

General Information – Private Aircraft Arrivals into The United States

United States Customs and Border Protection (CBP) regulations governing landing requirements and procedures for aircraft arriving into the United States are listed in Title 19 of the Code of Federal Regulations (CFR), Part 122 – Air Commerce Regulations.

This document provides information regarding operator and pilot responsibilities, regulatory requirements, and other CBP expectations associated with private aircraft arrivals into the United States.

1. Pilot and Operator Responsibilities

Advance Passenger Information System (APIS) Manifest Transmissions

Under 19 CFR § 122.22, pilots of private aircraft are responsible for transmitting APIS manifest information that is correct, valid, accurate, complete, and transmitted within specified timeline requirements.

CBP permission to land must be secured through direct communication with the CBP port of arrival prior to departure from the foreign port or place after the transmission of the APIS manifest. If changes to an already transmitted APIS manifest are necessary, pilots of private aircraft are responsible for updating CBP. Tail number changes and/or traveler additions or substitutions require updated or amended APIS transmissions and direct confirmation or reconfirmation of CBP permission to land.

Previously secured permission to land and arrangements with CBP apply only to the previously transmitted manifest details.

Flight cancellations, changes to expected time of arrival (ETA), or changes in arrival location are the only amendments to an already transmitted manifest that may be communicated to the CBP port without the need to re-transmit APIS. Such changes must be coordinated directly with the CBP destination port and may be accomplished telephonically, by radio, or through any other existing processes and procedures.

The transmission of APIS manifests less than 60 minutes prior to departure, failure to transmit APIS manifests, or transmission of incorrect, invalid, inaccurate and/or incomplete manifest data may subject private aircraft pilots to penalty or other appropriate enforcement action.

Notice of Arrival

The transmission of a correct, valid, accurate, complete, and timely APIS manifest under § 122.22 fulfills the advance notice of arrival requirements of 19 CFR § 122.31 pertinent to private aircraft.

Note – the transmission of an APIS manifest does **NOT** satisfy the “Permission to Land” requirement. Please see the “Permission to Land” section of this document.

User Fee Compliance

Private Aircraft User Fee compliance is required through the purchase of a CBP Private Aircraft User Fee decal via the CBP Decal and Transponder Online Procurement System (DTOPS) at <https://dtops.cbp.dhs.gov>.

Overflight Exemptions

Pilots of private aircraft arriving from some areas south of the United States are required to provide an advance notice of arrival and land at certain designated airports listed in 19 CFR § 122.24(b) for U.S. CBP processing unless exempted from this requirement through an Overflight Exemption provided for in 19 CFR § 122.25. For more information regarding the Overflight Exemption application process, contact GAsupport@cbp.dhs.gov.

CBP Bond Requirements

While private aircraft operators generally do not require a CBP bond, in some cases (generally cargo processing operations), CBP Bond requirements and conditions set forth in 19 CFR Parts 113 and 122 may apply.

Permission to Land

The private aircraft pilot is responsible for securing permission to land *after* having successfully transmitted a compliant inbound APIS manifest. This may be achieved directly or through a third-party. For **ALL** international arrivals at **ALL** airports, pilots **MUST** contact the responsible CBP port of arrival directly to secure permission to land, better understand local operating procedures and requirements that may affect the flight, and confirm compliance with local procedures and port capacities.

Pilot Responsibilities When CBP is Not Present on Arrival

If an aircraft lands in the United States and CBP officers have not yet arrived to process the flight, the aircraft commander must hold the aircraft and any merchandise or baggage on the aircraft for inspection. Passengers and crewmembers may not depart from the airport but must be kept in a separate place until CBP officers authorize their departure from that place.

Auxiliary Power Unit (APU) Shut-Off Requirements

For small- to mid-size GA aircraft with an APU exhaust configured less than 8 feet off the ground, the APU must be powered down during CBP inspection and processing.

For aircraft equipped with an APU exhaust located on the fuselage 8 feet or higher from the ground, the APU may – at the discretion of the operator – remain powered and any electrical

systems served by the APU (navigational, comfort, safety, etc.) may remain powered as well. Only in cases of CBP enforcement actions will CBP officers require an APU shutdown for such configured aircraft.

The utilization of a Ground Power Unit (GPU) – at the discretion of the operator – is acceptable for all GA aircraft regardless of APU configuration.

2. CBP Processing

National Security

It is the policy of CBP to protect the United States of America from threats posed by terrorist organizations and to prevent terrorists as well as suspected terrorists, terrorist funding, weapons, and instruments, including Weapons of Mass Effects (WME), and their precursors from entering the United States.

Admissibility

It is the policy of CBP, consistent with the Immigration and Nationality Act (INA), to verify the identity and admissibility of persons seeking entry to the United States. Where there is a belief, based on an evaluation of available information, that a noncitizen may have ties to or present a threat related to terrorism, has criminality rendering him or her inadmissible, or is likely to add to the illegal population of the United States, the individual will be denied entry where there is a legal basis to do so.

Biological and Agricultural Terrorism/Threats

It is the policy of CBP, consistent with the authorities denoted in Section 4, to prevent biological and agricultural terrorism, and to protect America's economy and agricultural industries from harmful animal and plant diseases, pests and contaminants by enforcing agricultural laws and regulations.

Facilitation of Legitimate Trade and Travel

It is the policy of CBP, consistent with the authorities denoted in Section 4, to promote and facilitate the orderly, efficient flow of lawful trade and commerce, and to collect revenue. CBP is charged with stopping prohibited goods, narcotics and profits from crime from entering the United States. CBP shall enforce sanctions, deter the export of dangerous goods, combat illegal trade practices and prevent terrorist weapons and other illegal merchandise from entering the United States. Through professionalism and reasonable and responsible actions, we steadfastly enforce the laws of the United States while fostering our nation's economic security through the enforcement and facilitation of lawful international trade and travel.

Security and Protection of Personally Identifiable Information (PII)

The APIS manifest transmission is the virtual representation of the flight conveyance, owner, operator, and traveler details. As such it is the regulatory foundational basis for all associated processes and the routine submission or re-submission of APIS data through non-APIS channels is not supported or required.

- Routine fax transmissions to or from CBP – especially those consisting of redundant APIS data – are not to be required for Private Aircraft Arrival processing.
- No unnecessary or unsecured Personally Identifiable Information (PII) will be provided to, or requested by, CBP. In rare cases, when additional PII data outside of APIS is deemed necessary, the data will be secured and protected in accordance with the DHS *Handbook for Safeguarding Sensitive Personally Identifiable Information*.
- Communications between the pilot and CBP relating to processing and scheduling of flights at the ports of entry and departure will be facilitated primarily through APIS manifest transmissions – with telephonic (voice) communications and e-mail correspondence serving secondary functions for arrival and departure processing, as necessary.

3. United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Regulations and Requirements

Where applicable, a valid USDA Compliance Agreement is required to monitor and ensure proper de-catering and disposal of Regulated Garbage imported through the international arrival of General Aviation aircraft.

For more information regarding garbage generated onboard a conveyance, please refer to 7 CFR § 330.401. This section applies to garbage generated onboard any means of conveyance during international or interstate movements as provided in this section and includes food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on the means of conveyance.

This section also applies to meals and other food that were available for consumption by passengers and crew on an aircraft but were not consumed.

For more information regarding USDA Compliance Agreements, please refer to 9 CFR § 94.5 (e). A regulated garbage compliance agreement (RG CA) packet is a signed, written, legal agreement issued by PPQ to establishments that have been approved by APHIS to handle regulated garbage (RG). The PPQ Form 519 is used to formalize agreements with caterers,

haulers, processors, and other establishments responsible for handling or processing regulated garbage.

4. Special Arrival Circumstances

CBP GA Preclearance in Ireland and Aruba

If your flight is being precleared by CBP in Shannon, Ireland or Oranjestad, Aruba, permission to land and/or landing rights will be granted through the preclearance process by the CBP preclearance port. There is no need for you to coordinate permission to land with the domestic CBP port.

CBP Pre-Inspection in the United States Virgin Islands (USVI)

For flights leaving the USVI en route to other United States locations, GA aircraft operators are required to contact CBP in the USVI prior to departure. Aircraft cannot be moved from the U.S. Virgin Islands to other U.S. locations until CBP Agriculture Specialists (CBPAS) have:

- had the opportunity to inspect the aircraft,
- crew, and passengers, and
- the CBPAS has provided clearance for departure from the USVI.

5. CBP Enforcement

In general, penalty case actions are assessed against the pilot in command in the amount of \$5,000 for the first violation and \$10,000 for each subsequent violation. CBP utilizes a reasonable and responsible approach to General Aviation enforcement actions. Penalty proposals from the ports are assessed and researched by CBP Headquarters to ensure consistency and pilots are contacted directly to fairly assess the totality of the circumstances. Through this process, CBP strives to achieve compliance through communication in favor of penalty case initiation.

For additional information regarding the assessment and mitigation of penalties, please refer to “Customs Administrative Enforcement Process: Fines, Penalties, Forfeitures and Liquidated Damages” available at www.cbp.gov.

6. Need more information?

For questions, comments, or concerns regarding CBP General Aviation processing, please contact GAsupport@cbp.dhs.gov.