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AOPA's Guide to TSA's Alien Flight Training/Citizenship Validation Rule

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AOPA'S GUIDE TO TSA'S ALIEN FLIGHT TRAINING/CITIZENSHIP VALIDATION RULE

The TSA rule has several parts, all of which are relevant to flight training providers. AOPA has compiled easy to understand information concerning each of these parts. Below you will find information on applicability, step by step guidance to complying with the various parts of the rule, and answers to frequently asked questions. You can also contact AOPA's Pilot Information Center at **1-800-USA-AOPA** for more information.

FLIGHT SCHOOLS PROVIDING TRAINING TO ALIENS OR NON-U.S. CITIZENS

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AOPA has developed step by step guidance to complying with TSA's Alien Flight Student Program (AFSP). Information on this page applies to flight schools or flight

instructors who wish to provide flight training to aliens or non-U.S. citizens in an aircraft weighing less than 12,500 pounds (**typically under a Category 3 training request**).

Any questions about the AFSP may also be directed to AOPA's Pilot Information Center by calling **1-800-USA-AOPA** or by emailing **pilotassist@aopa.org**. The TSA AFSP Help Desk is available at **(571) 227-1004** or **AFSP.Help@dhs.gov**.

Contents:

- **Security awareness training**
- **Proof of citizenship/citizenship verification**
- **AFSP Applicability (vetting a foreign student)**
- **Flight Training Provider FAQs**

SECURITY AWARENESS TRAINING

The TSA rule requires flight schools and flight instructors to provide security awareness training to employees who have direct contact with a flight school student (regardless of citizenship or nationality) and to issue and maintain records of this training. This rule applies to ground instructors, administrative personnel, and current and active flight instructors. Whether providing flight training to U.S. citizens or aliens, all active flight instructors must complete the TSA initial security awareness training prior to giving flight or ground instruction. Current and inactive instructors are not required to take the training, but it is recommended. Expired instructors are not required to complete the training. The deadline for TSA's security awareness training was January 18, 2005. Compliance is still required for active instructors who have yet to complete this training. New employees or instructors must complete the initial training within 60 days of being hired or certificated.

ENFORCEMENT OF SECURITY AWARENESS TRAINING COMPLIANCE

According to the TSA rule, flight school employees (and flight instructors) not in compliance may be subject to civil penalties under federal regulations. TSA may also deal with violators by issuing verbal warnings and/or written notices. TSA considers each day a person operates in violation to the requirements of the rule an additional occurrence subject to penalty.

INITIAL SECURITY AWARENESS TRAINING

As a flight training provider, you have several options to fulfill requirements for *initial* security awareness training:

- AOPA online General Aviation Security course, **available online**. This training is more specific, engaging, and realistic than the previous TSA Flight School Security Awareness program
- Alternative initial training program offered by a third party or designed by the flight school itself. Refer to **Subpart B of the TSA rule**.

RECURRENT SECURITY AWARENESS TRAINING

The purpose of the TSA recurrent security awareness training is to make flight schools, instructors, and flight school employees aware of security-related incidents,

measures, and procedures that affect their local airport and flight school. This means they should be aware of any new security measures or procedures, new threats posed by or incidents involving general aviation aircraft, and any new guidelines or recommendations concerning the security of general aviation aircraft, airports, or flight schools. The requirements for recurrent training differ greatly from initial; they are much less centered on the awareness portion, and more on actual security events or changes to procedures at the airport or facility.

SECURITY APPLICABILITY

Each flight school employee or independent instructor must receive recurrent security awareness training every 12 months from the month of their initial training. All flight training providers (flight schools and independent CFIs) may receive their recurrent security awareness training up to 1 calendar month before and 1 calendar month after the month that the individual's recurrent security awareness training (reference: TSA exemption from **49 CFR 1552.23(d)(1)**).

As a flight training provider, you have several options to fulfill requirements for *recurrent* security awareness training:

(Note: it is not the intent of TSA for the initial training to be used repeatedly. There is nothing to prevent a training provider from using the initial program as part of recurrent training, but completing that only would not fulfill the requirements for recurrent training under 1552.23 because of the difference in content requirements for initial and recurrent)

The requirements for recurrent training differ greatly from the initial, as laid out in 49 CFR 1552.23 (a).

Recurrent security awareness training can be completed from two options:

AOPA online General Aviation Security course, available online at

www.aopa.org/securitycourse

or **www.aopa.org/airportwatch**

Alternative initial training program offered by a third party or designed by the flight school itself.

RECORD KEEPING REQUIREMENTS

Both flight training providers and flight schools are required to document the completion of initial and recurrent security awareness training in accordance with TSA regulations (a.k.a. certificate of completion), and must be able to produce documentation on request from TSA. There is no need to send completion certificates to TSA.

If you participate in an alternative training program, develop a certificate that meets the following requirements:

According to the TSA rule (49 CFR 1552.25(a)), the document/certificate of completion issued for initial or recurrent security awareness training must include the following:

- Employee and/or instructor name
- Distinct identification number for the employee or instructor to enable both the flight school and TSA inspectors to track the security awareness training.
 - TSA does not provide this identification number. The flight school should make up a numbering system for employees or use any employee

numbering system that the school already uses to identify employees. (reference: 1552.25(a) paragraph (a)(1) and discussion with Chief Counsel's Office)

- Date on which the employee or instructor received or completed the training.
- Name of the instructor who conducted the training, if an instructor conducted the training.
- A statement certifying that the flight school employee or instructor received or completed the security awareness training.
- The type of training received or completed, whether initial or recurrent.
- Signatures from the flight school employee and an authorized official of the flight school (independent instructors may not have an authorized official available to sign the document).
- If an alternative training program is used, a statement certifying that it meets the criteria in 49 CFR 1552.23(c).
- Although not required, the school is free to note initial or recurrent training on the certificate of completion for their record-keeping purposes.

FLIGHT SCHOOLS

Flight schools are also required to maintain records of their employees' completion of security awareness training in accordance with TSA rule (49 CFR 1552.25(a)). Flight schools should keep these records in a secure and accessible place. This rule also requires a flight school to allow officials authorized by TSA and the FAA to inspect the records required under this section. TSA officials will be conducting inspections of flight schools to ensure that they are complying with this rule. Flight schools that are not in compliance may be subject to civil

penalties under 49 U.S.C. 46301 and 49 CFR Part 1503.

To help prepare for a TSA inspection, see **AOPA's Flight School Checklist for TSA Inspections**. Establish and maintain the following records for one year after an individual is no longer a flight school employee:

- Copy of document issued to the employee when he or she received initial training and each time he or she received recurrent training
- Copy of alternative initial security awareness training program, if the flight school used in the past or currently uses an alternative program instead of the TSA program.

PROOF OF CITIZENSHIP/CITIZENSHIP VERIFICATION: FLIGHT SCHOOLS INSTRUCTORS PROVIDING FLIGHT TRAINING TO U.S. CITIZENS.

INSTRUCTORS OF U.S. CITIZENS

1. Determine applicability. The requirements for determining citizenship status for any student, whether U.S. or alien, applies only to flight training towards an initial pilot certificate, including a recreational pilot, sport pilot, or private pilot certificate; instrument rating; or multiengine rating.
2. Proof of citizenship. Student must show evidence of U.S. citizenship to instructor with one of the following:
 - a. Valid, unexpired U.S. passport

- b. Original or government-issued birth certificate of the U.S., American Samoa, or Swains Island AND a government-issued picture ID
 - c. Original certificate of birth abroad with raised seal (Form FS-545 or DS-1350) AND a government-issued picture ID
 - d. Original certificate of U.S. citizenship with raised seal (Form N-560 or N-561) or a Certificate of Repatriation (Form N-581) AND government-issued pictured ID
 - e. Original U.S. Naturalization Certificate with raised seal (Form N-550 or N-570) AND a government-issued picture ID
3. Logbook or record-keeping requirements. An instructor must do one of the following:
- a. Keep a copy of the documents used to provide proof of citizenship for five years
 - b. Make an endorsement in both instructor's logbook, or other record used by the instructor to record flight student endorsements, and the student's logbook with the following:
"I certify that [insert student's name] has presented me a [insert type of document presented, such as a U.S. birth certificate or U.S. passport, and the relevant control or sequential number on the document, if any] establishing that [he or she] is a U.S. citizen or national in accordance with 49 CFR 1552.3(h).
[Insert date and instructor's signature and CFI number.]"
4. Students who change flight schools and/or locations will be required to prove citizenship and receive a logbook endorsement. Recurring logbook endorsements are required when students change flight schools or instructors (if the instructor did not know the student when the student received the initial logbook endorsement).

AFSP APPLICABILITY (VETTING A FOREIGN STUDENT)

A candidate (the flight student) must participate in the Alien Flight Student Program and undergo a security threat assessment if:

- He/she is an alien; and
- He/she is seeking flight training inside or outside the United States for U.S. airman certificate under 14 CFR. This rule applies to flight training that you could use toward a recreational, sport, or private pilot certificate; multiengine or instrument rating; or any initial U.S. airman certificate issued by FAA.
- NOTE: Information on this page applies only to aliens training in aircraft with a maximum certificate takeoff weight of **12,500 pounds or less**. If you are training in an aircraft exceeding this weight read, TSA Background Checks for Training in Aircraft over **12,500**.

EXEMPTIONS

An alien is NOT required to participate in the AFSP and undergo a security threat assessment if:

- He/she is seeking recurrent training, such as a flight review, instrument proficiency check, or flight training listed under **14 CFR 61.31**; or
- He/she is seeking ground training; or
- He/she is participating in a discovery or demonstration flight for marketing purposes; or
- The Department of Defense or U.S. Coast Guard (or a contractor with either) is

providing his/her training.

- He/she has been endorsed by the U.S. Department of Defense. **Click here for instructions** if you have been endorsed by DoD.
- These exemptions are further clarified at **www.flightschoolcandidates.gov**.

If this rule applies to you, follow the steps below before you begin providing flight training. Click on the steps for further information.

CANDIDATE INFORMS YOU THAT HE OR SHE INTENDS TO START FLIGHT TRAINING.

The candidate should provide advance notice to you that he or she intends to start flight training.

If the candidate does not possess the correct visa, or has questions pertaining to his or her visa status or the appropriate visas for flight training, please check with DHS. If he or she is trying to obtain a visa from outside the U.S. call **603-339-0888**. If he or she is in the U.S. and has questions about status and/or permissible activities, call **800-375-5283**. **Click here for more information on visas.**

REGISTER ONLINE WITH TSA

If your flight school is not already registered with TSA, request an account at TSA's provider website <https://www.flightschoolcandidates.gov/fsindex.html>. Click the link "New Provider Account" and follow the instructions. **Click here** for more guidance on registering with TSA.

Note: Each flight school **MUST** have one provider admin (administrator of flight training provider account) but can have any number of provider agents (standard flight training account), including zero. Follow these guidelines to determine your provider type:

IF YOU ARE A/AN...	REGISTER AS A...
Individual CFI or Part 61 provider	Provider Admin
Flight instructor employee registered with a Part 141 or Part 142 flight school	Provider Agent
Flight instructor employee registered with a Part 141 or Part 142 flight school AND an individual CFI who provides flight instruction under Part 61	Provider Agent with Part 141 or Part 142 flight school AND Provider Admin for instruction on a Part 61 basis

Click **here** to learn more about provider type definitions.

ASSIST THE CANDIDATE IN APPLYING FOR TRAINING

The candidate will be required to submit the following details about his or her training: name of the school, course name, course description and ID number, type of aircraft, pilot certificate or rating sought, and the start and end dates for the flight training. Visit AOPA's guidance to aliens and non-U.S. citizens seeking flight training for more information about alien registration and application

process.

CONFIRM CANDIDATE'S TRAINING REQUEST

TSA will send the flight school an email requesting confirmation of the candidate's training request after the candidate request has been submitted. You must confirm the candidate's request before the application procedure moves forward. **Click here** to learn more about validating and revalidating training request.

LOOK FOR A "PRELIMINARY APPROVAL" EMAIL FROM TSA

After you have confirmed the request, the candidate will be instructed to pay a \$130 fee. Upon receiving payment, TSA will send you and the candidate an email with the subject "Preliminary Approval." **This does NOT grant the candidate permission to receive training.** This email simply confirms that TSA has received the application and fee, but they still need the candidate's fingerprints. If the preliminary decision is not received within 7 business days, the candidate should contact the TSA Help Desk.

ASSIST CANDIDATE IN SUBMITTING FINGERPRINTS PER INSTRUCTIONS EMAILED TO HIM OR HER

If the preliminary decision is favorable and a successful payment has been verified, the candidate will receive an email from AFSP with fingerprint instructions. **The candidate should NOT submit fingerprints prior to paying for his or her training request and receiving the official AFSP**

fingerprinting instructions. This will result in the invalidation of the candidate's fingerprints and the cancellation of his or her training request. You and the candidate will receive an email notifying you that the fingerprints are invalid, the training request(s) is/are canceled, and what steps need to be taken to resolve the problem to complete processing through the AFSP.

Coordinate with the candidate to complete the fingerprint process, as recommended by AFSP. To help the fingerprint process go smoothly, assist the candidate in selecting an AFSP-approved fingerprint collector, scheduling the appointment, and ensuring proper submittal of fingerprints.

Free fingerprinting forms are available for flight schools and instructors by calling the American Association of Airport Executives at **703/797-2550**. Flight schools may opt to receive the fingerprinting forms via express or overnight mail for a charge. Additionally, a prepaid return envelope for returning the forms to AAAE may also be provided for a charge.

A list of domestic and international fingerprinting locations is **available online**. The prints can be taken either electronically or by the provided forms. After they are completed, the prints are sent back to AAAE (an address is provided on the forms), who then forwards a copy to TSA.

Visit AOPA's guidance to aliens regarding fingerprinting, TSA's frequently asked questions about **the fingerprinting process**, and **Instructions to Fingerprint Collectors** for additional guidance on the fingerprint process.

WAIT FOR TSA TO NOTIFY YOU OF ITS DECISION.

There are **several factors** that affect the amount of time between training

request submission and response. TSA will make a final determination as to the candidate's eligibility to receiving flight training and will notify you and the candidate of its decision.

ONCE THE CANDIDATE HAS RECEIVED TSA APPROVAL, START FLIGHT TRAINING!

Once the candidate has permission to train, the candidate has 180 days to begin training and 365 days to complete the approved training. These time periods start from the day the candidate receives approval. For example, if the candidate begins flight training 30 days after he or she has been approved, the candidate now has 335 days to finish. If the candidate does not finish, a new training request must be submitted.

If the candidate has been denied by the AFSP, you may NOT provide training to that candidate.

TAKE THE CANDIDATE'S PHOTO ON THE FIRST DAY OF FLIGHT TRAINING, AND SUBMIT TO TSA

You will be required to upload this photo – not one copied from a passport or other identification – to TSA's website or have it faxed to TSA at **571/227-4532** or **571/227-4534**. See **TSA's Provider FAQs** for further instructions.

MAINTAIN THE APPROPRIATE RECORDS PER TSA REGULATIONS

The flight training provider is required to keep a record of the following for five years for each alien candidate:

- Candidate's photograph (the photograph uploaded to TSA's website)
- Copy of the approval sent by TSA confirming the candidate's flight training eligibility; this is the final determination sent to the candidate and flight training provider via email after the candidate has applied for flight training with the TSA, paid the \$130 fee, and submitted passport and fingerprints
- Candidate's full name, gender, and date of birth
- Candidate's ID number created by the TSA
- Copy of candidate's valid, unexpired passport and visa (including all information list in Step 4 of the **AFSP Candidate Application Guide**)
- Copy of all previous passports and visas held by the candidate and all the information necessary to obtain a passport and visa
- Candidate's country of birth, current country or countries of citizenship, and each previous country of citizenship, if any
- Candidate's requested dates, type, and location of training
- Candidate's current U.S. pilot certificate and certificate number, if any
- Candidate's current address and phone number, and each address for the previous 5 years
- Copy of receipt confirming that the \$130 was paid (printable from TSA website after candidate makes payment)
- For DoD endorsees, copy of the required written statement and picture ID

FLIGHT TRAINING PROVIDER FREQUENTLY ASKED QUESTIONS

IS A FLIGHT INSTRUCTOR WHO IS NOT ACTIVELY INSTRUCTING REQUIRED TO TAKE THE INITIAL SECURITY AWARENESS TRAINING, AND THEN CONTINUALLY UNDERTAKE THE RECURRENT TRAINING IF THEY REMAIN INACTIVE?

TSA has clarified the applicability of the security awareness training. Current and active instructors must take the training. However, current and inactive instructors are not required to take the training, but it is recommended. Expired instructors are not required to complete the training. The deadline for TSA's security awareness training was January 18, 2005. Compliance is still required for active instructors who have yet to complete this training.

I AM A CFI ONLY TEACHING GROUND SCHOOL, DO I NEED TO MEET THE SECURITY AWARENESS TRAINING REQUIREMENTS?

Yes, as an active ground school instructor who has direct contact with flight students, you are required to complete initial and yearly recurrent security awareness training.

IT IS MY UNDERSTANDING THAT THE LOGBOOK ENDORSEMENT REQUIREMENT FOR U.S. CITIZENS SHOULD BE DONE ANYTIME AN INSTRUCTOR/FLIGHT SCHOOL IS PRESENTED WITH A NEW STUDENT WHO RECEIVED A LOGBOOK ENDORSEMENT FROM A DIFFERENT SCHOOL AND/OR LOCATION. BUT FOR STUDENTS WHO REMAIN AT ONE FLIGHT SCHOOL THROUGHOUT THEIR TRAINING, AND ARE KNOWN BY ALL THE INSTRUCTORS, A RECURRING ENDORSEMENT IS NOT NECESSARY. IS THIS CORRECT?

Yes, this is a correct interpretation. Think of the endorsement as a replacement of the copy of the proof of citizenship. If you had a copy of my birth certificate from private training, and now I want to do an instrument rating, no need to run a new Xerox copy just because I'm doing a new rating.

WHAT IS THE FLIGHT TRAINING PROVIDER'S RESPONSIBILITY IF A CANDIDATE IS DENIED?

The flight training provider may not provide training to a candidate who has been denied by the AFSP. If the flight training provider has already initiated training for a candidate, and TSA notifies the flight training provider that the candidate poses a threat to aviation or national security, the flight training provider must stop the training immediately. TSA will contact the flight training provider both electronically (e-mail) and by telephone and provide further instructions.

WHAT IS A PROVIDER ADMIN? WHAT IS A PROVIDER AGENT?

A *provider admin* is the administrator of a flight training provider account. Only one provider admin is allowed per flight training provider. The administrator user ID has access to all of the same screens and functionality as the provider agent but is also able to change flight training provider information, such as the telephone number of the school. Each school **MUST** have one provider admin.

A *provider agent* is the standard flight training provider account. This type of account allows the user to validate candidate requests, submit and review Category 4 candidate information, upload candidate photographs, and mark candidate training requests as completed. The provider agent account does not have access to change school information. A school may have any number of provider agents, including zero.

TSA'S SECURITY AWARENESS TRAINING DOCUMENT IS REQUIRED TO HAVE A DISTINCT IDENTIFICATION NUMBER AND ALSO INDICATE WHETHER OR NOT THE TRAINING IS INITIAL OR RECURRENT. NEITHER OF THESE IS PROVIDED ON THE TSA SECURITY AWARENESS TRAINING CERTIFICATE. WHAT SHOULD I DO?

- After rechecking the rule and with our Chief Counsel's Office, here's what we have regarding the identification number:
- Under 1552.25(a), a flight school must issue a document to each flight school employee each time the employee receives training (initial and recurrent). Paragraph (a)(1) requires the document to contain the employee's name and a

distinct identification number.

- The purpose is for TSA auditors to be able to better track/identify employees who have received the training. TSA does not provide the identification number. The flight school should make up a numbering system for employees or use any employee numbering system that the school already uses to identify employees.
- The school is also free to note initial or recurrent training on the certificate for their record-keeping purposes.



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