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March 15, 2016

**VIA EMAIL (private.aircraft.support@dhs.gov)**

Private Aircraft Support  
United States Department of Homeland Security

Re: United States Registered Aircraft N212JE owned by JEJE, LLC  
Clearance and Pre-Arrival Requirements for Private Domestic  
Flights between the Continental United States and the Territory of  
United States Virgin Islands:

Ladies and Gentlemen:

We write in reference to a recent misunderstanding by the Teterboro, New Jersey office of United States Customs and Border Patrol ("CBP") in connection with the 6:54 PM EST arrival on March 1, 2016 of Aircraft N212JE at Teterboro Airport en route from Cyril E. King Airport in St. Thomas, United States Virgin Islands.

Although the Chief Pilot of that flight, Lawrence Visoski ("Visoski"), pre-cleared United States Customs in St. Thomas and complied with the same pre-arrival reporting procedures he had observed for the numerous flights he previously made to Teterboro from St. Thomas, on March 1, 2016 at 6:10 PM EST, while N212JE was in flight, Officer Goico from CBP's Teterboro office contacted Visoski's emergency contact (his wife) to warn, without explanation, that sanctions would be imposed on Visoski. Officer Goico further advised that the tower at Teterboro would be directed to instruct N212JE not to deplane its passengers upon landing, but to proceed directly to the United States Customs building. Visoski's wife urgently notified him, mid-flight, of Officer Goico's call, whereupon Visoski immediately contacted the Teterboro office over N212JE's satellite telephone.

On the call, Visoski spoke to a second officer at the Teterboro office who told Visoski that he would be sanctioned, and instructed him to proceed directly to the Customs building upon landing without deplaning his passengers. Visoski informed the officer that, in addition to filing the EAPIS at 2:11 PM AST (for which Visoski received confirmation number 6776269), Visoski contacted the Teterboro office at 1:06 PM AST and spoke with Officer "RR". Visoski explained that he advised Officer "RR" of N212JE's planned departure from St. Thomas at 4:00 PM AST and estimated arrival at Teterboro at 7:00 PM EST and that N212JE would pre-clear Customs in St. Thomas. Visoski further explained that Officer "RR" confirmed Visoski's 7:00 PM EST arrival estimate and Customs pre-clearance in St. Thomas, and instructed Visoski that upon arrival at Teterboro, N212JE should deplane its passengers, and, thereafter, deliver the stamped General Declaration to the United States Customs building.

Upon hearing Visoski's explanation, the CBP officer from Teterboro still could not confirm that the procedures described by Visoski fully complied with CBP clearing and pre-arrival requirements, but instead told Visoski that the officer needed to speak to his supervisor and would call Visoski back. Visoski reminded the officer that he was calling mid-flight over the aircraft's satellite telephone, so Visoski would have to call back in fifteen minutes. When Visoski did call back, he was informed that when he lands in Teterboro, he should deplane his passengers at the FBO, Meridian Aviation, and then deliver his stamped

General Declaration to the Customs building, just as Officer "RR" had originally instructed.

This incident has been acknowledged by Officer Marusic, a supervisor at the Teterboro office, as an unfortunate mistake occurring during a particularly busy and hectic day. While it is true that even under the best of circumstances, mistakes can happen, most disconcerting about this particular incident is that two trained professional CBP officers from the same local office both misapprehended the clearance and pre-arrival requirements for N212JE's flight and mistook what was clearly full procedural compliance by Visoski for something that required a call to Visoski's emergency contact to threaten sanctions against him. Having fully complied with the Teterboro office's procedures, Visoski should not have been distracted from piloting his aircraft mid-flight in order to defend his procedural compliance and spare his passengers the inconvenience of unnecessarily clearing customs a second time.

The confusion evident in both officers stems at least in some part from a lack familiarity with the clearance and pre-arrival requirements for private flights between ports in the United States Virgin Islands, on the one hand, and ports in the continental United States, on the other hand. Adding to this unfamiliarity, in the course of N212JE's numerous flights between St. Thomas and Teterboro, and St. Thomas and West Palm Beach, there has been a lack of uniformity in the clearance and pre-arrival requirements imposed by local CBP offices at each of those locations, and, at times, by different CPB officers within them.

For N212JE's travels from St. Thomas to Teterboro, the Teterboro Office has required:

- EAPIS filing
- 1 hour prior notification of arrival
- Sometimes, though not always, a fax copy of the General Declaration before departure
- If pre-clearing at St. Thomas, delivery of the stamped General Declaration upon arrival after passengers deplane
- Blue Customs Declaration card for crew and passengers

For N212JE's travels from St. Thomas to West Palm Beach, the West Palm Beach office has required:

- EAPIS filing
- 1 hour prior notification of Arrival
- Blue Customs Declaration card for crew and passengers

For N212JE's travels from Teterboro or West Palm Beach to St. Thomas, the St Thomas office has required:

- EAPIS filing only

However, when N212JE has pre-cleared United States Customs in St. Thomas for travel to Teterboro or West Palm Beach, the St. Thomas office has required substantially greater documentation:

- 3 copies of the General Declaration
- 3 copies of the Aircraft Registration
- 3 copies of pilots medical forms
- 3 copies of pilots licenses
- Airline Crew Member Declaration form for pilots (even though N212JE is a private aircraft)
- Blue Customs Declaration card for passengers.

St. Thomas requires the same documentation for foreign arrivals as well. However, neither the Teterboro office nor the West Palm Beach office requires this extensive documentation for arrivals from St. Thomas or from foreign ports of call.

In light of the markedly different clearance and arrival procedures among these CBP offices, in order to avoid further misunderstandings with CBP and ensure Visoski's compliance with all such

procedures that may be properly imposed, we respectfully request your guidance. We would very much appreciate clarification as to whether federal statutes and regulations applicable to private aircraft traveling between ports in the United States Virgin Islands and the continental United States create a system of uniform clearance and arrival procedures to be enforced by all CBP offices or permit each local CBP office to impose its own requirements. In either case, we would appreciate specific reference to the statutory and regulatory authority for the applicable clearance and arrivals procedures, including all applicable filing and documentation requirements.

If you require anything further to respond to this request, please do not hesitate to contact the undersigned. Thank you for your kind attention to this matter.

Respectfully,

Darren K. Indyke  
Counsel for JEGE, LLC,  
Owner of N212JE