



FREQUENTLY ASKED QUESTIONS ABOUT A FEDERAL MIGRATORY BIRD IMPORT / EXPORT PERMIT

A federal Migratory Bird Import / Export permit authorizes a permittee to import and/or export across the international boundary into and/or out of the United States. Migratory bird includes live birds as well as mounted birds, specimens, feathers, parts, nests, and eggs of a species listed in [50 CFR 10.13](#).

A federal Migratory Bird Import/Export Permit is not required to move migratory birds across state lines. Do not use this form for Bald Eagles, Golden Eagles, species listed under CITES (the Convention on the International Trade in Endangered Species), or species other than migratory birds (for a list of migratory birds, see [50 CFR 10.13](#)). You should review Title 50 Parts 10, 13, and 21.21 of the Code of Federal Regulations (CFR). You are responsible for reviewing and understanding these regulations before you request and accept a permit. These regulations can be found on our website at <http://www.fws.gov/permits/ltr/ltr.html>.

1. What species require a Migratory Bird Import/Export Permit?

Migratory bird is defined in [50 CFR 10.12](#). *Migratory bird* means any bird which belongs to a species listed in [50 CFR 10.13](#), whatever its origin, whether or not raised in captivity, and including mutations and hybrids of any such species. *Migratory Bird* includes live birds as well as any part, nest, or egg of any such bird. This includes any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird, part, nest, or egg.

2. Do domesticated birds require a Migratory Bird Import/Export Permit?

A Migratory Bird Import/Export Permit does not apply to birds identified as *Domesticated Animals* (50 CFR 14.4) and Part 14 regulations apply. For *birds* to qualify as *domesticated animals*, they must not be obtained from the wild and must be visually distinct from their wild counterparts. For example, *Barnyard Mallards* typically have large patches of white that distinguish them from wild Mallards.

3. Do Bald Eagles or Golden Eagles require a Migratory Bird Import/Export Permit?

A Migratory Bird Import/Export Permit does not apply to Bald Eagles or Golden Eagles, as these species are also federally protected under the Bald and Golden Eagle Protect Act. Federal Eagle Transport permits are required for international transport. See below for the managing Division and link to the application form.

| | Scientific or Exhibition Purpose | Indian Religious Purposes |
|----------------------|---|---|
| U.S.A. Origin | See Division of Management Authority https://www.fws.gov/forms/3-200-69.pdf | See Division of Management Authority https://www.fws.gov/forms/3-200-70.pdf |
| International Origin | See Division of Migratory Birds https://www.fws.gov/forms/3-200-82.pdf | See Division of Management Authority https://www.fws.gov/forms/3-200-70.pdf |

4. Do Game Birds have any exceptions to a Migratory Bird Import/Export Permit?

Yes. The following exceptions to a Migratory Bird Import/Export permit apply to Migratory Game Birds. Migratory Game Birds are species of the families: Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae (See 50 CFR 20.11(a), 21.21(b)).

| Type of Bird | Exemption | Reference |
|--|---|--|
| Feathers and skins, including birds for mounting | May be imported and/or exported by the hunter for personal use without a permit | See 50 CFR 20.92; other regulations apply including species identification (50 CFR 20.63) and processing requirements (50 CFR 20.65) |

| | | |
|---|--|---|
| Carcasses, skins, or mounts | May be imported (but not exported) by the hunter for personal use without a permit | See 50 CFR 21.21(b); must provide evidence of lawful taking (e.g. foreign hunting license) and lawful export (e.g. foreign export documentation) |
| Live, captive-bred game birds and waterfowl | Properly marked birds may be exported to Canada or Mexico (but not imported) without a permit. | <i>Waterfowl</i> must have Form 3-186 documentation and must be authorized to possess in the U.S under Mallard Exception (50 CFR 21.13), Waterfowl Exception (50 CFR 21.14), or a Waterfowl Sale and Disposal Permit (50 CFR 21.25). <i>Other Game Birds</i> must have Form 3-186A and Special Purpose Game Bird permit (50 CFR 21.27) |

Please Note:

1. A permit is always required for hunted migratory game birds if imported/exported by someone other than the hunter.
2. A permit is always required to export mounted game birds, even for personal use by hunter. Only import is exempt.
3. A permit is always required for commercial use of migratory game bird feathers, skins, carcasses, and mounts (see authorized uses in 50 CFR 20.91). Exceptions only apply to personal use (see 50 CFR 20.92).

5. Do Raptors have any exceptions to a Migratory Bird Import/Export Permit?

Yes. The following exceptions to a Migratory Bird Import/Export permit apply to raptor species. Raptors are species of the orders: Accipitriformes, Falconiformes, and Strigiformes listed in 50 CFR 10.13.

| Type of Bird | Exemption | Reference |
|----------------------------|--|---|
| Live, captive-bred raptors | Seamlessly banded raptors may be exported (but not imported) by a raptor propagator without a permit | See 50 CFR 21.21(c)(2). Raptors must be seamlessly banded. Exporter must have valid Raptor Propagation Permit (50 CFR 21.30) and documentation of lawful origin. CITES permits may apply (50 CFR 23). |
| Falconry Birds | May be imported or exported under a “pet passport” by the falconer without a permit | See 50 CFR 21.21(d). Must have valid state or tribal falconry permit (50 CFR 21.29). Must have valid CITES “pet passport” (conditions apply). |

Please Note:

1. A permit is always required to import live, captive-bred raptors. Only export is exempt. A Migratory Bird Import/Export permit is required and CITES permit from country of origin.
2. Raptors include hybrid raptors (50 CFR 21.3, 21.30(a)(1)(i)); if hybrid, you must list the Migratory Bird species. Please list all species if possible.
3. These exceptions do NOT apply to bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*) (21.30(a)(1)(i), See Question 3).

6. Do owl pellets, albatross bolus, and similar items require a Migratory Bird Import/Export Permit?

No. We do not require a federal Migratory Bird Import/Export permit for pellets, bolus, or similar items. Even though there is a possibility that they may contain pieces of migratory bird species, the primary composition are rodents and fish, respectively.

7. How will my application be evaluated?

You must meet the issuance criteria listed in 50 CFR 13.21 and 50 CFR 21.21(g). It is your responsibility to demonstrate that the bird(s) being imported and/or exported were lawfully acquired. For bird(s) that are being imported, you must also demonstrate that you can lawfully possess the bird(s) in the U.S. after it is imported. You may be required to provide an English translation of foreign documentation.

8. Do I need a permit to import and/or export “Pre-Act” specimens?

Yes. Pre-Act specimens require permit for import/export (50 CFR 21.2(a)). “Pre-Act” refers to migratory birds, their parts, nests, or eggs, lawfully acquired prior to the effective date of Federal protection under the Migratory Bird Treaty Act (16 U.S.C. 703-712). Pre-Act are not exempt from import/export permit requirements; however, Pre-Act specimens may be possessed and transported within the U.S. without a permit (50 CFR 21.2(a)), including for

personal use. For most species, the Pre-Act date is 1918; however, you may provide justification for a different pre-Act date. You must provide documentation to support Pre-Act status, such as old records, photographs, or other available evidence. Within the U.S., Pre-Act items may be gifted but may not be purchased or sold (50 CFR 21.2(a)). A copy of the import permit and paperwork showing legal acquisition and import should remain with the specimen(s) at all times.

9. *Can I import migratory birds for art, fashion, or similar purposes?*

In most situations, no. However, artwork, fashion, and similar items with migratory birds may be imported provided legal acquisition and legal possession criteria are met. Legal possession criteria are most commonly met by applying for and obtaining Educational Use permit; however, the Educational Use application and permit requirements must be met, including public display requirements and conservation messaging. Public museums may qualify under the exception from a permit (50 CFR 21.12(b)(1)) if the museum has a scientific or conservation education purpose. A public museum without a clear conservation purpose (i.e. public art museum) may apply for an Educational Use permit for the display of specific artwork. All requirements for legally acquiring the migratory bird specimens or parts apply, including restrictions on purchase, barter, or sale.

10. *Can I import/export migratory birds I purchased?*

In most situations, no. If you have purchased a bird within the U.S., we cannot issue a Migratory Bird Import/Export permit. Purchase and sale of migratory birds within the jurisdiction of the U.S. is prohibited, except as authorized by permit or regulation. Permitted sale is restricted to live, captive bred birds including waterfowl (50 CFR 21.25), game birds (50 CFR 21.27), and raptors (50 CFR 21.30) that are properly marked. Birds may be purchased outside U.S. jurisdiction if the transaction takes place entirely outside the U.S. and is consistent with foreign law where the transaction is taking place.

11. *What will the permit conditions look like?*

Permits authorize individual shipments, specifying the date range, shipment destination, species (scientific name), type of specimen, and quantity of specimen. You may request a broader date range for multiple shipments. Permits specify species, type, and quantity (50 CFR 13.42). Permits may not be general authorizations.

12. *Where can shipments be imported and/or exported?*

All wildlife shipments must enter and exit the United States through a wildlife port designated in 50 CFR 14.12 unless you have a separate exception to designated port permit issued under 50 CFR Part 14. Be aware that migratory birds that are also protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Endangered Species Act, or the Wild Bird Conservation Act may require additional permits.

13. *Who should apply for the Migratory Bird Import/Export permit?*

Permits are issued to the individual or entity conducting the import and/or export. If you reside or are located outside the United States, U.S. contact information (name, address, phone number) must be provided. This can be an agent located in the U.S; however, an agent or taxidermist cannot be the permit holder unless they meet all issuance criteria, including demonstrating legal acquisition and legal possession of bird(s).

14. *Who are the personnel identified on my permit and what are they authorized to do?*

- (a) Principal Officer. For permits issued to organizations, a Principal Officer is identified on the permit; they are the permittee. The Principal Officer is the person in charge of the organization and is responsible for the application and any permitted activities. In the case of a Tribe this would generally be the Chairman or President or other leader of the tribal governing body.
- (b) Primary Contact. The Primary Contact is the person in the organization who is available to answer questions about the application or permitted activities. This person may be the same or different than the Principal Officer. The Primary Contact is not listed on the permit unless the individual is also listed as a subpermittee.
- (c) Subpermittee. A subpermittee is an individual authorized to conduct some or all of the permitted activities without the permittee present. You must identify any subpermittees in your application. Your subpermittees must have either a copy of your permit that identifies them as a subpermittee, or a copy of your permit and a letter from the Permittee (Principal Officer) listing activities (including location and duration) they are authorized to conduct.

15. *Will I be required to keep records of my activities?*

Yes. You must maintain accurate records of operations on a calendar-year basis. Your records should reflect the date, location, species, type, and quantity imported and/or exported. Such records shall be legibly written or reproducible in English and shall be maintained for five years from the date of expiration of the permit. (50 CFR 13.46)

16. Will anyone inspect my records or eagles held under a Federal Tribal Eagle Remains permit?

By accepting a Federal Migratory Bird permit, you authorize an agent of the Service to enter your premises at any reasonable hour to inspect your records. (50 CFR 13.47)

17. Will I be required to submit an annual report of activities?

No. There is no annual report requirement.

18. How do I renew my permit?

If you wish to renew your permit, you must submit a renewal application to your regional Migratory Bird Permit Office at least 30 days prior to the expiration of your permit. If you allow your permit to expire before requesting renewal, you may be required to submit a new application. (See 50 CFR 13.11(c) and 13.22))