



# HANDLING U.S. CUSTOMS & BORDER PROTECTION ISSUES

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# CBP AUTHORITIES

- 19 USC 1644(a), 8 USC 1223, 8 USC 1224, 6 USC 23
- **19 CFR § 122.11 Designation as international airport.**
  - (a) Procedure.** International airports, as defined in § 122.1(e), will be designated after due investigation to establish that sufficient need exists in any port to justify such designation and to determine the airport best suited for such purpose. In each case, a specific airport will be chosen. International airports will be publicly owned, unless circumstances require otherwise
  - (b) Withdrawal of designation.** The designation as an international airport may be withdrawn for any of the following reasons:
    - (1)** The amount of business clearing through the airport does not justify maintenance of inspection equipment and personnel;
    - (2) Proper facilities are not provided or maintained by the airport;**
    - (3)** The rules and regulations of the Federal Government are not followed; or
    - (4)** Some other location would be more useful.
  - (c) Providing office space to the Federal Government.** Each international airport shall provide, without cost to the Federal Government, proper office and other space for the sole use of Federal officials working at the airport. A suitable paved loading area shall be supplied by each airport at a place convenient to the office space. The loading area shall be kept for the use of aircraft entering or clearing through the airport.

# CBP AUTHORITIES

- **19 CFR § 122.14 Landing rights airport.**

(a) **Permission to land.** Permission to land at a landing rights airport may be given as follows:

(1) **Scheduled flight.** The scheduled aircraft of a scheduled airline may be allowed to land at a landing rights airport. Permission is given by the director of the port, or his representative, at the port nearest to which first landing is made.

(i) **Additional flights, charters or changes in schedule - Scheduled aircraft.** If a new carrier plans to set up a new flight schedule, or an established carrier makes changes in its approved schedule, landing rights may be granted by the port director.

(ii) **Additional or charter flight.** If a carrier or charter operator wants to begin operating or to add flights, application must be made to the port director for landing rights. All requests must be made not less than 48 hours before the intended time of arrival, except in emergencies. If the request is oral, it must be put in writing before or at the time of arrival.

(2) **Private aircraft.** The pilots of private aircraft are required to secure permission to land from CBP following transmission of the advance notice of arrival via an electronic data interchange system approved by CBP, pursuant to § 122.22. Prior to departure as defined in § 122.22(a), from a foreign port or place, the pilot of a private aircraft must receive a message from CBP that landing rights have been granted for that aircraft at a particular airport.

(3) **Other aircraft.** Following advance notice of arrival pursuant to § 122.31, all other aircraft may be allowed to land at a landing rights airport by the director of the port of entry or station nearest the first place of landing.

**(4) Denial or withdrawal of landing rights.** Permission to land at a landing rights airport may be denied or permanently or temporarily withdrawn for any of the following reasons:

(i) Appropriate and/or sufficient Federal Government personnel are not available;

(ii) Proper inspectional facilities or equipment are not available at, or maintained by, the requested airport;

(iii) The entity requesting the landing rights has a history of failing to abide by appropriate instructions given by a CBP officer;

(iv) Reasonable grounds exist to believe that applicable Federal rules and regulations pertaining to safety, including cargo safety and security, CBP, or other inspectional activities may not be adhered to; or

(v) CBP has deemed it necessary to deny landing rights to an aircraft.

(5) **Appeal of denial or withdrawal of landing rights for commercial scheduled aircraft as defined in section 122.1(d).** In the event landing rights are denied or subsequently permanently withdrawn by CBP, within 30 days of such decision, the affected party may file a written appeal with the Assistant Commissioner, Office of Field Operations, Headquarters.

(6) **Emergency or forced landing.** Permission to land is not required for an emergency or forced landing (covered under § 122.35).

(b) **Payment of expenses.** In the case of an arrival at a location outside the limits of a port of entry, the owner, operator or person in charge of the aircraft must pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given (see §§ 24.17 and 24.22(e) of this chapter).

(c) **Payment of expenses.** In the case of an arrival at a location outside the limits of a port of entry, the owner, operator or person in charge of the aircraft shall pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given (see § 24.17 and 24.22(e) of this chapter).

(d) **Denial or withdrawal of landing rights.** Permission to land at a landing rights airport may be denied or withdrawn for any of the following reasons:

(1) Appropriate and/or sufficient Federal Government personnel are not available;

(2) Proper inspectional facilities or equipment are not available at, or maintained by, the requested airport;

(3) The entity requesting services has failed to abide by appropriate instructions of a Customs officer;

(4) Advance cargo information has not been received as provided in § 122.48a;

(5) Other reasonable grounds exist to believe that Federal rules and regulations pertaining to safety, including cargo safety and security, and Customs, or other inspectional activities have not been followed; or

(6) The granting of the requested landing rights would not be in the best interests of the Government.

(e) **Appeal of denial or withdrawal.** In the event landing rights are denied or withdrawn by the port director, a written appeal of the decision may be made to the Assistant Commissioner, Office of Field Operations, Headquarters.

# AIRPORT TECHNICAL DESIGN STANDARDS

## 1.2.6 Alternate or Equivalent Means, Exceptions, and Deviations

As a general matter, CBP recognizes the need for flexibility in the planning of proposed design requirements on a port-by-port basis. In the event that certain constraints or operational requirements require an alternate or equivalent means, exception, or deviation to this Standard for a particular airport facility project, a proposal should be submitted by the FOF PMO PM to the FOF PMO Program Controls Branch. The FOF PMO will review and consider the proposal as a project Change Request (CR) in adherence with the FOF Project Change Management Process (FOF-0300-CMP). The FOF Project Change Management Process is an internal process specific to the FOF PMO. The OPR Security Management Division (SMD) must also conduct a review and approve any request to ensure there are no compromises of any security measures or requirements. Any reviews from stakeholders must be submitted by the PM with the CR in adherence with the stakeholders' review and approval protocols.

The proposal may be requested and prepared by the FOF PMO PM, AO, other facility stakeholders, or an A/E consultancy. The proposal shall address its impact on the pertinent characteristics of the airport facility, including but not limited to operational efficiency, space configurations, passenger facilitation, officer and public safety, and physical security. The proposal shall not compromise security, safety, or CBP operations. Proposals will be evaluated based on the number of preferred criteria that are included in the proposal.

The FOF Approval Authorities as outlined in the FOF Project Change Management Process will make final CBP approval determinations regarding all requests for alternative or equivalent means, exceptions, and deviations to this Standard and forward such determination to the FOF PMO PM for distribution to the AO and other relevant parties.

## THANK YOU & QUESTIONS

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