

# VOLUNTARY APPEAL FILE (VAF) APPLICATION

Please fill out the following information: (\*Denotes Mandatory Information)

\*\*\* THIS APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED FINGERPRINT CARD \*\*\*

NOTE: If you are interested in applying for the VAF, please ensure you read and sign the Applicant's Statement below. An application **cannot** be processed without an original signature.

<b>*Last Name</b>			<b>*First Name</b>			<b>Middle Name</b>			<b>Cadence</b>					
<b>Social Security Number</b>				<b>*State of Residence</b>				<b>Telephone Number</b>						
<b>*Date of Birth</b>			<b>*Place of Birth (State)</b>			<b>*Sex</b>			<b>*Race</b>			<b>*Ethnicity</b>		
<b>*Month</b>	<b>*Date</b>	<b>*Year</b>				<input type="checkbox"/> Male <input type="checkbox"/> Female			<input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Unknown <input type="checkbox"/> White			<input type="checkbox"/> Is Hispanic or Latino <input type="checkbox"/> Is Not Hispanic or Latino		
<b>*Height</b>	<b>*Weight</b>	<b>Eyes</b>	<b>Hair</b>			<b>*Country of Citizenship</b>			<b>*Citizenship Status</b>					
									<input type="checkbox"/> U.S. Citizen <input type="checkbox"/> Non-U.S. Citizen					

**\*MAILING ADDRESS (for receiving correspondence):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Alien Registration Number (\*mandatory if Country of Citizenship is other than U.S.)


Miscellaneous Numbers (Military ID, Driver's License)


**APPLICANT'S STATEMENT:** I give the information on my Voluntary Appeal File (VAF) application voluntarily with the understanding that if my application is successful, I will be entered into the VAF, maintained by the FBI Criminal Justice Information Services Division's National Instant Criminal Background Check System (NICS) Section. I understand if at any time I wish to be removed from the VAF, I can make a request in writing to the NICS Section to be removed. I also understand if the NICS Section discovers a disqualifying record after my entry into the VAF, the NICS Section may remove my information from the file.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

A signature is required on the above applicant's statement. If the required signature is absent, the application cannot be processed and will be returned to the applicant as insufficient. This brochure with original signature and original fingerprint card must be returned by mail only.

U.S. Department of Justice  
Federal Bureau of Investigation  
Criminal Justice Information Services Division



OMB No: 1110-0043

# voluntary Appeal File



**FOR MORE VAF INFORMATION:**

Customer Service 1-877-FBI-NICS (324-6427)  
Telecommunications Device for the Deaf (TDD)  
1-877-NICS-TTY (6427-889)

Revised: April 2019

## Brady Act Requirements

The Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103-159, was signed into law in November 1993, requiring Federal Firearms Licensees (FFL) to request background checks on individuals attempting to purchase a firearm. The permanent provisions of the Brady Act, which went into effect on November 30, 1998, required the U.S. Attorney General to establish the National Instant Criminal Background Check System (NICS) that any FFL may contact by telephone or by other electronic means for information to be supplied immediately on whether receipt of a firearm by a prospective transferee would violate Section 922(g) or (n) of Title 18, United States Code, or state law.

The FBI developed the NICS through a cooperative effort with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and local and state law enforcement agencies. The NICS is designed to respond to background check inquiries to provide FFLs with an immediate response as to whether the transfer of a firearm can proceed or if more research must be completed to make a determination if the transfer would violate state or federal law.

The NICS, which is operated by the FBI Criminal Justice Information Services (CJIS) Division's NICS Section, is a national name check system that queries available records in the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Indices to determine if prospective purchasers are disqualified from receiving firearms.

## Voluntary Appeal File

A final rule was published by the Department of Justice in *The Federal Register*, outlining the following changes. Per Title 28, Code of Federal Regulations, Part 25.9(b)(1), (2), and (3), the NICS Section must destroy all identifying information on allowed transactions within 24 hours of notification to the FFL. If a potential purchaser is delayed or denied

a firearm and successfully appeals the decision, the NICS Section cannot retain a record of the overturned appeal. If the record is not able to be updated, the purchaser continues to be denied or delayed, and if that individual appeals the decision the documentation must be resubmitted on every subsequent appeal.

For this reason, the Voluntary Appeal File (VAF) has been established. This process permits applicants to request the NICS maintain information about themselves in the VAF to prevent future erroneous denials or extended delays of the transfer of a firearm, explosive, or associated permit.

## Application Process

Under this process, individuals have the option to supply the NICS Section with information such as name, date of birth, social security number, and any other identifying numbers using the VAF application included in this brochure to request entry into the file. The individual's signature under the applicant's statement is required to give the NICS Section permission to retain the information in this file. Documents that may clarify records or prove identity (e.g., fingerprint cards, court records, pardons) will be entered in the VAF along with the descriptive information from the application. If not applying online, this application, a set of rolled fingerprints and any supporting documentation should be sent to:

Federal Bureau of Investigation  
Criminal Justice Information Services Division  
National Instant Criminal Background Check System Section  
Voluntary Appeal File  
Post Office Box 4278  
Clarksburg, WV 26302-4278

After reviewing the application and fingerprint card and validating the materials submitted by the applicant, the NICS Section will enter successful applicants into the VAF. The applicant will be notified by mail if their application qualifies for entry into the VAF. **Entry into the VAF will not automatically result in a proceed response on subsequent purchases. A complete NICS check is still required and will result in a denial if**

## additional prohibitive information is discovered.

The NICS Section is required to destroy any records submitted to the VAF upon written request of the individual. Additionally, if the NICS Section discovers a disqualifying record on the individual after their entry into the VAF, the NICS Section may remove the individual's information from the file.

### Privacy Act Statement

**Authority:** The collection of information on this form is authorized by 28 C.F.R. 25.10(g).

**Principal Purpose:** The principal purpose of collecting the requested information is to allow the FBI to maintain information about you in the Voluntary Appeal File (VAF) for the purpose of preventing the future erroneous denial or extended delay by the NICS of a transfer of a firearm, explosive, or associated permit. You do not have to provide the requested information to the FBI; however, failure to provide the requested information may result in the FBI's inability to retain your information in the VAF which may, in turn, result in a future erroneous denial or extended delay of a transfer of a firearm, explosive, or associated permit.

**Social Security Number (SSN):** Your SSN is requested to keep records accurate because other people may have the same name and date of birth. Your SSN will be used to verify your identity. You are not required to provide your SSN and failure to provide your SSN will not result in a denial of your VAF application. However, failure to provide your SSN may result in an increase of time to process your VAF application or requests for additional information to verify your identity.

**Routine Uses:** During the processing of your application and for as long thereafter as your information is retained in the VAF, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by 28 C.F.R. Part 25, and applicable routine uses as set forth in the System of Records Notice for the *National Instant Criminal Background Check System*, DOJ/FBI-018, 63 F.R. 65223 (Nov. 25, 1998), as amended at 65 F.R. 78190 (Dec. 14, 2000), 66 F.R. 6676 (Jan. 22, 2001), 66 F.R. 8425 (Jan. 31, 2001), 66 FR 12959 (Mar. 1, 2001), and 82 F.R. 24147 (May 25, 2017). Routine uses include, but are not limited to, disclosures to local, state, tribal, and territorial criminal justice agencies to determine whether transferring a firearm, explosive, or related permit to you is prohibited by state or federal law or whether to grant or deny an appeal from a NICS transaction; and to courts or adjudicative bodies for the purposes of resolving litigation or anticipated litigation.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. The FBI Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section tries to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden to you to provide us with information. The estimated average time to complete the application is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the FBI CJIS Division's NICS Section, Post Office Box 4278, Clarksburg, West Virginia 26302-9922.