



PUBLIC BULLETIN

Number LA13-

Date: June 17, 2013

Subject: Changes to Southern Border BOE Process

PURPOSE:

To inform the General Aviation (GA) community of changes in procedures that have recently been made to the Southern Border Overflight Exemption (BOE) process. The changes to the process will affect the manner that the GA owners and operators apply for and receive approval of a BOE.

BACKGROUND:

Previously, GA owners and operators requesting a BOE to arrive from south of 30 degrees north latitude and overfly the first port-of-entry were required to supply CBP with substantive information on: Foreign airport-of-departure, intended first port-of-landing within the United States, passenger information, crew information along with Aircraft registration details and descriptions. Effective June 17, 2013 CBP no longer requires much of the previously mentioned requirements to receive a BOE. The changes listed below will outline those items that are no longer required when requesting a new BOE.

ACTION:

Beginning June 17, 2013, CBP will implement the following changes to the Southern Border Overflight process:

- 1) Certain requirements for BOE 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)).

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

All General Aviation operators utilizing a BOE must still abide by all other applicable CBP requirements and regulations, to include:

- the aircraft commander, operator, or authorized representative must still obtain landing rights approval or permission to land directly from the U.S. CBP port of arrival as applicable under 19 CFR §§ 122.12, 122.14, and 122.15 and must provide advance notice of arrival in accordance with 19 CFR § 122.31;
- a copy of the BOE letter must be maintained onboard the approved aircraft;
- only aircraft listed within the BOE letter may be utilized;
- only crewmembers listed within the BOE letter may be utilized;
- exempted aircraft must utilize a transponder that reports aircraft position and altitude (i.e., Mode C, Mode S);
- operators of exempted aircraft must fly in accordance with instrument flight rules (IFR); and
- operators of exempted aircraft must maintain altitudes above 12,500 feet mean sea level (unless otherwise instructed by Federal Aviation Administration controllers).

Questions regarding these procedures should be directed to Herb Godeau, CBP Landing Rights Supervisor, at (310) 348-4656.

Todd A. Hoffman
Area Port Director
Los Angeles International Airport