

## Appeals

Appeal or waiver materials must be sent to the address listed in your Initial Determination of Threat Assessment (IDTA) letter. You may appeal an IDTA if you demonstrate that you:

- Do not have a disqualifying criminal offense;
- Meet the immigration status requirements;
- Do not pose a terrorism threat; and/or
- Do not lack mental capacity.

The time frame is 60 days after the date of service of the IDTA if you are providing written proof that the open disposition identified in the initial determination did not result in a criminal conviction.

The time frame is 60 days after the date of service of the IDTA or TSA's response to your request for records.

You must state why you dispute TSA's determination and be able to demonstrate with documentation that you(r):

- conviction identified in the initial determination is incorrect;
- Received a pardon;
- conviction was expunged or overturned on appeal;
- Are a citizen of the United States who has not renounced or lost his or her United States' citizenship;
- Are a lawful permanent resident of the United States:
  - in lawful nonimmigration status and possesses valid evidence of unrestricted employment authorization;
  - a refugee admitted under 8 U.S.C. & 1157, and possesses valid evidence of unrestricted employment authorization; or
  - an alien granted asylum under 8 U.S.C. & 1158, and possesses valid evidence of unrestricted employment authorization;
- Are not found to be lacking mental capacity;
- Are not committed to a mental institution;
- Do not pose a threat to national security, to transportation security, or of terrorism;
- Do not have extensive foreign or domestic criminal convictions;
- Were not convicted of a serious offense that is not otherwise listed as a disqualifying criminal conviction in 49 C.F.R. & 1572.103; or
- Have not been incarcerated for more than 365 consecutive days.

## Waivers

You may apply for a waiver if you have been convicted of certain criminal offenses. You may also apply for a waiver if you were declared mentally incompetent in the past year.

Individuals convicted of the following offenses may not apply for a waiver:

- Treason
- Sedition
- Espionage; or
- Crimes of terrorism.

You have 60 days after the date of service of the Final Determination of Threat Assessment to request a waiver. The waiver request must be made in writing.

You may not submit appeal or waiver materials prior to applying for the threat assessment. You must have been served with an IDTA letter first (SAMPLE COPY ATTACHED)

You must request the waiver request in writing via mail; it must include all of the following information:

- Full name;
- Home address;
- Phone number;
- Date of birth;
- Place of birth (city, state, country);
- Social security number or alien registration number;
- Driver's license number and issuing state;
- Employment authorization documents (if applicable); and
- Explanation of the circumstances of the disqualifying offense(s) and any factors you believe are mitigating.

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Submit supporting documentation. It is strongly encouraged that you provide as much information as possible; however, at least one of the following must be included:

- Official court documents that show the disposition of the case;
- Official proof of restitution, if applicable;
- Official paperwork demonstrating the completion of all terms of the sentence (time served, probation, community service, etc), if applicable;
- A letter from the probation officer and/or a certificate of completion from a rehabilitation program, if applicable;
- A letter of reference from a current supervisor on company letterhead;
- Any awards, recognition, or performance appraisals received in the past three years that demonstrate competency or commitment to transportation safety and security; and
- Any other information that would aid TSA in making a determination on eligibility for a waiver

**TSA TWIC REQUEST COVER SHEET**

FROM:

Daytime Telephone Number \_\_\_\_\_  
(Area Code)

**DIRECTIONS FOR THE APPLICANT**

Review and correct the above information as needed; 2) Select from the options listed below by marking the appropriate box(es); and 3) Attach this cover sheet to the front of any documentation submitted to TSA.

- EXTENSION OF TIME:** I will require more than 60 days to obtain documentation for my appeal or waiver request.
- REQUEST FOR RELEASABLE MATERIALS:** I request a copy of my FBI rap sheet or other releasable materials.
- APPEAL:** I dispute the initial determination because (check appropriate box(es) and provide supporting documentation):

**CRIMINAL RECORD ISSUES:**

- My arrest/indictment did not result in a felony conviction
- I was convicted of a misdemeanor offense, not a felony
- I received a pardon
- My conviction was overturned on appeal
- My conviction was expunged
- My conviction is more than 7 years old
- I am released from incarceration more than 5 years ago
- Other (an explanation must be provided) \_\_\_\_\_

**CITIZENSHIP/IMMIGRATION ELIGIBILITY ISSUES:**

- I am a U.S. citizen or citizen of one of the five U.S. Territories
- I am a lawful permanent resident of the U.S.
- I hold a visa that is approved for this program
- I am a refugee or an alien who has been granted asylum
- Other (an explanation must be provided) \_\_\_\_\_

- WAIVER:** I have a disqualifying criminal offense(s), but seek to have TSA waive the disqualification because (check appropriate box(es) and provide supporting documentation):
  - My offense dates back several years and I have not subsequent convictions
  - My criminal record does not show repeated felony convictions
  - I have evidence demonstrating my rehabilitation
  - I am an alien in Temporary Protected Status
  - Other (an explanation must be provided) \_\_\_\_\_

**Correspondence must be mailed via U.S. Postal Service 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 eligibility assessment are attached. Closely following these directions will help ensure expedited processing of your request.