



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

Washington, DC 20226

22 U.S.C. 2778(b): REQUIREMENTS FOR IMPORTATION **27 CFR 447.52: REQUIREMENTS FOR IMPORTATION**

Persons holding a valid Federal firearms license and/or who are registered as importers of articles on the U.S. Munitions Import List importing surplus military defense articles importable as curios or relics, may submit photocopies of the original supporting statements and documents with ATF Form 6, if they certify, under penalties provided by law, that the supporting documentation is true, correct, and complete. Such persons who are authorized under ATF Ruling 2003-6 to file eForm 6, may submit digitally scanned copies of the original supporting statements and documents with eForm 6, if they certify, under penalties provided by law, that the supporting documentation is true, correct, and complete.

ATF Rul. 2010-9

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received inquiries from firearms importers concerning the supporting documents they are required to submit when applying for a permit to import surplus military curio or relic firearms using either ATF Form 6 (5330.3A), Application and Permit for Importation of Firearms, Ammunition and Implements of War, or eForm 6, which is the electronic version of ATF Form 6. Because importers often rely upon documents obtained by the foreign shipper or seller, they specifically ask whether photocopies of original documents may be submitted with ATF Form 6, or digitally scanned copies of the original documents may be submitted with eForm 6.

ATF has the authority, pursuant to section 38 of the Arms Export Control Act (AECA), 22 U.S.C. 2778 and implementing regulations, to approve import permits, as well as to deny, revoke, suspend, or revise import permits without prior notice whenever the proposed importation is found to be inconsistent with the purpose or in violation of section 38 or its implementing regulations.

Under the AECA and implementing regulations in 27 CFR 447.52(a), it is the policy of the United States to deny licenses and other approvals with respect to defense articles and defense services originating in certain countries or areas as determined by the Department of State. This policy applies to countries or areas with respect to which the United States maintains an arms embargo. Nonetheless, applications for permits to import articles that were manufactured in or have been in a proscribed country or proscribed area may be approved where the articles: (1) are covered by Category I(a) of the Import List (other than

those subject to the provisions of 27 CFR Part 479); (2) are importable as curios or relics under the provisions of 27 CFR 478.118; (3) were manufactured in a proscribed country or area prior to the date the country or area became proscribed, or were manufactured in a non-proscribed country or area; and (4) have been stored for the five year period immediately prior to importation in a non-proscribed country or area.

Any persons seeking to import articles under the provisions of 22 U.S.C. 2778(b)(1)(B) and 27 CFR 447.52(e) must explain and certify how the firearms meet the applicable criteria. The certification statement must be executed under the penalties provided by law. In addition, the statement must be accompanied by documentary information both on the country or area of original manufacture, and on the country or area of storage for the five year period immediately prior to importation. Such information may, for example, include a verifiable statement in the English language of a government official or any other person having knowledge of the date and place of manufacture and/or the place of storage.

Pursuant to 27 CFR 447.52(f), an ATF officer determines whether the documentation submitted in support of the importation of a firearm is acceptable. In ATF Ruling 2001-3 (ATFQB 2001-4, 35), ATF found that, in some cases, photocopies of supporting documentation were fraudulent and therefore held that importers submitting permit applications to import surplus military defense articles as curios or relics must provide with the permit applications originals of all necessary supporting statements. Because ATF held in ATF Ruling 2001-3 that copies were not acceptable documentation under 27 CFR 447.52(f), ATF denied permit applications when an applicant failed to provide original statements.

In accordance with the mandate of the Government Paperwork Elimination Act, 44 U.S.C. 3504, ATF issued Ruling 2003-6 (approved July 11, 2003), which conditionally authorized a variance from the requirements of 27 CFR 478.111, 478.112, 478.113, 479.111, 479.112, 479.113, and 447.42 for Federal firearms licensees and registered importers of articles enumerated on the U.S. Munitions Import List who file eForm 6. ATF Ruling 2003-6 applied to eForm 6 applicants who: (1) registered with ATF by submitting the registration form, ATF Form 5013.3, eForm 6 Access Request; (2) received a unique user ID and password, and agreed that the electronic signature assigned to them is intended as their original signature on eForm 6 submissions; and (3) agreed to be bound by the Notices and Agreement governing the use of the eForm 6 system. ATF Ruling 2003-6 did not address how documentation that must accompany eForm 6 is submitted to ATF.

Because all persons submitting ATF Form 6 or eForm 6 are required to certify, under penalties provided by law, that the importation application and its supporting statements and documents are true, correct, and complete, ATF finds that photocopies of original statements and documents submitted with ATF Form 6, or digitally scanned copies of original statements and documents submitted with eForm 6, are acceptable documentation within the meaning of 27 CFR 447.52(f).

Held, persons holding a valid Federal firearms license and/or who are registered as importers of articles on the U.S. Munitions Import List importing surplus military defense

articles importable as curios or relics may submit photocopies of the original supporting statements and documents with ATF Form 6, if they certify, under penalties provided by law, that the supporting documentation is true, correct, and complete.

Held further, persons holding a valid Federal firearms license and/or who are registered as importers of articles on the U.S. Munitions Import List importing surplus military defense articles importable as curios or relics, and who are authorized under ATF Ruling 2003-6 to file eForm 6 may submit digitally scanned copies of the original supporting statements and documents with eForm 6, if they certify, under penalties provided by law, that the supporting documentation is true, correct, and complete.

Held further, as provided by 27 CFR 447.52(f), ATF reserves the right to determine whether the documentation submitted is acceptable, and to require the submission of original or additional documentation as may be necessary. ATF will deny a permit application when an applicant fails to submit legible copies of original statements or documents, or fails to provide original and/or additional supporting statements or documents upon request.

ATF Ruling 2001-3 is hereby superseded, and ATF Ruling 2003-6 is hereby amplified.

Date approved: November 30, 2010

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Deputy Director