

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 six 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. On the Form itself:

A new question #13 was added, "Were you admitted to the United States under a nonimmigrant visa?" This question was added to reflect the interpretation of the prohibited persons restrictions at 18 U.S.C. 922(y)(2).

A new question #14 was added, "If you were admitted to the United States under a nonimmigrant visa, do you possess a valid hunting license or

permit lawfully issued by a State of the United States?” This was the old question #13 with a slight change to reflect the interpretation of the prohibited persons restrictions at 18 U.S.C. 922(y)(2).

The new question #15 was the old question #14, amended to “(See Instructions 17-21)” is now “(See Instructions 18-21)”.

Question #16 renumbered to question #17.
Question #17 renumbered to question #18.
Question #18 renumbered to question #19.
Question #19 renumbered to question #20.

On the Instruction pages, under General Information:

Item #1 was corrected to reflect the interpretation of a prohibited person under 18 U.S.C. 922(y)(2), “A nonimmigrant alien is an alien in the United States in a nonimmigrant classification. The definition includes persons visiting the United States temporarily for business or pleasure, studying in the United States who maintains a residence abroad, and certain temporary foreign workers. The definition does not include permanent resident aliens nor does it apply to nonimmigrant aliens admitted to the United States pursuant to either the Visa Waive Program or to regulations otherwise exempting them from visa requirements. A nonimmigrant alien admitted without a visa is not prohibited from possessing or receiving firearms or ammunition in the United States. An alien admitted into the United States under a nonimmigrant visa is generally prohibited from possessing firearms and ammunition in the United States unless subject to one of the exceptions outlined in paragraph 18.”

Item #2, on the second line, “legitimate hunting or lawful sporting purposes” was amended to state “lawful hunting or sporting purposes.”

Item #3, on the second line, “legitimate hunting or lawful sporting purposes” was amended to state “lawful hunting or sporting purposes.”

Item #5, line 6, was changed to state “Note, even if you do not need an import permit because of this exception, you must fall within an exception to the general prohibition on aliens admitted to the United States under a nonimmigrant visa for possessing firearms and ammunition. See paragraph 18 below.”

Item #12, change the address for ATF Distribution Center to 13882 Redskin Drive, Herndon, VA 20171.

On the Instruction pages, under Preparation:

Item #13, the first two sentences were amended to the following, “Generally, a nonimmigrant alien transiting the United States with a firearm does require an ATF Form 6NIA or a DSP-61 issued by the State Department, if you are an alien admitted to the United States under a nonimmigrant alien visa and if you will be in physical possession of your firearms. However, you will need to meet one of the exceptions outlined at 18 U.S.C. 922(y). For example, if you are an alien admitted to the United States under a nonimmigrant visa and you will be driving through the United States as a short cut to get from one part of Canada to another and will have firearms with you, you do not need to file a ATF Form 6NIA because you are not temporarily bringing your gun in for hunting or other lawful sporting purposes.”

Item #15 was amended to change the question number from 15 to 17.

Item #16 was amended to change the question number from 15 to 17.

Item #18 as amended to state the following: In general, aliens admitted under a nonimmigrant visa are prohibited from possessing or receiving firearms or ammunition in the United States. There are exceptions to this prohibition, including: (1) An alien admitted under a nonimmigrant visa in possession of a valid hunting license or permit lawfully issued by the Federal Government, a State, or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired, (the hunting license/permit does NOT have to be from the State where you will be importing and/or using the firearm(s) and ammunition); and (2) An alien admitted under a nonimmigrant visa in possession of an invitation and/or registration confirmation to attend a competitive target shooting event or sports or hunting trade show sponsored by a national, State, or local organization devoted to the collection, competitive use, or other sporting use of firearms.”

Item #19 was amended to change (1) to state the following, “An alien admitted under a nonimmigrant visa in possession of a valid hunting license or permit lawfully issued by the Federal Government, a State, or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired (the hunting license/permit does NOT have to be from the State where you will be importing and/or using the firearm(s) and ammunition).”

Item #23, changed reference to question 15h to 16h; and last sentence was amended to state “if you do not have a Firearms Registration Certificate Number (FRCN), or are not required to have an FRCN for a particular firearm, you should write N/A.”

Item #24, the reference to question 15 should now be question 16.

On the Instruction pages, under Approval:

Item #26, changed the reference to item 19 to 20; and the second sentence was amended to state, “During that year an alien admitted to the United States under a nonimmigrant visa can use the permit repeatedly to import the firearm(s) and ammunition listed on the permit, as long as you meet one of the exceptions outlined in Section 18 (18 U.S.C. 922(y)).”

Item #27 was amended to state “When you are ready to enter the United States with your firearm(s) or ammunition, you must present your approved ATF Form 6NIA (5330.3D) and proof you meet one of the exceptions to 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

There are no program changes or adjustments associated with this collection. 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.