



**U.S. Customs and
Border Protection**

JUN 13 2013

MEMORANDUM FOR: Directors, Field Operations

FROM: Acting Executive Director
Admissibility and Passenger Program

SUBJECT: Southern Border Overflight Exemption Guidance for General
Aviation Flights

(b) (6), (b) (7)(C)

Under Title 19 Code of Federal Regulations (CFR), Section 122.23, certain General Aviation (GA) aircraft (generally private and unscheduled charter aircraft) arriving from some areas south of the United States are required to land at certain designated airports for CBP processing, unless exempted from this requirement through an Overflight Exemption provided for in § 122.25.

Under the current Overflight Exemption process, aircraft operators may request an exemption from the designated landing requirements by petitioning the Port Director at the airport at which the majority of CBP overflight processing is desired. The request must generally include conveyance information, anticipated airports of departure and arrival, and anticipated pilot, crew, and passenger details. CBP has also required all operators of GA aircraft utilizing an Overflight Exemption to carry at least one approved passenger aboard arriving flights. Because pre-departure APIS vetting is accomplished systematically and thoroughly for all travelers aboard these flights, beginning June 17, 2013, CBP is making the following changes to the Overflight Exemption process.

Certain requirements for Overflight Exemption applications will be waived as a matter of CBP's enforcement discretion, pending revision of the applicable CBP regulations. Specifically, CBP will no longer enforce the following information requirements under section 122.25 for overflights:

- Names, addresses, Social Security numbers (if applicable), and dates of birth for all usual or anticipated passengers. (19 CFR § 122.25(c)(7));
- Name(s) of the airport(s) of intended first landing in the U.S. (19 CFR § 122.25(c)(10));
- Foreign place or places from which flight(s) will usually originate. (19 CFR § 122.25(c)(11)).

All Overflight Exemptions will now allow operators to overfly designated CBP airports – from all foreign points – to all airports where CBP services are normally available, *provided* the operator has complied with all other applicable CBP requirements – including APIS – and landing rights and permission to land have been granted by the receiving port of entry.

CBP will also no longer enforce the requirement that operators utilizing an Overflight Exemption carry one approved passenger (19 CFR 122.25(c)(7)) *provided* the operator has complied with all other applicable CBP requirements – including APIS – and landing rights and permission to land have been granted by the receiving port of entry. GA operators wishing to utilize an existing or newly granted Overflight Exemption will be allowed to arrive with no passengers; with passengers already listed within an existing Overflight Exemption; or with passengers not listed within an existing Overflight Exemption.

Attached please find a weekly muster outlining the changes to the Overflight Exemption process and an Overflight Exemption Letter template. Materials should be disseminated to all affected CBP personnel and the template and procedural changes should be utilized for all Overflight Exemptions issued or renewed after June 17, 2013. If you have any questions or require additional information, please have a member of your staff contact (b) (6), (b) (7)(C) Program Manager – General Aviation, at (b) (6), (b) (7)(C) or (b) (6)

Attachments

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