

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Supporting Statement

1140-0084

ATF F 6NIA (5330.3D), Application and Permit for Temporary Importation of Firearms and Ammunition By Nonimmigrant Aliens

A. Justification

1. Necessity of Information Collection

Importation of firearms and ammunition by nonimmigrant aliens into the United States is subject to the provisions of Public Law No.105-277 (1998); 8 U.S.C. 1101(a) (15); 18 U.S.C. 922(g)(5); 27 C.F.R. Part 478. Pursuant to Public Law Number 105-277 (1999), Congress created, with certain exceptions, a new category of persons prohibited from shipping, transporting, receiving, and possessing firearms and ammunition. ATF interprets this category to be aliens in a nonimmigrant classification under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

ATF regulations prohibit nonimmigrant aliens from importing firearms, parts or accessories for firearms, or ammunition, unless the nonimmigrant alien qualifies for one of the five exceptions or receives a waiver.

The vast majority of users are Canadians applying to temporarily import firearms into the United States. The Form 6NIA asks for additional information (firearms possession license number and/or firearms possession and acquisition license number and firearms registration certificate number) for any firearms imported from Canada. Canadian law requires all firearms to be registered and the person who possess them to be licensed.

The form has been amended. The changes include the following: 1) Section I, new item #5 "Email address." The applicants are generally in a different time zone and contact via email is much more efficient. The numbering on the form was adjusted accordingly.

2) Section II - "returned without action for reasons indicated here or on attached letter", "returned without action for additional information", and "no permit required" have been added for clarification.

3) The import restrictions printed on the form were amended to remove obsolete and incorrect restrictions and consolidate them into one. The assault weapons ban restrictions were removed as well as the nonsporting restrictions since they are not applicable to imports by nonimmigrant aliens.

INSTRUCTION PAGES , GENERAL INFORMATION

- 1) Item #3 was amended to reflect the correct contact information for the State Department's Directorate of Defense Trade Controls. We also added their website address.
- 2) Item #5 was amended to reflect the correct title of U.S. Customs and Border Protection (CBP).
- 3) Item #6 was amended to remove the assault weapons ban restrictions
- 4) Item #7 was amended to provide the web link to the State Department site that provides the official list of proscribed countries.
- 5) Item #10 was amended to reflect the correct estimation of the processing time for the Form 6NIA.
- 6) Item #12 was amended to reflect the correct address of the Distribution Center.

INSTRUCTION PAGES, PREPARATION 1) The numbering in this section was amended to reflect the addition of the information contained in new item #13. This information is from the question and answer section of the Federal Firearms Regulations Reference Guide. The examiner who processes these applications stated that she receives numerous questions regarding this information and thought it would be helpful to have it added to the form.

2) Item #16 was amended to add the fax number to which this form may be faxed to.

3) Item #22 was amended to reflect the amended numbering on the form as well as the proper titles of CBP forms and titles of U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services.

4) Item #25 was amended to reflect the amended numbering on the form and to reflect the proper title of CBP.

2. Needs and Uses

The data provided on this form will be used by ATF to determine: (1) if the firearm(s) and ammunition described on the application qualify for importation; (2) to determine if the nonimmigrant alien falls within an exception to the general prohibition on nonimmigrant aliens possessing firearms and ammunition; (3) to determine if the nonimmigrant alien is otherwise prohibited from possessing firearms and ammunition under the Gun Control Act, and (4) to serve as authorization for the U.S. Customs and Border Protection (CBP) to allow the listed articles entry into the United States.

3. Use of Information Technology

Users will have access to a fillable version of this form at ATF's website. ATF does not have the capability to accept electronic submissions. Individuals with disabilities (508 Compliant) can access this form.

4. Efforts to Identify Duplication

ATF uses a uniform subject classification system to identify duplication and to ensure that any similar information already available cannot be used or modified for use for the purpose of this information collection.

5. Minimizing Burden on Small Business

This collection does not impact small businesses.

6. Consequences of Not Conducting or Less Frequent Collection

If the information on this form is not completed and submitted, the applicant may not be able to import their firearms or ammunition into the United States.

7. Special Circumstances

There are no special circumstances regarding this collection. This information collection requirement is conducted in a manner consistent with 5 CFR 1320.6, Controlling Paperwork Burdens on the Public.

8. Public Comments and Consultations

ATF Chief Counsel was consulted during the creation of this form. A 60-day and 30-day notice was published in the Federal Register to solicit comments from the general public. No comments were received.

9. Provision of Payment or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

This information will be maintained in a secure room in ATF headquarters. Confidentiality is not assured.

11. Justification for Sensitive Questions

The applicants' race, date of birth, and place of birth will be used to determine if the applicant is prohibited from possessing firearms and ammunition under the Gun Control Act.

12. Estimate of Respondent's Burden

The estimated average burden associated with this collection of information is 30 minutes per respondent. The number of respondents is 15,000 and the total number of annual responses is 15,000. The total burden is 7,500 (15,000 respondents x 30 minutes to complete the form).

13. Estimate of Cost Burden

There is no cost to the respondent associated with this information collection. The form can be faxed to ATF.

14. Cost to Federal Government

Estimates of annual cost to the Federal Government for 6,000 copies are:

Printing \$700.00

Labor \$2,000.00

Total \$2,700.00

15. Reason for Change in Burden

The information that was changed on the form is an update to what was already there. The addition of an email address and the additional information added to the instructions was not enough to add additional time to complete the form. If needed, the program office will revise the burden in the next submission. There are no changes in burden from the previous submission.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

ATF does not request approval to not display the expiration date of OMB approval for this collection.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. This collection does not employ statistical methods.