

"Thompson, Monty" <[REDACTED] gov>

10/24/2005 12:42 PM To

[REDACTED]

bcc

Subject

RE: Multi (visa issue)

History:

This message has been forwarded.

All,

I disagree that we (TSA) cannot deliver a "clear-cut" guide to industry.

In my humble view ANY training under Category 3 (12,500 or less) that leads to ANY FAA certificate is a course of study. Especially the CFI (and the ATP and the Commercial, all of which TSA currently excludes from scrutiny).

And, we have a specific and prominent Immigration Law rule change in 2002 which PROHIBITS non-immigrant visitors (B-1, B-2, or Visa waiver status) from enrolling in a course of study. {Refer to 8 CFR 214.2(b)(7)}

How can we (TSA), in good conscience, process anyone and "approve" them to receive training when that person knowingly submits information to TSA that they are in the U.S. as a visitor? TSA is approving non-immigrant visitors to VIOLATE the provisions of Immigration Law and their "B" visitor status. In addition, we (TSA) charge the individual \$130 for the risk assessment with the knowledge that the individual MAY be in the wrong visa status!

I agree that there are many nuances to visa status and I agree that TSA and FAA need to rely on the expertise of Immigration & Customs Enforcement (ICE) and Citizenship and Immigration Services (CIS) for clarification of status on ALL types of questions OTHER THAN VISITOR.

It should be a no brainer! Can anyone tell me how someone successfully gains a FAA pilot certificate WITHOUT enrolling in some type of training course?

I fear we are "danger close" to losing sight of the mission and the intent of the "Flight School Security" provisions of ATSA and Vision 100. I have enclosed a map of the details showing the scope of the 9-11 hijackers use of flight schools in the United States.

Respectfully,