

17 March 1970

Mr. Gilbert Wray  
817 Washington Street  
Apartment #15  
Hoboken, New Jersey 07030

Dear Mr. Wray:

Mr. Brennan has asked me to reply to your letter of March 12, 1970.

In your letter you indicated that you have recently purchased an aircraft. After the transaction was completed, you noticed that the application for United States registration stated that the owner must be an American citizen. You are a Canadian citizen with permanent legal residence in New Jersey and currently hold an FAA private pilots certificate. In view of this, you have inquired as to whether there could be an exemption or any other such consideration granted to you regarding your obtaining United States registration for the aircraft.

The citizenship requirements for the registration of aircraft in the United States are contained in Section 501(b) of the Federal Aviation Act of 1958, which provides as follows:

"(b) An aircraft shall be eligible for registration if, but only if -

"(1) It is owned by a citizen of the United States and it is not registered under the laws of any foreign country; or . . . ." (Emphasis added).

These provisions are also reiterated in Section 47.3(a) of the Federal Aviation Regulations. Furthermore, Section 47.43(a) of the Federal Aviation Regulations provides as follows:

"(a) The registration of an aircraft is invalid if, at the time it is made -

"(1) The aircraft is registered in a foreign country;

"(2) The applicant is not the owner;

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"(3) The applicant is not a citizen of the United States;  
or

"(4) The applicant is a citizen of the United States, but his interest in the aircraft was created by a transaction that was not entered into in good faith and was made to avoid (with or without the owner's knowledge) compliance with section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401), that prevents registration of an aircraft owned by a person who is not a citizen of the United States."

Accordingly, it is clear that your aircraft is not presently eligible for United States registration. In addition, since the citizenship requirement is imposed by federal statute, the Federal Aviation Administration has no authority to permit any deviation from it. Therefore, I must advise you that no exemption is legally possible in this case.

I regret that I have not been able to offer you any further assistance in this matter. Unfortunately, the Federal Aviation Administration is without legal authority to register the aircraft in your name. If you have any further questions please feel free to contact me.

Sincerely,

ORIGINAL SIGNED BY  
FREDERICK C. WOODRUFF

FREDERICK C. WOODRUFF  
Asst. Aeronautical Center Counsel, AC-7

cc:  
GC-10  
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EA-7 (Mr. Gallagher)  
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