

IMPORTANT UPDATE IN ENTRY REQUIREMENTS FOR TRAVEL FROM THE CARIBBEAN

In light of the extraordinary circumstances that now exist in Haiti, U.S. Customs and Border Protection and the Department of Homeland Security are writing to remind pilots of private aircraft of the obligations that exist to screen all passengers prior to boarding flights to the United States. As defined in Title 19 of the Code of Federal Regulations (CFR), pilots of private aircraft are required to electronically transmit passenger and crew manifest information for all flights arriving in to or departing from the United States. Pilots of private aircraft are also obliged to take reasonable steps to prevent the boarding of improperly documented aliens at Toussaint Louverture International Airport in Port-au-Prince, Haiti and any other ports of embarkation in Haiti as well as third countries.

As part of the U.S. government's ongoing support of international recovery efforts after last week's earthquake, CBP is taking every step possible to ensure proper screening procedures are followed to protect the safety and well-being of children impacted by the earthquake in Haiti.

Appropriate screening for unaccompanied children will help identify and protect victims of human trafficking as well as ensure the integrity of the adoption process.

United States Citizens

- At this time, the Department of State is providing travel or boarding letters or printouts of passport information for citizens of the United States not in possession of a United States passport where possible.
- Pilots must take steps to include confirmation that the traveler bears a valid United States passport or other documentary proof of United States citizenship provided by United States government agencies.
- Pilots shall confirm that the traveler bears a valid United States passport or other documentary proof of United States citizenship provided by United States government agencies working in Haiti or a third country.

Non-U.S. Citizens

- Pilots are obliged to take reasonable steps to prevent the boarding of improperly documented aliens at Toussaint Louverture International Airport in Port-au-Prince, Haiti and any other ports of embarkation in Haiti or from a third country.
- Pilots are responsible to verify that the bearer is the rightful holder of the document(s) presented and that the document(s) are valid for entry into the United States.
- Non-U.S. citizens must be in possession of an appropriate travel/boarding document or otherwise cleared with the Department of Homeland Security to allow boarding.
- Pilots must ensure screening of passengers prior to boarding and examination of their travel documents to ensure that, in the case of aliens, the passport/travel document is valid for entry into the United States and that the bearer is the rightful holder and is in possession of a visa, if required.
- Documentation includes visa, boarding letter, advance parole, evidence of urgent humanitarian parole for medivac or other emergent reasons.
- If appropriate documentation for entry to the United States is not in an alien's possession, pilots should not board him/her for flights bound for the United States.
- In the event that a pilot determines that an alien seeking to board a flight bound for the United States is not properly documented, the pilot is obliged to refuse to board him/her.
- Although DHS may use discretion to mitigate/waive, on a case by case basis, penalties associated with INA section 273(a)(1) for "bringing an alien without a valid unexpired entry document," it is critical that pilots continue to conduct their screening responsibilities to ensure aviation security, the safety of travelers, and security of U.S. borders is not compromised.

For specific questions regarding documentary requirements into the United States pilots of private aircraft may consult the Carrier Information Guide available online at www.CBP.gov.

This screening requirement is, under existing regulations and policies, in addition to the requirement that pilots of private aircraft must electronically transmit passenger and crew manifest information, including Advanced Passenger Information System (APIS) data for all flights between the United States and Haiti, or into the United States from a third country where the flights or passengers are participating in relief or other transportation efforts related to the earthquake in Haiti. Consistent with existing procedures, pilots of private aircraft must notify the port of arrival in the event that extenuating circumstances prevent the pilot from providing the required manifest information.

APIS Requirements

- Pilots of private aircraft are required to electronically transmit passenger and crew manifest information, pursuant to 19 CFR 122.22, for all flights arriving in to or departing from the United States.
- Under extenuating or emergent situations, pilots of private aircraft should make every effort to transmit complete APIS information to allow for advance screening and to facilitate the processing of travelers arriving in to or departing from the United States.
- CBP has procedures in place to accommodate private aircraft pilots that cannot transmit APIS due to circumstances beyond their means.
- The private aircraft pilot must notify the port of arrival of the extenuating circumstances or the system failure and identify the affected flight(s).

For specific questions regarding APIS for private aircraft flights, please email Private.Aircraft.Support@dhs.gov

Permission to Land and Landing Rights Requirements

- Prior to departure from the foreign port or place, the pilot of a private aircraft must receive an electronic clearance message from DHS approving departure for the United States, and follow any instructions contained therein prior to departure.
- Pilots of private aircraft are reminded to carry out all instructions contained in the electronic clearance message, which may include a requirement to contact the CBP port of arrival to obtain permission to land or landing rights.
- Once DHS has approved departure, and the pilot of the private aircraft has executed all instructions issued by DHS, the aircraft is free to depart with the intent of landing at the designated U.S. port of entry.