

## **NEW REGULATIONS FOR NONIMMIGRANT ALIENS REGARDING FIREARMS AND AMMUNITION**

In 1998, the United States enacted a law that generally makes it unlawful for nonimmigrant aliens to possess and receive firearms and ammunition in the United States. There are exceptions to this prohibition, including (1) an exception for nonimmigrant aliens who possess a valid hunting license or permit lawfully issued in the United States and (2) an exception for nonimmigrant aliens entering the United States to participate in a competitive target shooting event or to display firearms at a sports or hunting trade show, sponsored by a national, State, or local firearms trade organization, devoted to the competitive use or other sporting use of firearms. The other exceptions are less common – they are for specific categories of persons, such as law enforcement officers entering the United States on official law enforcement business.

### **Purchasing Firearms from Federal Firearms Licensees in the United States:**

In order to address this new prohibition and its exceptions, the Bureau of Alcohol, Tobacco and Firearms (ATF) has revised its Firearms Transaction Record Part 1 – Over-the-Counter (ATF Form 4473). One significant change to the form is that a nonimmigrant alien purchasing a firearm from a Federal Firearms Licensee (FFL) now must provide the FFL with appropriate documentation of an exception to the nonimmigrant alien prohibition, such as a valid hunting license/permit lawfully issued in the United States. Without such documentation, the FFL cannot legally sell the firearm to the nonimmigrant alien. Accordingly, a nonimmigrant alien planning to purchase a firearm from an FFL must obtain a hunting license/permit from a State within the United States prior to purchasing the firearm (unless he or she falls within another exception). Most States issue hunting licenses/permits to nonimmigrant aliens. We recommend contacting a State's Department of Wildlife or Department of Natural Resources to obtain information on hunting licenses. Please note the hunting license/permit does NOT have to be from the State where the FFL is located.

Another important change to the Form 4473 is that all persons who are not citizens of the United States MUST provide an Immigration and Naturalization Service (INS) issued alien number or admission number. If a noncitizen does not provide this number on the form, an FFL cannot legally complete the sale of the firearm(s).

Therefore if a non-US citizen does not have an INS-issued alien number or admission number when he or she attempts to purchase a firearm from an FFL, he or she will not be able to purchase the firearm.

Accordingly, a non-US citizen who is considering purchasing a firearm from an FFL and who has not received such a number from the INS, should request an INS-issued admission number when he or she enters the United States. To obtain this number, the person should present himself or herself to an INS inspector when entering the United States. An admission number only can be obtained at a point of entry, so it is important to obtain it at the time of entry.

Please note there has been no change to the requirement that an alien must reside in a State within the United States for 90 days before he or she can purchase a firearm from an FFL. Accordingly, even with a hunting license/permit and an INS-issued admission or alien number, a nonimmigrant alien cannot obtain a firearm from an FFL if he or she has not resided in a State for 90 days.

Significantly, these requirements (hunting license/permit, admission number, 90-day residency) do not apply if the nonimmigrant alien is not taking possession of the firearm in the United States, and instead is having the FFL export it directly to his or her home country.

### **Questions:**

If you have any questions about purchasing firearms from an FFL, please contact ATF's Firearms Programs Division at 202-927-7770.

### **Importing Firearms and Ammunition into the United States:**

There also have been changes to the regulations governing the importation of firearms and ammunition into the United States. The regulations, T.D. ATF-471, are on the ATF website.

We want to highlight three changes to the regulations.

First, ATF now requires all nonimmigrant aliens bringing firearms or ammunition into the United States to first obtain an import permit from ATF (except for certain foreign military personnel, official representatives of foreign governments, distinguished foreign visitors, and law enforcement officers of friendly foreign governments on official law enforcement business). Accordingly, a nonimmigrant alien must complete ATF Form 6 Part 1 (Application and Permit for Importation of Firearms, Ammunition and Implements of War), and receive an approved permit before importing the firearms or ammunition. ATF will make every effort to act upon such applications as quickly as possible. However, due to the additional time needed to receive and return documents internationally, foreign applicants should allow six to twelve weeks from the date they mail their ATF Forms 6 to receive the document back in time to attend their scheduled activity or event.

The second change is that any nonimmigrant alien submitting a Form 6 now must attach appropriate documentation to the application establishing that he or she falls within an exception to the prohibition on nonimmigrant aliens possessing or receiving firearms and ammunition (for example, a valid hunting license/permit lawfully issued in

the United States or an invitation to a qualifying competitive target shooting event or sports or hunting trade show).

Third, the U.S. Customs Service will not release firearms or ammunition to a nonimmigrant alien, who is not in possession of an approved ATF import permit and documentation establishing that he or she falls within an exception to the nonimmigrant alien prohibition.

**Questions:**

If you have questions about importing firearms and ammunition, please contact ATF's Firearms and Explosives Imports Branch at 202-927-8320.