NFA Division recently implemented several processing changes that went into effect at the beginning of February 2024. Relatedly, NFA Division has received questions regarding how NFA applications are processed. The below Q&A addresses such questions:

* Has NFA Division implemented processing changes to reduce the number of pending applications?

Yes. For example, NFA Division is reallocating resources to prioritize processing applications that have received a “proceed” from FBI-NICS in response to the required background check.

* Are NFA applications processed in a “first in, first out” basis?

No. While “first in, first out” is a guiding principle, NFA Division will focus its resources on processing those NFA applications that have received a “proceed” from FBI-NICS in response to the required background check. NFA applications were previously processed on a “first in, first out” basis, which resulted in delayed processing for NFA applications with a proceeded background check. For example, previously, a NFA application with a proceeded background check would not be processed until a NFA application with a delayed background check was resolved. Now, the NFA application with a proceeded background check gets priority for processing. NFA will continue to submit background checks to FBI-NICS in the order applications are received. NFA Division will then process NFA applications as it receives background check responses from FBI-NICS.

* What does NFA Division mean when it says there are application “swim lanes”?

The NFA examiners are assigned specific application types. For example, certain examiners will be assigned to process individual applicants while others are assigned to process trust applicants. Further, applications that are put into problem status will be processed at the end of the week. Examples for when an application is placed into problem status include failure to submit fingerprint cards, failure to submit photographs, failure to submit a responsible person questionnaire, or to research whether the applicant may make, possess, or receive the firearm under State law.

* My NFA application is submitted, but my background check has not been sent to FBI-NICS, why?

Due to the high volume of NFA application submissions and ATF's limited resources, NFA Division submits background checks to FBI-NICS in batches to maximize efficiency. As the number of pending NFA applications decreases, the background checks will be submitted to FBI-NICS closer to when the NFA application was received by NFA Division. Currently, background checks for individual applicants are sent to FBI-NICS the same week the NFA application is received by NFA Division.

* I submitted my NFA application the same time as my friend/family member/etc. and his or her NFA application was processed before mine, why?

NFA Division will not approve a NFA application unless it receives a “proceed” from FBI-NICS. Some background checks may take longer to process because FBI-NICS must perform additional research on the applicant’s background. As a result, two individuals who submit NFA applications at the same time may have their NFA application processed at different times because the background checks are completed by FBI-NICS and transmitted to NFA Division at different times.

* What can I do to make sure my background check is processed timely and accurately?

While it is not required, the simplest way to help ensure your background check is processed timely and accurately is to provide your social security number with the NFA application. Without the social security number, FBI-NICS may have to perform additional research to ensure the applicant is not prohibited, thereby delaying the background check response to NFA Division. For example, without a social security number, FBI-NICS will have to perform additional research to properly identify the applicant when the applicant has the same name as someone else with prohibiting information in the NICS database.

* My background check is currently in a “pending” status with FBI-NICS, can NFA Division approve my NFA application?

No. NFA Division must receive a “proceed” from FBI-NICS in response to the required background check.

* My background check is currently in a “delayed” status with FBI-NICS, can NFA Division approve my NFA application?

No. NFA Division must receive a “proceed” from FBI-NICS in response to the required background check.

* My background check is currently in an “open” status with FBI-NICS, can NFA Division approve my NFA application?

No. NFA Division must receive a “proceed” from FBI-NICS in response to the required background check.

* FBI-NICS responded to my background check with a “proceed,” can NFA Division approve my NFA application?

Yes. Provided everything else is in order, NFA Division may approve the NFA application because FBI-NICS responded with a “proceed” to the required background check.

* My background check is pending with FBI-NICS, is there anything I can do to speed up the review process?

No. FBI-NICS must prioritize background checks submitted by FFLs for transfers of firearms regulated under the Gun Control Act (GCA). NFA background checks that require further research by FBI-NICS will be performed as resources allow.

* If I have more than one application pending, will NFA Division process the applications at the same time?

Generally, yes, provided the applications are for an individual and the social security number was provided with the NFA application. NFA Division has implemented a bundling process which allows an examiner to review all pending applications of an individual. There is no need for an applicant to request bundling, this should be done automatically. Nor will NFA Division respond to requests to bundle applications beyond the bundling process that has been implemented.

* Is bundling available for trusts?

Yes, provided the trust entity for each pending application has a single responsible person, who is the same person, and the social security number was submitted with each application.

* Why do trust applications take longer to process than individual applications?

Trust applications require the examiner to perform several additional steps of review than an individual application. For example, the examiner must read each trust document to ensure it is a legitimate trust. The examiner must also read each trust document to ensure every responsible person to the trust submitted the required responsible person questionnaire.

* What is the 24-month exemption to providing the trust document?

NFA Regulations at 27 CFR 479.85(c) provide:

If the applicant entity has had an application approved as a maker or transferee within the preceding 24 months, and there has been no change to the documentation previously provided, the entity may provide a certification that the information has not been changed since the prior approval and shall identify the application for which the documentation had been submitted by form number, serial number, and date approved.

Accordingly, an applicant who applies within 24 months of receiving an approval may submit a letter certifying that the information in the trust has not changed since the prior approval. The letter may be uploaded as a supporting document in the eForms system.

* I use a simple trust template with only a single responsible person, will my application be processed as quickly as an individual?

No. Even when a trust template is used and there is only a single responsible person, there are several additional steps the examiner must perform when reviewing an application to transfer a firearm to a trust. The review of a trust application will always take longer than the review for an individual application.

* Are there other factors other than the review process that result in longer processing times for trusts?

Yes. The most common reasons attributable to trust processing delays include:

* + Failure to submit a responsible person questionnaire and fingerprint cards for each responsible person named on the trust;
  + Failure to submit a valid trust, e.g., there is only one person named in the trust who is the settlor, trustee, and beneficiary;
  + The settlor identifies a minor as a responsible person to the trust;
  + The name of the trust on the NFA application is different than the name of the trust in the trust document; and
  + The background check is delayed for one or more individuals identified as responsible persons. For example, if one of three identified responsible person’s background check is delayed by FBI-NICS, then NFA Division cannot process the application until the delayed background check is resolved.