

IEEPA Tariffs Struck Down

A Briefing on the Tariff Refund Process & Next Phase of U.S. Tariff Policy

Online Webinar
Tuesday, March 24, 2026
11:00 AM (EST)
5:00 PM (CEST)

This presentation is for informational purposes only and does not constitute legal advice.



Presenters



T. James Min II
Managing Partner

james.min@lmdtradelaw.com

+1 (202) 935-2036



Samuel D. Finkelstein
Associate

samuel.finkelstein@lmdtradelaw.com

+1 (202) 935-2328

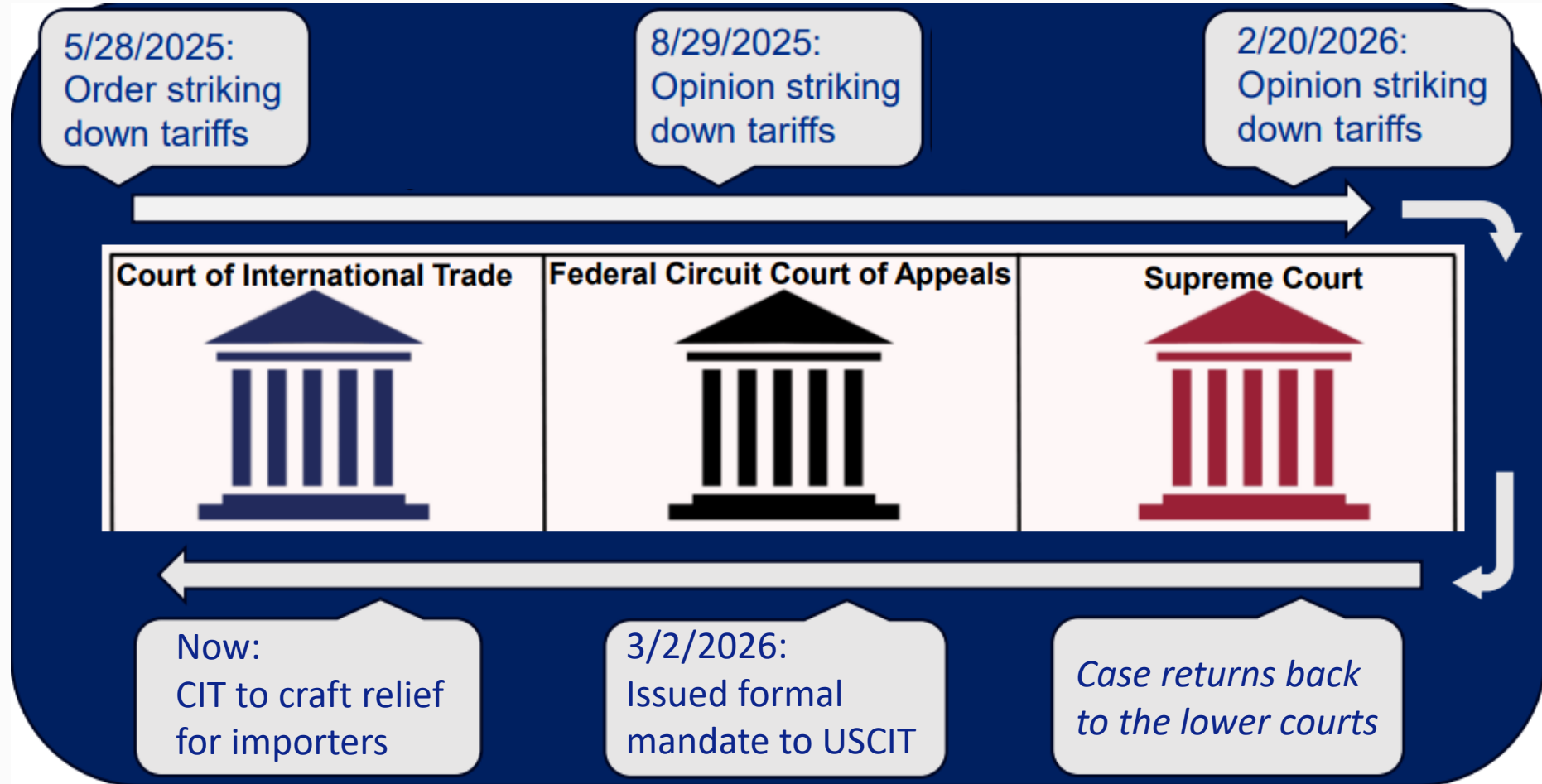
Standard Disclaimer

- This presentation is provided for informational purposes only and does not constitute legal advice.
- This content reflects a high-level overview of selected issues and may not address all relevant facts or developments applicable to any particular situation.
- Participation in or receipt of this presentation does not create an attorney-client relationship.
- You should not act or refrain from acting based on this information without seeking advice from qualified legal counsel regarding your specific circumstances.

Background: A New (Illegal) Tariff Regime

- Fundamental: U.S. Constitution assigns import tariff power to Congress
- Congress can delegate tariff power to President through legislation
 - Examples: Section 122, Section 201, Section 232, Section 301
- Trump's 2025 IEEPA tariffs: What is IEEPA?

Timeline: Legal Challenges to IEEPA Tariffs



4 March: U.S. Court of International Trade Orders Refunds

Plaintiff's entries are among the millions of entries that were entered subject to IEEPA duties, which the Supreme Court ruled unlawful in *Learning Resources, Inc. v. Trump*, 2026 WL 477534 (U.S. Feb. 20, 2026). All importers of record whose entries were subject to IEEPA duties are entitled to the benefit of the *Learning Resources* decision.

In *Trump v. CASA, Inc.*, the Supreme Court held "that universal injunctions are impermissible." 606 U.S. 831, 865 (2025). That holding, however, does not apply to the orders that will be issued in this case. The Court's discussion of "whether, under the Judiciary Act of 1789, federal courts have equitable authority to issue universal injunctions" does not constitute a legal direction to this Court. Nearly 200 years after the Judiciary Act of 1789, the United States

1. All Importers are entitled to the benefits of the Supreme Court decision striking down IEEPA tariffs.
2. The CIT can order relief for *all importers*, not only plaintiffs.
3. Judge Eaton will preside over all IEEPA tariff refund cases going forward.

Scope of the Court's 4 March Refund Order

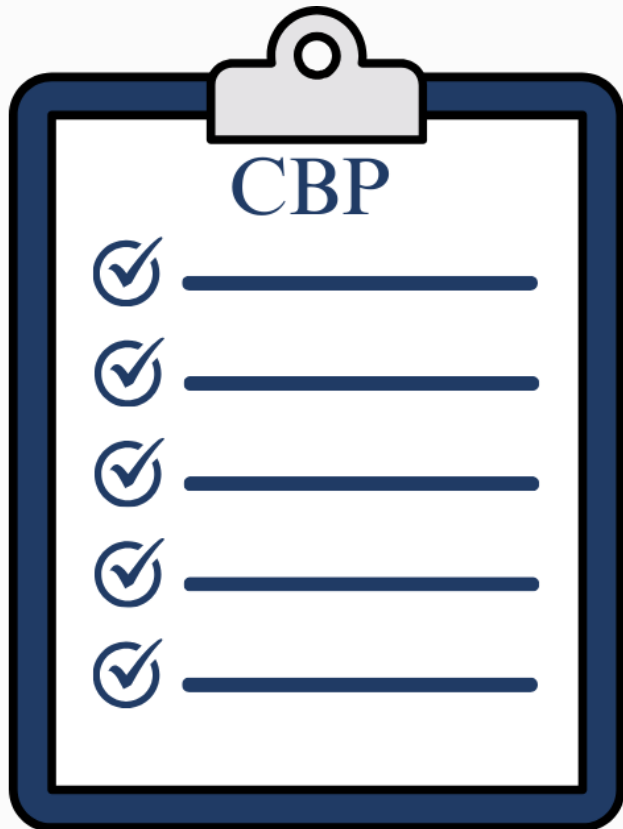
Accordingly, it is hereby

ORDERED that, with respect to any and all unliquidated entries that were entered subject to the IEEPA duties, U.S. Customs and Border Protection is hereby directed to liquidate those entries without regard to the IEEPA duties. Any liquidated entries for which liquidation is not final shall be reliquidated without regard to IEEPA duties.

Customs is directed:

- (1) For unliquidated entries that were entered subject to IEEPA, liquidate without IEEPA duties
- (2) For liquidated entries that aren't final, reliquidate without IEEPA duties

CBP's Response to the Court: "Working on it"



1. Mass refunds not currently possible
2. Developing a new refund process
3. Refunds will not be automatic
4. Timeline and coverage = unknown
5. Liquidation clock is still ticking...

Risk Assessment: Possible U.S. Gov't Responses

Potential Appeal of Refund Order

- CIT cannot issue universal relief
- Limit refunds to E.O.s considered by SCOTUS in *Learning Resources*

U.S. Government's Options are Limited

- Judicial Estoppel: Promises made...
- Cannot now assume contrary positions
- Refunds inevitable, universality is not

Replacement Tariffs

- Section 122* – 150 days, 15% maximum
- Section 201
- Section 232 – Targeting Medtech
- Section 301 – Targeting Switzerland
- Section 338*

* Legality is subject to challenge.

IEEPA Refund Recap: Knowns and Unknowns

Known

- IEEPA tariffs were **unlawful**
- The tariffs **must be refunded**, with interest
- Importers **must act** to claim their refund
- Thousands have sued (and **continue** to sue)

Unknown

- When CBP's refund process will be ready
- Whether CBP's process will favor importers
- Impact of liquidation in CBP's process
- Whether U.S. Gov't will appeal to limit scope

How Companies Can Claim Tariff Refunds

- Preparation is **essential** and the time to start is **now**.
- Three key action items:
 1. Identify the eligible refund claimant: **Importer of Record**
 2. Prepare for CBP's administrative refund process (CAPE)
 3. The 'belt-and-suspenders': protests & litigation



Who Qualifies for a Tariff Refund?

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection
ENTRY SUMMARY

OMB CONTROL NUMBER 1651-0022
EXPIRATION DATE 02/28/2026

1. Filer Code/Entry Number	2. Entry Type	3. Summary Date	4. Surety Number	5. Bond Type	6. Port Code	7. Entry Date
8. Importing Carrier		9. Mode of Transport		10. Country of Origin		11. Import Date
12. B/L or AWB Number		13. Manufacturer ID		14. Exporting Country		15. Export Date
16. I.T. Number	17. I.T. Date	18. Missing Docs	19. Foreign Port of Lading		20. U.S. Port of Unlading	
21. Country of Melt and Pour			22. Primary Country of Smelt			
23. Secondary Country of Smelt			24. Country of Cast			
25. Location of Goods/G.O. Number		26. Consignee Number		27. Importer Number		28. Reference Number
29. Ultimate Consignee Name (Last, First, M.I.) and Address				30. Importer of Record Name (Last, First, M.I.) and Address		
Street				Street		
City				City		
State				State		
Zip				Zip		
31. Line No.	32. Description of Merchandise			36. A. Entered Value B. CHGS C. Relationship		37. A. HTSUS Rate B. AD/CVD Rate C. IRC Rate D. Visa Number
	33. A. HTSUS No. B. AD/CVD No.	34. A. Gross Weight B. Manifest Qty.	35. Net Quantity in HTSUS Units			38. Duty and IR Tax
						Dollars Cents
&	&	&	&	&		
&	&	&	&	&		
&	&	&	&	&		

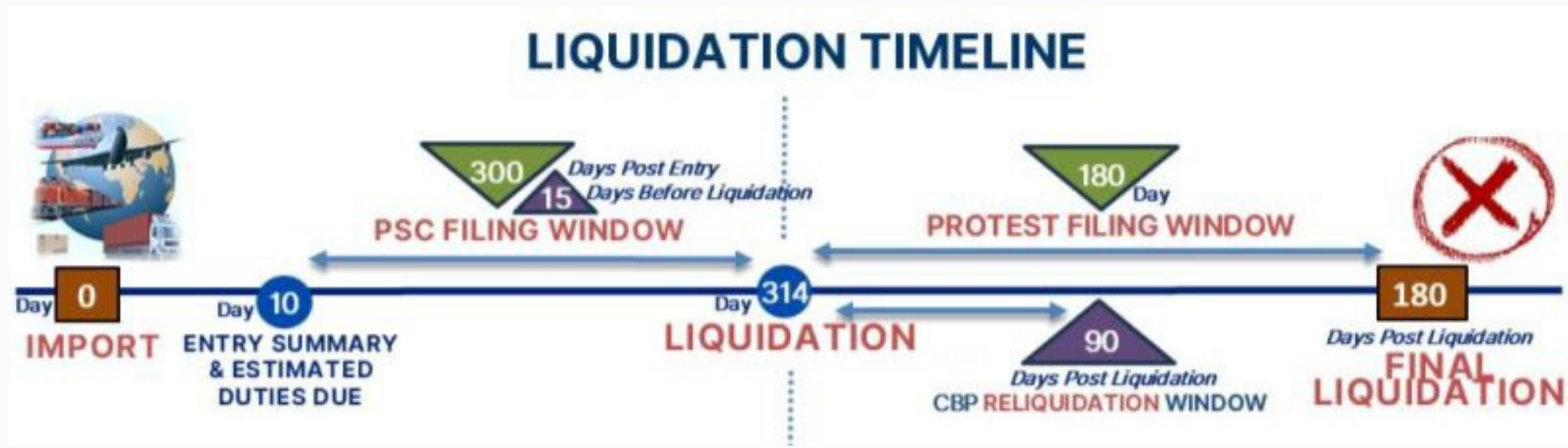
- Only Importer of Record (IOR) can claim tariff refund:
 - Listed as IOR in customs declaration
 - Paid tariffs to U.S. Customs
- Typically U.S. subsidiary, distributor, or buyer
- IOR could also be freight forwarder / customs broker
- Seller tariff-sharing with IOR = commercial issue

Preparing for CBP's Refund Process (CAPE)

- Organization is essential and the time to start is now.
- Importers of Record should:
 - **Extract** entry data from the ACE system
 - **Identify** entries where IEEPA tariffs were paid
 - **Organize** data (.csv) for CAPE submission
 - **Track** liquidation dates, **protest** as necessary
- Monitor new developments as the process materializes.



What (and when) is Liquidation?



- Exception: Low-value (under \$2,500) imports
- What about final liquidated entries?

Preserving Refund Eligibility: Protests

- Refunds not guaranteed for “final” liquidated entries
- Final liquidation = 180-days after liquidation occurs
- Protests may **delay** final liquidation, **preserving** eligibility
- Complex protests are typically handled by Trade Lawyers
- Data organization is key: monitor liquidation timelines



Parallel Strategy: U.S. CIT Litigation

- Hundreds of importers continue to file suit each week
- Protects against uncertainties of CBP's new refund process:
 - CBP may disqualify importer claims on technicalities
 - Implementation timing concerns (liquidation)
 - Appeal and interference risks
- Provides independent judicial oversight
- If exposure is meaningful, 'cover all bases.'



Summary: Refunds Available, Preparation Needed

- Refunds will come to importers who actively pursue them:
 - ✓ Prepare declaration for CBP's new refund process
 - ✓ Monitor liquidation, file protests to preserve refund eligibility
 - ✓ Consider protective litigation if tariff exposure is meaningful
- Don't go it alone: seek expert guidance to protect your company's interests

Questions and Answers