

**HOW TO REQUEST RELEASABLE MATERIALS,
APPEAL A SECURITY THREAT ASSESSMENT, OR APPLY FOR A WAIVER**

CAN I REQUEST MATERIALS UPON WHICH THE THREAT ASSESSMENT IS BASED?

You may submit a request (typed or legibly written) to the Transportation Security Administration (TSA) seeking releasable materials within 60 days from the date of service of the initial determination of security threat assessment (IDTA) indicating that you may pose a security threat. TSA will serve you with copies of the releasable materials no later than 60 days after receiving your request.¹

CAN I APPEAL THE THREAT ASSESSMENT?

You may submit an appeal request (typed or legibly written) disputing TSA's initial determination of security threat assessment. This appeal request must include the reason(s) why you dispute TSA's determination and be supported by documentation. For example, you must be able to demonstrate that:

- You no longer have an open warrant for a disqualifying criminal offense;
- You are no longer under indictment for a disqualifying criminal offense;
- You were not convicted of the disqualifying criminal offense referenced in the initial determination of security threat assessment;
- You received a pardon for the criminal conviction referenced in the initial determination of security threat assessment, the conviction was expunged, or the conviction was overturned;
- You are:
 - (1) A lawful permanent resident of the United States;
 - (2) A refugee admitted under Title 8, U.S.C. § 1157;
 - (3) An alien granted asylum under Title 8, U.S.C. § 1158;
 - (4) An alien in valid M-1 nonimmigrant status who is enrolled in the United States Merchant Marine Academy or a comparable state maritime academy;
 - (5) A nonimmigrant alien admitted under the Compact of Free Association between the United States and the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau;
 - (6) An alien in lawful nonimmigrant status who has unrestricted authorization to work in the United States, except an alien:
 - (i) In valid S-5 (informant of criminal organization information);
 - (ii) In valid S-6 (informant of terrorism information);
 - (iii) In valid K-1 (Fiancé(e)); or
 - (iv) In valid K-2 (Minor child of Fiancé(e));
 - (7) An alien in the following lawful nonimmigrant status who has restricted authorization to work in the United States:
 - (i) C-1/D Crewman Visa;
 - (ii) H-1B Special Occupations;
 - (iii) H-1B1 Free Trade Agreement;
 - (iv) E-1 Treaty Trader;
 - (v) E-3 Australian in Specialty Occupation;
 - (vi) L-1 Intracompany Executive Transfer;
 - (vii) O-1 Extraordinary Ability; or

¹ TSA does not disclose classified information, as defined in Executive Order 12968 Section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

(viii) TN North American Free Trade Agreement;
(8) A commercial driver licensed in Canada or Mexico who is admitted to the United States under Title 8, CFR § 214.2(b)(4)(i)(E) to conduct business in the United States;

- You were not adjudicated as lacking mental capacity or committed to a mental health facility;
- You do not pose a threat to national security, to transportation security, or to terrorism;
- You do not have extensive foreign or domestic criminal convictions; or
- You were not convicted of a serious offense that is not otherwise listed as a disqualifying criminal conviction in Title 49, C.F.R. § 1572.103.

WHAT IS THE TIME FRAME FOR AN APPEAL?

You must send your appeal request to TSA within 60 days of service of:

- TSA's initial determination of security threat assessment; or
- TSA's response to your request for releasable materials, if such a request was made.

Within 60 calendar days of receipt of your appeal request, TSA will notify you whether or not your appeal request has been granted.²

CAN I REQUEST A WAIVER?

A waiver process is available to applicants who are denied a TWIC card and can show that they no longer pose a security threat. You are eligible to apply for a waiver if the TWIC card was denied based on a finding that you lack mental capacity, you are an alien under Temporary Protected Status, or you have a criminal conviction described in Title 49, C.F.R. §§ 1572.103(a)(5) through (a)(12) or 1572.103(b). This includes the following crimes:

- Arson;
- Assault with intent to kill;
- Bribery;
- Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering where the money laundering is related to a crime listed above. However, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation for purposes of disqualification;
- Distribution of, possession with intent to distribute, or importation of a controlled substance;
- Extortion;
- Fraudulent entry into a seaport as described in Title 18, U.S.C. § 1036, or a comparable state law;
- Immigration violations;
- Improper transportation of a hazardous material under Title 49, U.S.C. § 5124, or a comparable state law;
- Kidnapping or hostage taking;
- Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility;

² Please note that for good cause, TSA may take longer than 60 days to effect notification.

- Murder;
- Rape or aggravated sexual abuse;
- Robbery;
- Smuggling;
- Transportation security incident;
- Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;
- Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon;
- Violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), Title 18, U.S.C. § 1961, *et seq.*, or a comparable state law;
- Conspiracy or attempt to commit the above listed crimes; or
- Attempted espionage, attempted sedition, attempted treason; or attempt to commit a federal crime of terrorism or a comparable state law.

A Waiver Request may NOT be requested if you were convicted of the following offenses:

- Espionage or conspiracy to commit espionage;
- Sedition or conspiracy to commit sedition;
- Treason or conspiracy to commit treason;
- A federal crime of terrorism, as defined in Title 18, U.S.C. Code, § 2332b (g), or comparable state law, or conspiracy to commit such a crime.

HOW DO I REQUEST A WAIVER?

You may provide any information in your waiver request that you believe will be helpful to TSA in making a final determination in this matter. In determining whether to grant a waiver, TSA will consider the following:

- The circumstances of the disqualifying act or offense;
- Official court documents that show the disposition of your case;
- Any Federal or state mitigation remedies;
- Official proof of restitution;
- Official documentation demonstrating the completion of all terms of your sentence (time served, probation, community service, etc.);
- A letter from your probation officer and/or a certificate of completion from a rehabilitation program;
- Court records or official medical release documents indicating that you no longer lack mental capacity;
- Any other information you believe would aid TSA in making a determination on your eligibility for a waiver; and
- Other factors which indicate that you do not pose a security threat warranting denial of your request for a TWIC card.

To request a waiver, you must send a letter to TSA (typed or legibly written) that includes **all** of the following information:

- Full name
- Home address
- Day time phone number
- Date of birth
- Place of birth (city, state, country)
- Alien registration number, if applicable, or social security number (submission of your social security number is voluntary, although failure to provide it may delay or prevent completion of the threat assessment)
- Employment authorization documents (if applicable)
- Explanation of the circumstances of the disqualifying offense(s) and any factors applicant believes are mitigating.

WHAT IS THE TIME FRAME FOR A WAIVER?

You must apply for a waiver after the initial determination of security threat assessment is issued and no later than 60 days after the threat assessment becomes final.

TSA will notify you by mail when it reaches a decision on your waiver request. If your waiver request is denied, you may seek review of the waiver denial by an Administrative Law Judge (ALJ) or submit another waiver request, no later than 60 days after the security threat assessment becomes final.

CAN I APPLY FOR A WAIVER BEFORE I ENROLL IN TWIC AND COMPLETE THE SECURITY THREAT ASSESSMENT?

No. If you know that you are disqualified from holding a TWIC card based upon your criminal record or other condition, you must first enroll for a TWIC card, pay the associated fees, and complete the security threat assessment before seeking a waiver. TSA will send you an initial determination of security threat assessment pinpointing the disqualifying event and provide instructions on how to apply for a waiver. After receiving the initial determination of security threat assessment, you may apply for a waiver any time, as long as it does not exceed 60 days from the date on which the initial determination of security threat assessment becomes final.

CAN I GET AN EXTENSION OF TIME?

If you need additional time in which to submit a request for documents, materials, information, a waiver, and/or an appeal, you may seek an extension of time by submitting a written request to the address below within a reasonable time prior to the date that such is due. An extension of time will be granted if good cause is shown.

WHERE DO I SEND MY REQUEST FOR DOCUMENTS, APPEAL, AND/OR WAIVER?

All requests to TSA should have the TSA TWIC Request Cover Sheet attached to the front of your correspondence. This cover sheet can be found at the end of this letter and includes your full name and mailing address. Please change any information on this cover sheet that is incorrect. You should check one of the request boxes on this cover sheet and attach it to the front of your correspondence.

Correspondence must be mailed to:

Transportation Security Administration
TSA TWIC Processing Center
P.O. Box 8118
Fredericksburg, VA 22404-8118

WHAT WILL HAPPEN IF I DO NOT REQUEST DOCUMENTS, APPEAL, OR APPLY FOR A WAIVER?

If you take no further action, TSA's security threat assessment will automatically become final 60 days after you received the initial determination of security threat assessment and you will not be permitted to obtain a TWIC card. For purposes of judicial review, the final determination constitutes a final TSA order pursuant to Title 49, U.S.C. § 46110.

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TSA TWIC REQUEST COVER SHEET

FROM: JOHN DOE
12345 ANYWHERE LANE
MIDTOWN, VA 22202

DIRECTIONS FOR THE APPLICANT

Please correct any error in the above identifying information about yourself. You should include this cover sheet at the front of your request. Make your selection below to complete this cover sheet.

- APPEAL (Disputing the initial determination)
- WAIVER (Exclusion for extraordinary cause)
- TIME EXTENSION
- RELEASE OF INFORMATION

Correspondence must be mailed to:

**Transportation Security Administration
TSA TWIC Processing Center
P.O. Box 8118
Fredericksburg, VA 22404-8118**

Please ensure that all documents provided for TSA's reconsideration of the initial determination are attached. Closely following these directions will help ensure expedited processing of your request.