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Major change for landing rights permission

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DHS has responded in a positive manor regarding several issues. Go to the "eAPIS FAQ and More" Menu to see more. This information is being posted in the General Access area for non-members to review

In an important breakthrough, DHS indicated that in some cases, a call to the intended US Port of Entry when entering the US from a foreign country might not be necessary. In reviewing my letter to DHS several weeks ago and their response, it is very apparent that DHS, when seeing a major problem, will try to make positive corrections to make it work. Prior to this change, DHS was firm that the pilot had to call his intended US AOE on the day of arrival to confirm landing rights.

The following is an exert from my letter to DHS regarding eAPIS FAQ which is at the top of page four.

**Item 6 My concern that a call to an AOE might not be answered:**

That there is assurance that calls to the port of entry will be answered

*There is still a major problem that even if we have the correct telephone number and the port is staffed, the call might not be answered. This is primarily caused because there might be only one officer at the port and he/she could be on the ramp checking in an aircraft or, having lunch, etc. And when there is more than one officer at a port, many times both officers will come out to do the inspection which again leaves the phone unanswered.*

*And if the port is not staffed, the phone will ring with no response.*

*We have made several suggestions including that all calls be made to a district office which is staffed 24/7 as well as one national number for requesting permission. We have been told that this was not possible.*

*Another solution would be to indicate on your website under Port Information that if the phone is not answered at the airport, call the General Phone number however, you must remember that these calls are made from third world countries and making one call can be hard, the second is sometimes much harder.*

*I have provided a "snapshot" of what the information you provide.*

*Please note that there is a telephone number listed for the "Facilities and Crossing", Nogales International Airport however there is no direction as to who to call if the airport telephone is not answered.*

*I did call Nogales Airport at 4:00 A.M. this morning and the telephone was not answered. I then called the General Information Service Port number and the call was answered. I questioned the person who answered as to if I could request landing rights from that number and she indicated that yes, when no one is at the airport, I should call the main port office.*

*I asked her if this was the standard operating procedure with all the Districts and she indicated that she did not know however, that is how her District operated. (it was a very pleasant conversation, her name was Officer Ortiz)*

*The best solution would be that all (airport) Port telephones were set up so that after a certain number of rings, the call would transfer to the district office where there are people there 24/7. This is simple and would take care of a major concern.*

This was a point of major discussion. It was agreed that this needed attention and change. DHS is looking at several solutions. One would be that DHS sets up a national number for requesting landing rights if your Port of Entry is closed. Another would be to provide the number that you can call within the District that the port is located that is staffed 24/7. And the last solution which I am pushing for is that if you call your chosen Port of Entry and the phone is not answered, after a predetermined number of rings, the call transfers to a telephone within the District that the port is located that is staffed 24/7. Under review and development

In a follow up email today, DHS indicates:

*Jack,*

*Communication with the CBP ports to request landing rights and or permission to arrive must be made through some form and practice acceptable to the port.*

*There are times when a phone call is mandated by the port. To say that a telephone call is not necessary is incorrect. In some cases, it is necessary. In some cases, it is not.*

*Your ending statement to, "do your eAPIS, file your flight plan, takeoff, open your plan via radio, amend your arrival time via radio, and you are home free," is not correct or applicable to all ports.*

*Pilots should always check with the port to understand landing rights and arrival policies that may change from port to port because of airport designation, staffing considerations, port policies, etc.*

*Hope this helps,*

*Michelle Bernal*

*National APIS Account Manager  
Office of Field Operations*

And on another subject, Rick Asper, BBP Member and Chairman of the Aviation Professional Group based in Fort Lauderdale asked for clarification of penalties for violation of eAPIS requirements

**DHS responded as follows:**

*As you indicated, the purpose of the private air APIS regulations is to enhance U.S. security. While we are dedicated to enforcing the laws of the U.S., we are also committed to facilitating legitimate trade and travel. CBP Headquarters guidance to the field has indicated that all penalty proposals will be directed to our office and there*

*must be approval from our office prior to issuance of any penalties. We are aware that there will be some initial 'growing pains' and are devoted to reasonable and responsible enforcement of the regulations.*

*Regards,*

*Michelle Bernal*

*National APIS Account Manager*

With the major change regarding requesting landing rights put to bed, we are working to see the additional changes that DHS is in the process of reviewing.

As these changes come down, eAPIS will become much more "user friendly" for us to accept and use.