

purposes, and the individual is the person to whom the travel document was issued.

[CBP Dec. 08-43, 73 FR 68310, Nov. 18, 2008]

§ 122.23 Certain aircraft arriving from areas south of the U.S.

(a) *Application.* (1) This section sets forth particular requirements for certain aircraft arriving from south of the United States. This section is applicable to all aircraft except:

(i) Public aircraft;

(ii) Those aircraft operated on a regularly published schedule, pursuant to a certificate of public convenience and necessity or foreign aircraft permit issued by the Department of Transportation, authorizing interstate, overseas air transportation; and

(iii) Those aircraft with a seating capacity of more than 30 passengers or a maximum payload capacity of more than 7,500 pounds which are engaged in air transportation for compensation or hire on demand. (See 49 U.S.C. App. 1372 and 14 CFR part 298).

(2) The term “place” as used in this section means anywhere outside of the inner boundary of the Atlantic (Coastal) Air Defense Identification Zone (ADIZ) south of 30 degrees north latitude, anywhere outside of the inner boundary of the Gulf of Mexico (Coastal) ADIZ, or anywhere outside of the inner boundary of the Pacific (Coastal) ADIZ south of 33 degrees north latitude.

(b) *Notice of arrival.* All aircraft to which this section applies arriving in the Continental United States via the U.S./Mexican border or the Pacific Coast from a foreign place in the Western Hemisphere south of 33 degrees north latitude, or from the Gulf of Mexico and Atlantic Coasts from a place in the Western Hemisphere south of 30 degrees north latitude, from any place in Mexico, from the U.S. Virgin Islands, or [notwithstanding the definition of “United States” in §122.1(1)] from Puerto Rico, must furnish a notice of intended arrival. Private aircraft must transmit an advance notice of arrival as set forth in §122.22 of this part. Other than private aircraft, all aircraft to which this section applies must communicate to CBP notice of arrival at least one hour before cross-

ing the U.S. coastline. Such notice must be communicated to CBP by telephone, radio, other method or the Federal Aviation Administration in accordance with paragraph (c) of this section.

(c) *Contents of notice.* The advance notice of arrival shall include the following:

(1) Aircraft registration number;

(2) Name of aircraft commander;

(3) Number of U.S. citizen passengers;

(4) Number of alien passengers;

(5) Place of last departure;

(6) Estimated time and location of crossing U.S. border/coastline;

(7) Estimated time of arrival;

(8) Name of intended U.S. airport of first landing, as listed in §122.24, unless an exemption has been granted under §122.25, or the aircraft has not landed in foreign territory or is arriving directly from Puerto Rico, or the aircraft was inspected by Customs officers in the U.S. Virgin Islands.

[T.D. 88-12, 53 FR 9292, Mar. 22, 1988, as amended at CBP Dec. 08-43, 73 FR 68312, Nov. 18, 2008]

§ 122.24 Landing requirements for certain aircraft arriving from areas south of U.S.

(a) *In general.* Certain aircraft arriving from areas south of the United States that are subject to §122.23 are required to furnish a notice of intended arrival in compliance with §122.23. Subject aircraft must land for CBP processing at the nearest designated airport to the border or coastline crossing point as listed under paragraph (b) unless exempted from this requirement in accordance with §122.25. In addition to the requirements of this section, pilots of aircraft to which §122.23 is applicable must comply with all other landing and notice of arrival requirements. This requirement shall not apply to those aircraft which have not landed in foreign territory or are arriving directly from Puerto Rico, if the aircraft was inspected by CBP officers in the U.S. Virgin Islands, or otherwise precleared by CBP officers at designated preclearance locations.

(b) *List of designated airports.* Private aircraft required to furnish a notice of intended arrival in compliance with

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§122.23 shall land for Customs processing at the nearest designated airport to the border or coastline crossing point as listed in this paragraph unless exempted from this requirement in accordance with §122.25. In addition to the requirements of this section, private aircraft commanders must comply with all other landing and notice of arrival requirements. This requirement shall not apply to private aircraft which have not landed in foreign territory or are arriving directly from Puerto Rico or if the aircraft was inspected by Customs officers in the U.S. Virgin Islands.

§ 122.25 Exemption from special landing requirements.

(a) *Request.* Any company or individual that has operational control over an aircraft required to give advance notice of arrival under §122.23 may request an exemption from the landing requirements in §122.24. Single overflight exemptions may be granted to entities involved in air ambulance type operations when emergency situations arise and in cases involving the non-emergency transport of persons seeking medical treatment in the U.S. All approvals of requests for overflight exemptions and the granting of authority to be exempted from the landing requirements are at the discretion of the port director. Exemptions may allow aircraft to land at any airport in the U.S. staffed by Customs. Aircraft traveling under an exemption shall continue to follow advance notice and general landing rights requirements.

(b) *Procedure.* An exemption request shall be made to the port director at the airport at which the majority of Customs overflight processing is desired by the applicant. Except for air ambulance operations and other flights involving the non-emergency transport of persons seeking medical treatment in the U.S., the requests shall be signed by an officer of the company or by the requesting individual and be notarized or witnessed by a Customs officer. The requests shall be submitted:

(1) At least 30 days before the anticipated first arrival, if the request is for an exemption covering a number of flights over a period of one year, or

(2) At least 15 days before the anticipated arrival, if the request is for a single flight, or

(3) In cases involving air ambulance operations when emergency situations arise and other flights involving the non-emergency transport of persons seeking medical treatment in the U.S., if time permits, at least 24 hours prior to departure. If this cannot be accomplished, Customs will allow receipt of the overflight exemption application up to departure time. In cases of extreme medical emergency, Customs will accept overflight exemption requests in flight through a Federal Aviation Administration Flight Service Station.

Location	Name
Beaumont, Tex	Jefferson County Airport.
Brownsville, Tex ..	Brownsville International Airport.
Calexico, Calif	Calexico International Airport.
Corpus Christi, Tex.	Corpus Christi International Airport.
Del Rio, Tex	Del Rio International Airport.
Douglas, Ariz	Bisbee-Douglas International Airport.
Douglas, Ariz	Douglas Municipal Airport.
Eagle Pass, Tex ..	Eagle Pass Municipal Airport.
El Paso, Tex	El Paso International Airport.
Fort Lauderdale, Fla.	Fort Lauderdale Executive Airport.
Fort Lauderdale, Fla.	Fort Lauderdale-Hollywood International Airport.
Fort Pierce, Fla	St. Lucie County Airport.
Houston, Tex	William P. Hobby Airport.
Key West, Fla	Key West International Airport.
Laredo, Tex	Laredo International Airport.
McAllen, Tex	Miller International Airport.
Miami, Fla	Miami International Airport.
Miami, Fla	Opa-Locka Airport.
Miami, Fla	Tamiami Airport.
Midland, TX	Midland International Airport.
New Orleans, La ..	New Orleans International Airport (Moissant Field).
New Orleans, La ..	New Orleans Lakefront Airport.
Nogales, Ariz	Nogales International Airport.
Presidio, Tex	Presidio-Lely International Airport.
San Antonio Tex ..	San Antonio International Airport.
San Diego, Calif ..	Brown Field.
Santa Teresa, N. Mex.	Santa Teresa Airport.
Tampa, Fla	Tampa International Airport.
Tucson, Ariz	Tucson International Airport.
West Palm Beach, Fla.	Palm Beach International Airport.
Wilmington, NC	New Hanover County Airport
Yuma, Ariz	Yuma International Airport.

[T.D. 88-12, 53 FR 9292, Mar. 22, 1988, as amended by 89-2, Dec. 21, 1988; T.D. 89-2, 53 FR 51272, Dec. 21, 1988; T.D. 89-44, 54 FR 14214, Apr. 10, 1989; T.D. 93-67, 58 FR 44444, Aug. 23, 1993; T.D. 94-34, 59 FR 16122, Apr. 6, 1994; T.D. 97-35, 62 FR 24815, May 7, 1997; CBP Dec. 08-01, 73 FR 12262, Mar. 7, 2008; CBP Dec. 08-43, 73 FR 68312, Nov. 18, 2008]