the following pages.



### ALL DOCUMENTS SUBMITTED TO CUSTOMS MUST BE IN ENGLISH