

§ 122.32

private aircraft must give advance notice of arrival in accordance with §122.22 of this part.

(ii) *Aircraft arriving from Cuba.* Aircraft arriving from Cuba must follow the advance notice of arrival procedures set forth in §122.154 in subpart O of this part.

(iii) *Certain aircraft arriving from areas south of the United States.* Certain aircraft arriving from areas south of the United States (other than Cuba) must follow the advance notice of arrival procedures set forth in §122.23 of this part.

(iv) *Other aircraft.* The commander of an aircraft not otherwise covered by paragraphs (c)(1)(i), (c)(1)(ii) and (c)(1)(iii) of this section must give advance notice of arrival as set forth in paragraph (d) of this section. Notice must be given to the port director at the place of first landing, either:

(A) Directly by radio, telephone, or other method; or

(B) Through Federal Aviation Administration flight notification procedure (see International Flight Information Manual, Federal Aviation Administration).

(2) *Reliable facilities.* When reliable means for giving notice are not available (for example, when departure is from a remote place) a departure must be made at a place where notice can be sent prior to coming into the U.S.

(d) *Contents of notice.* The advance notice of arrival required by aircraft covered in paragraph (c)(1)(iv) of this section must include the following information:

(1) Type of aircraft and registration number;

(2) Name (last, first, middle, if available) of aircraft commander;

(3) Place of last foreign departure;

(4) International airport of intended landing or other place at which landing has been authorized by CBP;

(5) Number of alien passengers;

(6) Number of citizen passengers; and

(7) Estimated time of arrival.

(e) *Time of notice.* Notice of arrival as required pursuant to paragraph (c)(1)(iv) of this section must be furnished far enough in advance to allow inspecting CBP officers to reach the place of first landing of the aircraft prior to the aircraft's arrival.

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(f) *Notice of other Federal agencies.* When advance notice is received, the port director will inform any other concerned Federal agency.

[CBP Dec. 08-43, 73 FR 68312, Nov. 18, 2008]

§ 122.32 Aircraft required to land.

(a) Any aircraft coming into the U.S., from an area outside of the U.S., is required to land, unless it is denied permission to land in the U.S. by CBP pursuant to §122.12(c), or is exempted from landing by the Federal Aviation Administration.

(b) *Conditional permission to land.* CBP has the authority to limit the locations where aircraft entering the U.S. from a foreign area may land. As such, aircraft must land at the airport designated in their APIS transmission unless instructed otherwise by CBP or changes to the airport designation are required for aircraft and/or airspace safety as directed by the Federal Aviation Administration (FAA) flight services.

[CBP Dec. 08-43, 73 FR 68313, Nov. 18, 2008]

§ 122.33 Place of first landing.

(a) The first landing of an aircraft entering the United States from a foreign area will be:

(1) At a designated international airport (see §122.13), provided that permission to land has not been denied pursuant to §122.12(c);

(2) At a landing rights airport if permission to land has been granted (see §122.14); or

(3) At a designated user fee airport if permission to land has been granted (see §122.15).

(b) Permission to land at a landing rights airport or user fee airport is not required for an emergency or forced landing (see §122.35).

[T.D. 92-90, 57 FR 43397, Sept. 21, 1992, as amended by CBP Dec. 03-32, 68 FR 68170, Dec. 5, 2003]

§ 122.35 Emergency or forced landing.

(a) *Application.* This section applies to emergency or forced landings made by aircraft when necessary for safety or the preservation of life or health, when such aircraft are:

(1) Travelling from airport to airport in the U.S. under a permit to proceed