In the matter of the request of

Worldwide Aircraft Services, Inc.  
d/b/a Jet ICU  

For relief from  
NOTAM KICZ A0013/19

Relief No. 18732  
Docket No. FAA-2021-0163

GRANT OF RELIEF

By letter dated February 23, 2021, Chrissy Valdez, Director of Dispatch, requested relief on behalf of Worldwide Aircraft Services, Inc., d/b/a Jet ICU (Jet ICU or the operator), 1511 N. Westshore Boulevard, Suite 650, Tampa, Florida 33607, from NOTAM KICZ A0013/19, issued by the Federal Aviation Administration (FAA) on May 1, 2019. The proposed relief, if granted, would permit Jet ICU to operate a roundtrip operation from the United States to Venezuela, on a LearJet aircraft with U.S. registration no. N36LJ. The round trip flight would depart Tampa International Airport (KTPA), Tampa, Florida, to Simón Bolívar International Airport (SVMI), Caracas, Venezuela, and return to KTPA (Proposed Operation). The requested relief, if granted, would enable the transportation of an American citizen hospitalized in Venezuela to the United States for emergency medical care.

The requestor seeks relief from the following NOTAM:

On May 1, 2019, the FAA issued NOTAM KICZ A0013/19, which prohibits flight operations in the territory and airspace of Venezuela at altitudes below Flight Level (FL) 260 by: all United States (U.S.) air carriers and commercial operators; all persons exercising the privileges of an airman certificate issued by the FAA, except such persons operating U.S.-registered aircraft for a foreign air carrier; and all operators of aircraft registered in the U.S., except where the operator of such aircraft is a foreign air carrier. The FAA Administrator
issued this NOTAM as an emergency order under 49 U.S.C. 40113(a) and 46105(c) due to increasing political instability and tensions in Venezuela and the associated inadvertent risk to flight operations.

The requestor supports its request with the following information:

The requestor states that the Proposed Operation is necessary to transport an American citizen hospitalized in Venezuela to the United States. The requestor indicates that the patient is in need of emergency medical evacuation to a higher level of medical care in the United States. The aircraft will be flown by employees of the requestor, all of whom will be exercising the privileges of an airman certificate issued by the FAA throughout the Proposed Operation.

The requestor proposes to conduct the emergency medical evacuation as a roundtrip operation from the United States to Venezuela on or about February 23, 2021. The Proposed Operation consists of a round trip flight on a LearJet aircraft with U.S. registration no. N36LJ. The flight would depart Tampa International Airport (KTPA), Tampa, Florida, to Simón Bolívar International Airport (SVMI), Caracas, Venezuela, and return to KTPA.

Public Interest

The requestor states the Proposed Operation is for the purpose of emergency medical evacuation of an American citizen currently hospitalized in Venezuela to the United States for a higher level of medical care.

No Adverse Effect on Safety

The requestor indicates it has coordinated the flight with the head of security at Simón Bolívar International Airport (SVMI), Caracas, Venezuela. The requestor also states it has coordinated the flight with the head of Universal Aviation in Venezuela.

The aircraft is equipped with UHF and VHF radios, and the flightcrew has access to cellular phones.

The FAA’s analysis is as follows:

Public Interest

Granting relief from NOTAM KICZ A0013/19 to enable the operator to conduct the Proposed Operation is in the public interest, because it enables the emergency medical evacuation of an American citizen hospitalized in Venezuela to a higher level of medical care in the United States. Because of the restrictions contained in NOTAM KICZ A0013/19 and DOT Order 2019-5-5, discussed below, there are virtually no air transportation options between the
United States and Venezuela. Therefore, the Proposed Operation is necessary to transport the American citizen patient back to the United States.

The Department of State maintains a Level 4: Do Not Travel advisory for Venezuela due to “crime, civil unrest, poor health infrastructure, kidnapping, arbitrary arrest and detention of U.S. citizens, and COVID-19.” The Department of State’s travel advisory further notes that “The U.S. Centers for Disease Control and Prevention (CDC) has issued a Level 4 Travel Health Notice for Venezuela due to COVID-19 and a Level [3][sic] Travel Health Notice for Venezuela due to Health Infrastructure Breakdown.” The CDC advisory states, “There has been a breakdown of the medical infrastructure in Venezuela. There are shortages of food, water, electricity, medicine, and medical supplies that have contributed to an increasing humanitarian crisis affecting much of the country. Adequate health care is currently not available through the public health system in Venezuela.” Under these dire conditions, the emergency medical evacuation out of Venezuela of a hospitalized American citizen in need of a higher level of healthcare is in the public interest.

No Adverse Effect on Safety

The FAA issued NOTAM KICZ A0013/19 on May 1, 2019, due to increasing political instability and tensions in Venezuela. The FAA also was concerned about electrical power outages, Venezuela’s military posturing, and possible fracturing of Venezuelan military and security force elements, as military members had been observed supporting opposition leader Juan Guaidó. Venezuela had postured forces to prevent Western aid deliveries into Venezuela, and the Maduro regime had publicly threatened to defend its sovereignty from any foreign military aggression. In addition, the Maduro regime had turned increasingly to armed militias and collectivo groups to augment military and police forces in performing security functions and quelling widespread protests. The FAA determined this confluence of events presented an increasing potential for violence, loss of security in and around airports, and possible miscalculation or misidentification of civil aircraft. The FAA determined an unacceptable risk existed for U.S. civil aviation operations in the territory and airspace of Venezuela at altitudes below FL260.

On May 14, 2019, the U.S. Department of Transportation (DOT) issued DOT Order 2019-5-5, which prohibited U.S. air carriers and foreign air carriers from engaging in foreign air

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2 *Id.*

transportation of passengers or cargo to or from any airport in Venezuela.\textsuperscript{4} As stated in DOT Order 2019-5-5, DOT issued this order after the Acting Secretary of Homeland Security submitted a letter to DOT concluding that “conditions in Venezuela threaten the safety and security of passengers, aircraft, and crew traveling to or from that country, and that the public interest requires an immediate suspension of all commercial passenger and cargo flights between the United States and Venezuela.” As stated in DOT Order 2019-5-5, the Acting Secretary of Homeland Security based his conclusion on a number of factors, including:

1. reports of civil unrest and violence in and around the airports; 2. the inability of [the Transportation Security Administration (TSA)] to gain access to Venezuelan airports to conduct required security assessments to ensure that adequate security measures are in place; 3. the current economic and political crisis in Venezuela; 4. cancellation of flights to the country by American Airlines, the largest air carrier providing service, and two other carriers; 5. the U.S. Department of State’s publication of Do Not Travel advisories, suspension of Embassy operations, and recommendation that Transportation Security Administration (TSA) inspectors not enter the country owing to safety concerns; 6. the Federal Aviation Administration’s issuance of a Notice to Airmen (NOTAM) on May 1, 2019, which prohibits all flight operations by U.S. air carriers and commercial operators in Venezuela\textsuperscript{[n][sic]} airspace below FL 260; and 7. the risk of Maduro regime actions against Americans and American interests located in Venezuela.

As noted above, the Department of State maintains a Level 4: Do Not Travel advisory for Venezuela, most recently reissued on October 30, 2020, due to COVID-19, crime, civil unrest, poor health infrastructure, kidnapping, and arbitrary arrest and detention of U.S. citizens. The Department of State initially issued a Level 4 travel advisory for Venezuela on April 9, 2019.

Conditions in Venezuela are now more stable than they were on May 1, 2019, when the FAA issued NOTAM KICZ A0013/19, although the country continues to face political divides, economic challenges, and dilapidated infrastructure, and widespread unrest could resume with little or no warning. The continued closure of the U.S. Embassy in Venezuela has hindered FAA and TSA inspectors’ access to the country, significantly limiting the FAA’s and TSA’s ability to assess the safety and security of civil aviation in Venezuela. In addition, Venezuela regularly conducts counternarcotics aircraft interception activity, with reported interdiction of non-cooperative aircraft suspected of narcotics smuggling.

According to the requestor, the Proposed Operation has been coordinated with the head of security at Simón Bolívar International Airport (SVMI), Caracas, Venezuela and the head of

Universal Aviation in Venezuela. A fully cooperative civil aircraft that is communicating with Venezuelan air traffic control and whose arrival the Maduro regime expects for a specific medical evacuation mission related to a U.S. citizen hospitalized in Venezuela is unlikely to be mischaracterized as a threat.

The FAA’s Decision

In consideration of the foregoing, I conclude that granting relief from NOTAM KICZ A0013/19 to enable Jet ICU to conduct the Proposed Operation is in the public interest and would not adversely affect safety. Therefore, pursuant to the authority contained in 49 U.S.C. 106(f) and 40113, delegated to me by the Administrator, Jet ICU is granted relief from NOTAM KICZ A0013/19, only to the extent necessary to allow FAA aircraft registration no. N36LJ to conduct the Proposed Operation, subject to the conditions and limitations listed below.

Conditions and Limitations

1. Prior to operating under this grant of relief, the operator of the aircraft must complete and submit to the FAA Flight Standards Service, Air Transportation Division the attached document, captioned “Waiver of Claims and Agreement to Indemnify and Hold Harmless the United States of America,” containing the operator’s agreement to release the U.S. Government from any and all damages, claims and liabilities, as well as its agreement to indemnify the U.S. Government with respect to any third party damages, claims, and liabilities relating to any and all events arising from or related to operations authorized under this grant of relief.

2. The pilot in command, or other duly authorized individual, must file, and the aircraft must operate, according to a flight plan approved by Venezuelan air traffic control. The pilot in command, or other duly authorized individual, must file any other necessary documentation with the appropriate authorities, and the aircraft must maintain redundant communication with Venezuelan air traffic control.

3. No flight may occur under this grant of relief if the pilot in command determines that safety, security, or other conditions at SVMI do not permit safe operations.

4. The flight operation conducted pursuant to this grant of relief may only occur in accordance with the approval of, and pursuant to the conditions established by, the appropriate authorities of Venezuela.

5. When conducting the Proposed Operation, the pilot in command must operate the aircraft in accordance with all applicable operating rules and procedures. The pilot in command must exit the portion of the territory and airspace of Venezuela that is
below FL260 as expeditiously as possible, and in accordance with air traffic control instructions, to minimize hazards to the aircraft and its occupants.

6. Operator will minimize ground time at SVMI and there will be no extended stay or remain overnight (RON) operations in Venezuela, barring an aircraft emergency. In such cases, operator will implement appropriate security measures to secure and protect the aircrew and aircraft and notify the FAA Washington Operations Center (WOC) at (202) 267-3333.

7. If the aircraft’s climb performance permits and appropriate authorization is received from air traffic control, on departure, the pilot in command must climb to an altitude at or above FL260 as soon as possible and remain at or above FL260 while operating in the territory and airspace of Venezuela.

8. The aircraft must remain at or above FL260 while operating in the territory and airspace of Venezuela, except as necessary to accommodate the climb and descent profiles necessary to operate into and out of SVMI and to comply with air traffic control instructions.

9. Prior to departure on any flight leg of the Proposed Operation that includes operation in the territory and airspace of Venezuela, and as soon as possible after landing upon exiting Venezuelan territorial airspace, the requestor must notify the FAA Washington Operations Center (WOC) at (202) 267-3333 and inform the FAA that operations under this grant of relief are complete.

10. This grant of relief is not transferrable to any operator, airmen, or aircraft not identified in this document. This relief applies, however, to individual airmen to the extent necessary to allow them to exercise the privileges of their FAA-issued airman certificates to conduct the operation authorized by this grant of relief.

This grant of relief terminates when the operator’s aircraft exits the portion of the territory and airspace of Venezuela that is below FL260, or on March 1, 2021, whichever is sooner, unless sooner superseded or rescinded.

Issued in Washington, D.C., on February 23, 2021.

Sincerely,

ROBERT C CARTY
Deputy Executive Director, Flight Standards Service

AFS-21-00258-E