

# Do I need a TSA Waiver for a flight to the US?

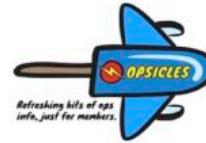
David Mumford  
25 September, 2024



If you're heading to the US and are trying to work out whether you need a TSA Waiver for your flight, we have an Opsicle to help with that.

# The TSA Waiver Opsicle

## It's not that complicated (but they try hard)



This is the original source of the TSA Waiver rules which for some reason is issued in the form of a NOTAM and with the clear aim of being an incomprehensible as possible. **Let's fix that!**

FDC 64255 ZZZ SPECIAL SECURITY INSTRUCTIONS FOR CIVIL 1) FILE AND ARE ON AN ACTIVE FLIGHT PLAN (IFR OR VFR); 2) ARE EQUIPPED WITH AN OPERATIONAL MODE C OR TRANSPONDER, AND CONTINUOUSLY SQUAWK AN ATC ASSIGNED TRANSPONDER CODE; 3) MAINTAIN TWO-WAY COMMUNICATIONS WITH ATC; 4) AIRCRAFT NOT REGISTERED IN THE U.S. MUST OPERATE UNDER AN APPROVED TRANSPORTATION SECURITY ADMINISTRATION (TSA) AVIATION SECURITY PROGRAM OR IN ACCORDANCE WITH AN FAA/FAA AIRSPACE WAIVER; 5) ARE IN RECEIPT OF AND ARE OPERATING IN ACCORDANCE WITH AN FAA ROUTING AUTHORIZATION AND AN FAA/FAA AIRSPACE WAIVER IF THE AIRCRAFT IS REGISTERED IN A U.S. STATE DEPARTMENT-DESIGNATED SPECIAL INTEREST COUNTRY OR IS OPERATING WITH THE ICAO THREE LETTER DESIGNATOR OF A COMPANY IN A COUNTRY LISTED AS A U.S. STATE DEPARTMENT-DESIGNATED SPECIAL INTEREST COUNTRY, UNLESS THE OPERATOR HOLDS VALID FAA PART 129 OPERATIONS SPECIFICATIONS, FAA ROUTING AUTHORIZATION FOR OPERATIONS WITHIN U.S. TERRITORIAL AIRSPACE BY AIRCRAFT DESCRIBED IN THIS SUBPARAGRAPH C5 WILL ONLY BE GRANTED FOR IFR OPERATIONS. VFR FLIGHT OPERATIONS ARE PROHIBITED WITHIN U.S. TERRITORIAL AIRSPACE FOR ANY AIRCRAFT REQUIRING AN FAA ROUTING AUTHORIZATION; AND 6) AIRCRAFT NOT REGISTERED IN THE U.S. WHEN CONDUCTING POST-MAINTENANCE, MANUFACTURER, PRODUCTION, OR ACCEPTANCE FLIGHT TEST OPERATIONS, MUST MEET ALL OF THE FOLLOWING REQUIREMENTS: A) A U.S. COMPANY MUST HAVE OPERATIONAL CONTROL OF THE AIRCRAFT; B) A FAACERTIFIED PILOT MUST SERVE AS PILOT IN COMMAND; C) ONLY CREWMEMBERS ARE PERMITTED ONBOARD THE AIRCRAFT; AND D) MAINTENANCE FLIGHT IS INCLUDED IN THE REMARKS SECTION OF THE FLIGHT PLAN. PART II CIVIL AIRCRAFT OPERATIONS THAT TRANSIT U.S. TERRITORIAL AIRSPACE A. CIVIL AIRCRAFT, EXCEPT THOSE OPERATING IN ACCORDANCE WITH PARAGRAPHS B, C, D, OR E OF THIS PART II, ARE AUTHORIZED TO TRANSIT THE TERRITORIAL AIRSPACE OF THE U.S. IF IN COMPLIANCE WITH ALL OF THE FOLLOWING CONDITIONS: 1) FILE AND ARE ON AN ACTIVE FLIGHT PLAN (IFR OR DVFR); 2) ARE EQUIPPED WITH AN OPERATIONAL MODE C OR TRANSPONDER AND CONTINUOUSLY SQUAWK AN ATC ASSIGNED TRANSPONDER CODE; 3) MAINTAIN TWO-WAY COMMUNICATIONS WITH ATC; 4) ARE OPERATING UNDER AN APPROVED TSA AVIATION SECURITY PROGRAM OR ARE OPERATING WITH AND IN ACCORDANCE WITH AN FAA/FAA AIRSPACE WAIVER; IF (A) THE AIRCRAFT IS NOT REGISTERED IN THE U.S. OR (B) THE AIRCRAFT IS REGISTERED IN THE U.S. AND ITS MAXIMUM TAKEOFF GROSS WEIGHT IS GREATER THAN 100,309 POUNDS (45,500 KGS); 5) ARE IN RECEIPT OF AND ARE OPERATING IN ACCORDANCE WITH AN FAA ROUTING AUTHORIZATION IF THE AIRCRAFT IS REGISTERED IN A U.S. STATE DEPARTMENT-DESIGNATED SPECIAL INTEREST COUNTRY OR IS OPERATING WITH THE ICAO THREE LETTER DESIGNATOR OF A COMPANY IN A COUNTRY LISTED AS A U.S. STATE DEPARTMENT-DESIGNATED SPECIAL INTEREST COUNTRY, UNLESS THE OPERATOR HOLDS VALID FAA PART 129 OPERATIONS SPECIFICATIONS, FAA ROUTING AUTHORIZATION FOR TRANSIT OF U.S. TERRITORIAL AIRSPACE BY AIRCRAFT SUBJECT TO THIS PART II SUBPARAGRAPH AS WILL ONLY BE GRANTED FOR IFR OPERATIONS. DVFR AND VFR FLIGHT OPERATIONS ARE PROHIBITED FOR ANY AIRCRAFT TRANSITING U.S. TERRITORIAL AIRSPACE REQUIRING AN FAA ROUTING AUTHORIZATION. B. CIVIL AIRCRAFT REGISTERED IN CANADA OR MEXICO, AND ENGAGED IN OPERATIONS FOR THE PURPOSES OF AIR AMBULANCE, FIRE FIGHTING, LAW ENFORCEMENT, SEARCH AND RESCUE, OR EMERGENCY EVACUATION ARE AUTHORIZED TO TRANSIT U.S. TERRITORIAL AIRSPACE WITHIN 50 NM OF THEIR RESPECTIVE BORDERS WITH THE U.S. WITH OR WITHOUT AN ACTIVE FLIGHT PLAN, PROVIDED THEY

### Break it down for me

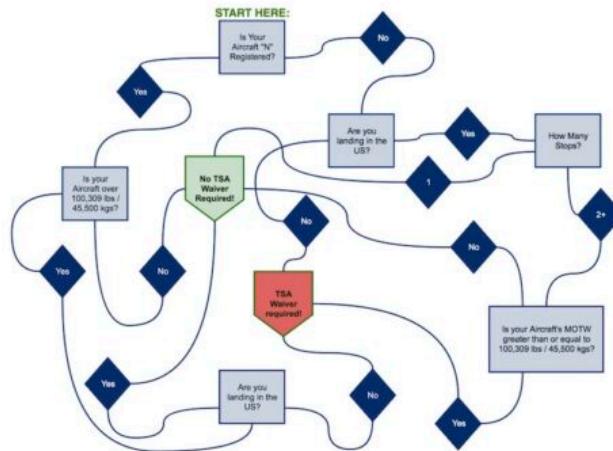
The TSA want to know **who is coming to, or overflying the US**, for security reasons. If they are comfortable with your flight, you get a **TSA Waiver**. It takes 7 days to get one – on occasion, less.

### Who needs one?

Foreign registered aircraft over 100K lbs making **2 or more stops** in the US need a TSA Waiver.

All **overflights** over 100K lbs need one – and that includes N-reg. If you are foreign registered and overflying, you need one regardless of size. One single exception: If overflying with an aircraft under 100K lbs registered in a **Portal Country\***, and the flight is from one of those countries, then you're good.

\* Canada, Mexico, Bahamas, Bermuda, British Virgin Islands, and Cayman Islands.



### A few extra things...

You need to carry the **hard copy** onboard. It is only valid for **90 days**. Don't forget to include anyone **who may be onboard** when you file your initial request. You can file your request [here](#), and get more info [here](#).

Click to download PDF.

**OPSGROUP members** can download a copy for free [here](#).

If you're not an OPSGROUP member, but you'd like to be, you can join [here](#).

### Let's start with the basics

Here is the TSA Waiver site. This is where you **submit your requests**.

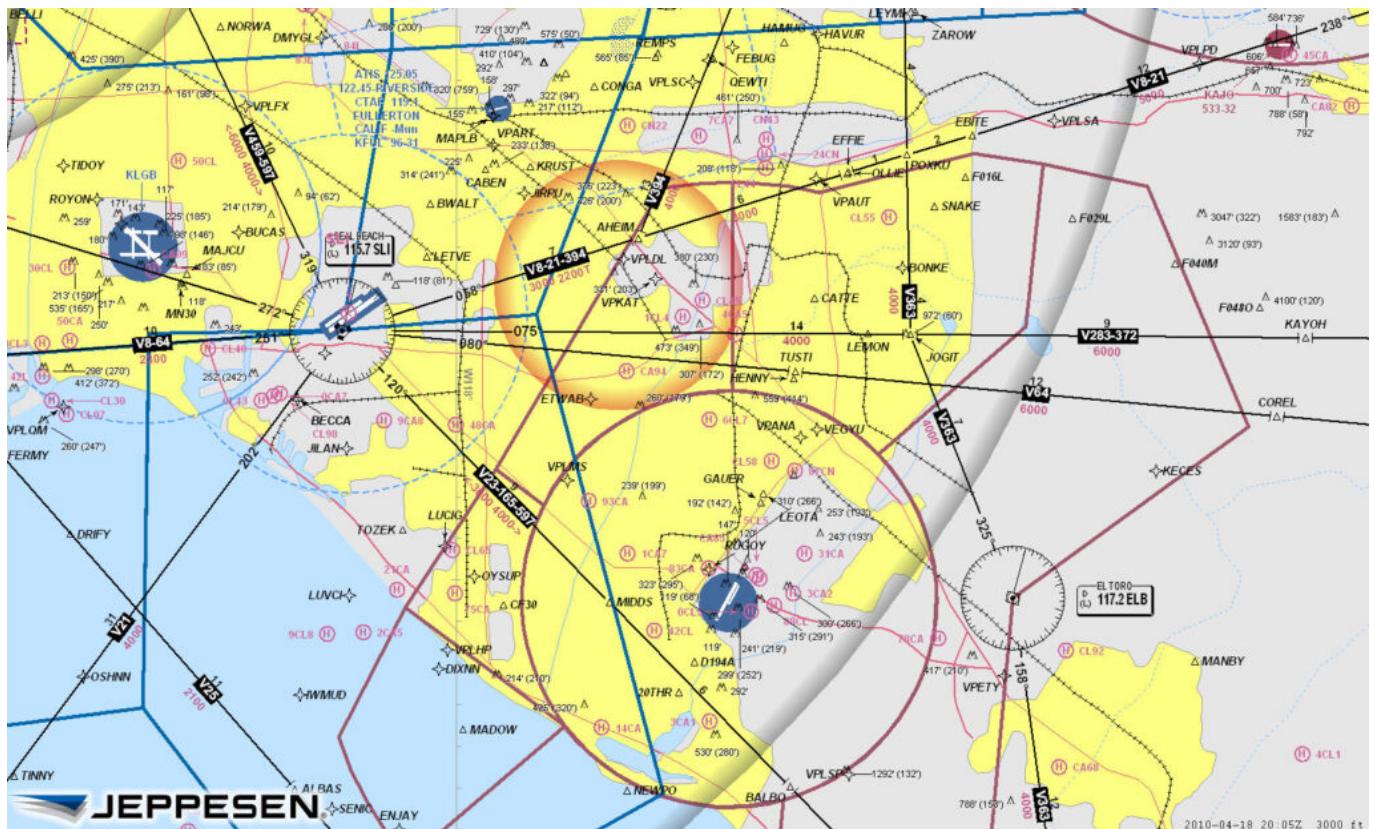
And here is the TSA site on waivers. This is where you can **find info on Waivers**.

### Which Waiver is Right for You?

There are a few types. You have your Disney Theme Park, Washington DC Special Flight Rules Area/Flight

Restricted Zone, Major Sporting Events and Special Events Waivers.

And then you have your International Waivers which include International Air Ambulance, No Transponder and **International Single Trip Waivers** – this last one is what we're interested in.



The Disney Zone

## The Guidance

International Waivers are required for 'various aircraft to fly within US airspace, which includes the airspace above the United States and its territories'.

Whether you need one depends on your **aircraft size, where it is registered and where you're coming from**.

## Flying to and from the US

International TSA Waivers are not required for any aircraft arriving to or departing from the US or its territories. So this applies if you only make one stop in the US (i.e. you fly in and straight back out again).

## Flying within US airspace

Planning to make more than one stop in the US? You'll need an International Waiver if you do this in a foreign registered aircraft which is heavier than 100,309 pounds MTOW (45,500 kg).

But, since most private aircraft generally fit under this weight limit, **you probably don't need one**.

 Bombardier Global Express  
**92,500 lb**

 Pilatus PC-24  
**18,300 lb**

 Honda HA-420 HondaJet  
**10,600 lb**

 Dassault Falcon 8X  
**73,000 lb**

 Gulfstream G500  
**79,600 lb**

 Cessna Citation X  
**36,600 lb**

 Gulfstream G550  
**91,000 lb**

 Bombardier Challenger 300  
**38,850 lb**

 Embraer Legacy 600  
**49,600 lb**

Most Bizjets are under the weight restriction.

## Overflying the US

OK, here we go, the bit to know – this is for when you take off and land somewhere not in the US or its territories, and overfly the US in between.

**If your aircraft weighs 100,309 lbs MTOW or more:** you need a Waiver, even if your aircraft is US registered.

**If your aircraft weighs less than 100,309 lbs MTOW:** US registered aircraft do not need one. If you are foreign registered and overflying, you do need one – unless your aircraft is registered in a “Portal Country”, and is flying directly from any one of these (prior to entering US airspace).

### The Portal Countries:

- Canada
- Mexico
- Bahamas
- Bermuda
- Cayman Islands
- British Virgin Islands

## Special Interest Countries

The black sheep of the World of Waivers. Probably the easiest category to work out the rules for. **You'll need an International Waiver for everything** – ops to, from, within and over the US, if your aircraft is registered in one of these countries. The list currently includes: **Cuba, Iran, North Korea, China, Russia, Sudan, and Syria.**

### To recap...

**Landings:** Foreign registered aircraft over 100K lbs making 2 or more stops in the US need a Waiver.

**Overflights:** All overflights over 100K lbs need one – and that includes N-reg. If you are foreign registered and overflying, you need one regardless of size. There's one single exception: If overflying with an aircraft under 100K lbs registered in a Portal Country, and the flight is from any of those countries, then you're good.

**Special Interest Countries:** Aircraft registered in these need a Waiver for everything – ops to, from,

within and over the US.

## Where is this officially written?

There were some official, permanent Notams published back in 2016. **FDC 6/4255 and FDC 6/4256 (KFDC A0006/15 and A0006/16)**. These have vanished though and we can't find any replacements.

The best spot to read it (officially) seems to be in the AIM Chapter 5 (*Air Traffic Procedures*), Section 6 (*National Security and Interception Procedures*), and take a look at 5-6-7 for the stuff on transiting US airspace.

## How to get it and what to do with it.

You need to submit your request to the Authorization Office here. It is recommended that you submit your request **at least 7 days before** your planned flight to the US.

When you apply, don't forget to include all those who may be onboard in your request.

Once you have it, it is only **valid for 90 days**. You need to **carry the hard copy** onboard with you.

## Any other things to know?

If you do operate over US airspace then you need to stick to their rules which also require that you:

- Use an active VFR or IFR flight plan
- Be equipped with a Mode C or S transponder and use an ATC-assigned transponder code
- Communicate clearly with ATC

## Any other gotchas?

A couple, as reported by an OPSGROUP member:

**Watch your weight:** One in particular issue I have seen a few times is that of Private Global 7500s. Most owners of this aircraft are usually stepping up from a previous version like the Global 6000 series. Many fail to recognize that this step up has a significant impact on their US TSA requirements. I think most miss the weight class change and simply think of the aircraft as a Global XRS with better range. The implications of not having a valid waiver can be significant.

**Validity period:** A waiver can be valid for "up to 90 days" with the required dates being set during the initial application. A waiver may be modified up to three times with the end date being fixed (i.e. the end date on the original application must remain the same for each subsequent modification). There is a caveat I should mention regarding the number of allowed modifications, being that this is only valid within a calendar year.

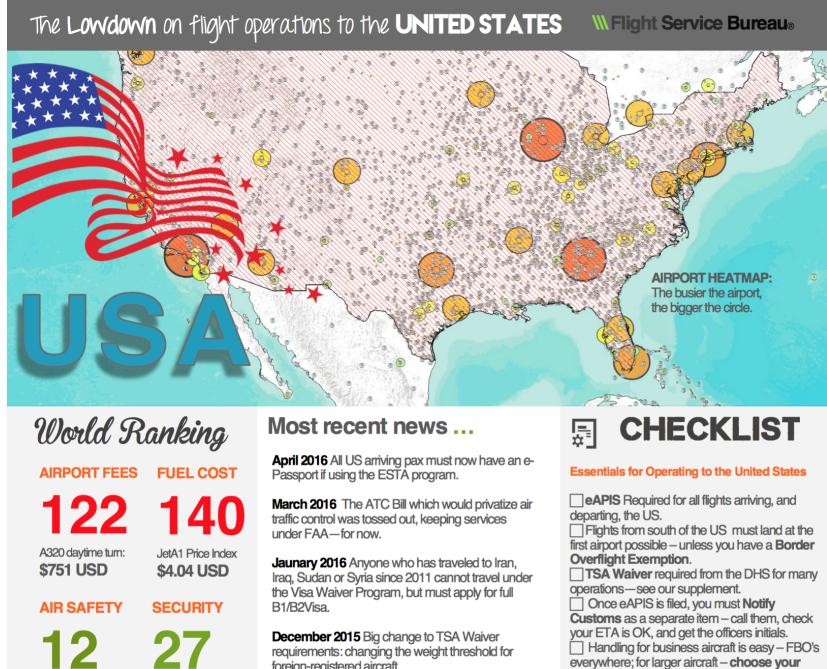
## Anything we missed?

Let us know, at [team@ops.group](mailto:team@ops.group)

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# USA - the Lowdown on Flight Ops

Declan Selleck  
25 September, 2024



We just published our latest **Lowdown** – this one is for the USA. Heaps of good information on eAPIS, new TSA Waiver rules, Border Overflight Exemption, Customs Notifications, Importation, Special Route Clearances, ESTA, Visas, and Special Flight Authorizations.

You can get these Lowdowns by joining **OPSGROUP** – you can get a single or team membership. If you'd like the US Lowdown, we'll gladly send a copy your way, just email us.

## January 2016 US Visa Waiver Changes

Declan Selleck  
25 September, 2024



### **When do these changes come in to effect?**

The "four countries" restriction is effective 20DEC2015; the passport requirement 01APR2016.

### **Who is prohibited from traveling under the Visa Waiver Program by the new law? Are there any exceptions or waivers from the restrictions?**

The new VWP travel restrictions apply to:

- Nationals of VWP countries who, since **01MAR2011**, have traveled to **Iran, Iraq, Sudan, Syria** or any other country of concern designated by the Department of Homeland Security; and
- Dual nationals of a VWP country and Iran, Iraq, Sudan, Syria or any other country of concern designated by the Department of Homeland Security.

If you have traveled to a country of concern since March 1, 2011, you are prohibited from traveling under the VWP.

If you are a dual national of a VWP country **and** Iran, Iraq, Sudan, Syria or any other country or area deemed to be of concern by the Secretary of Homeland Security, you are prohibited from traveling under the VWP. There is no exception to this prohibition.

If you are barred from the VWP travel and do not qualify for an exception or a waiver, you must obtain a B-1/B-2 visa at a U.S. consulate before traveling to the United States for business or tourism.

### **What are the new passport requirements for travel under the Visa Waiver Program? How do they differ from previous VWP requirements?**

Starting **01APR2016**, all VWP travelers (including infants and children) must present an e-Passport – i.e., a travel document that is machine-readable and contains an electronic chip – when traveling to the United States.

Most VWP travelers have been required to present an e-Passport when entering the United States for some time. However, some nationals of longtime VWP member countries whose passports were issued before

October 26, 2006, have been able to travel to the United States on the VWP even if they do not have an e-Passport.

After March 31, 2016, all VWP travelers must present an e-Passport. E-Passports contain an integrated computer chip that stores the passport holder's biographic data, a biometric identifier, a digital signature and a unique chip identification number. The data on the chip includes two lines of machine-readable data as well as facial recognition details. The chip can also be scanned to match the identity of the traveler to the passport.

These passport requirements apply only to travelers under the Visa Waiver Program. Foreign nationals who have a U.S. visitor visa or another type of U.S. nonimmigrant visa stamped in their passport are not required to comply with these revised passport requirements.

### **What is the Visa Waiver Program and who is eligible to participate?**

The Visa Waiver Program permits eligible citizens of designated countries to travel to the United States for up to 90 days for business or pleasure without first having to obtain a visitor visa at a U.S. consulate. In order to use the VWP, travelers must obtain Electronic System for Travel Authorization (ESTA) clearance.

Citizens of the following 38 countries are eligible to participate in the VWP: Andorra, Australia, Austria, Belgium, Brunei, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Taiwan, and the United Kingdom.