

## Overflight Exemption Process- Simplified

A border overflight exemption allows general aviation aircraft to overfly the first designated Airport of Entry (AOE) when arriving into the U.S. from below the 30th parallel in the eastern U.S., and below the 33<sup>rd</sup> parallel in the western U.S. This covers all flights from the Caribbean, Mexico, Central and South America, and French Polynesia.

All requests are now handled through CBP headquarters through the GA Support mailbox (GAsupport@cbp.dhs.gov) with no need to submit sensitive data through unsecure channels (mail, faxes, emails, etc.).

Be sure to review the Terms of Use below before making your request. Noncompliance with the terms of this Overflight Exemption or any other CBP requirements and regulations may become grounds for the cancellation and/or the denial of an Overflight Exemption and/or penalty case initiation.

In addition to reviewing and following the Terms of Use, it is suggested to provide answers to the following questions in your request:

*Can you please first describe your need for an Overflight Exemption? And also are you capable and prepared to comply with all the terms of use?*

### **Terms of Use**

#### *I. When utilizing this Overflight Exemption:*

- *an electronic or paper copy of this letter must be maintained onboard the utilized aircraft;*
- *a copy of this letter must be available upon arrival for CBP inspection;*
- *only approved aircraft capable of complying with regulatory flight behavior requirements may be utilized;*
- *only approved pilots and crew may be utilized;*
- *operators of 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).*

*II. All operators are required to transmit applicable Advance Passenger Information System (APIS) data for all travelers aboard General Aviation aircraft (commercial and private) arriving in or departing from the United States. With the transmission of complete, correct, valid and timely APIS data for all travelers aboard, the holder of this Overflight Exemption may utilize it to arrive:*

- *with no passengers;*
- *with passengers already listed within an existing overflight exemption; or*
- *with passengers not listed within an existing overflight exemption.*

*III. Through the terms of this Overflight Exemption the operator is authorized to overfly the designated CBP airports listed in 19 CFR § 122.24(b) – from any and all foreign points – to any airports where CBP services are normally available.*

*IV. 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.*

V. Any request to change or amend this application must be in writing. Such requests can be submitted to CBP Headquarters at [GA.Support@dhs.gov](mailto:GA.Support@dhs.gov).

VI. The holder of this Overflight Exemption must notify CBP immediately of theft, sale, or loss of operational control of any aircraft approved in this letter.

VII. Operators of aircraft utilizing an Overflight Exemption must comply with all other applicable CBP requirements and regulations. To the extent that the terms of this letter deviate from the requirements under 19 CFR §§ 122.25(c)(7), (10), and (11), this letter constitutes notice to the holder of this Overflight Exemption that CBP does not intend to enforce those requirements for flights covered by this letter, since the need for those specific requirements is mitigated by the provision of APIS data.

VIII. Noncompliance with the terms of this Overflight Exemption or any other CBP requirements and regulations may become grounds for the cancellation and/or the denial of an Overflight Exemption and/or penalty case initiation.

IX. Term renewal applications must be submitted at least 30 days prior to the expiration date.

X. Applications for changes or updates to an existing Overflight Exemption must be submitted at least 30 days prior to the first anticipated flight.

There are sometimes instances of mixed use of aircraft by mixed entities and the CBP remind operators that the entity (name) granted the Overflight Exemption must exactly match the entity (name) listed in the APIS manifest which must exactly match the entity (name) in any other supporting documentation or certificates.

Once an Overflight Exemption has been granted, utilization of the privilege begins with an APIS manifest, and since APIS is the virtual representation of the flight, the Operator name in APIS **must match** the Operator name in the Overflight Exemption letter which **must match** the Operator name in any other substantiating documents or certificates.



As long as all instances of the name match, everything is fine. Arriving without an approved Overflight Exemption when one is required or arriving with an Overflight Exemption granted to a name other than the operator of the flight in question (which is looked at as being the same as not having one at all) can lead to enforcement actions which can include but are not limited to Overflight Exemption revocation, denial of landing rights, penalty case initiation against the operator, and loss of Trusted Traveler status.

All criteria set forth on the border overflight exemption approval must be met to use it for the flight. If

utilizing a border overflight exemption, it should be listed in remarks section 18 on the ICAO flight plan, i.e. "Border Overflight Exemption approved per CBP". Without it, the flight must land at the first designated AOE.

These procedures are subject to change without warning. Be sure to verify the latest requirements and procedures with the CBP at [GAsupport@cbp.dhs.gov](mailto:GAsupport@cbp.dhs.gov).