

## **27 CFR 178.11: GENERAL**

*Nonresident U.S. citizens returning to the United States and nonresident aliens lawfully immigrating to the United States may obtain a permit to import firearms acquired outside of the United States, provided such firearms may be lawfully imported.*

### **ATF Rul. 81-3**

**[Status of ruling: Active]**

The Bureau of Alcohol, Tobacco and Firearms (ATF) has received several inquiries regarding the proper procedures to be used by U.S. citizens residing overseas who are returning to the United States, and by persons lawfully immigrating to the United States, who desire to import personally owned firearms acquired outside of the United States.

A permit issued by ATF is, with certain exceptions, required to import or bring into the United States any firearm acquired outside of the United States. No permit is required to return a firearm to the United States provided that the person bringing in the firearm can establish to the satisfaction of the U.S. Customs Service officials at the port of entry that the firearm was previously taken out of the United States by such person. A firearm may be imported for resale only by a Federally licensed importer. However, a personally owned firearm may be imported through a Federally licensed importer, manufacturer, or dealer.

Section 922(a)(3) of Title 18, United States Code, makes it unlawful, with certain exceptions, for a person to bring into his State of residence a firearm which he acquired outside that State. An unlicensed resident of a State must, therefore, arrange for the importation of the firearm through a Federal firearms licensee.

The definition of "State of residence" in 27 CFR 178.11 provides that the State in which an individual regularly resides or maintains a home is the State of residence of that person. U.S. citizens who reside outside of the United States are not residents of a State while so residing. A person lawfully immigrating to the United States is not a resident of a State unless he is residing and has resided in a State for a period of at least 90 days. Therefore, such persons are not precluded by section 922(a)(3) from importing into the United States any firearms acquired outside of the United States that may be lawfully imported. The firearms must accompany such persons since once a person is in the United States and has acquired residence in a State he may import a firearm only by arranging for the importation through a Federal firearms licensee.

As applicable to this ruling, 18 U.S.C. 925(d) provides that firearms are importable if they are generally recognized as particularly suitable for, or readily adaptable to, sporting purposes, excluding National Firearms Act (NFA) firearms and surplus military firearms.

*Held*, a nonresident U.S. citizen returning to the United States after having resided outside of the United States, or a nonresident alien lawfully immigrating to the United States, may apply

for a permit from ATF to import for personal use, not for resale, firearms acquired outside of the United States without having to utilize the services of a Federal firearms licensee. The application on ATF Form 6 Part I (7570.3A), Application and Permit for Importation of Firearms, Ammunition and Implements of War, should include a statement, on the application form or on an attached sheet, that:

- 1) the applicant is a nonresident U.S. citizen who is returning to the United States from a residence outside of the United States or, in the case of an alien, is lawfully immigrating to the United States from a residence outside of the United States, and
- 2) the firearms are being imported for personal use and not for resale.