

December 15, 2004

TO: FEDERAL FIREARMS LICENSEES (FFLs)

Pursuant to the Final Rule enacted on July 20, 2004, by the Department of Justice in *The Federal Register*, Volume 69, Number 141, the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System's (NICS) Voluntary Appeal File (VAF) has been established. This process permits applicants to request that the FBI NICS Section maintain information about them in the VAF, a separate file to be checked by the NICS, to prevent erroneous denials and extended delays in the future. Lawful purchasers who have been delayed or denied a firearm transfer because they have a name or date of birth similar to that of a prohibited person may also request that the FBI NICS Section maintain information about them to facilitate future firearms transactions.

Under this new process, potential purchasers may apply to be considered for entry into the VAF by signing an applicant statement, which authorizes the FBI NICS Section to retain information that would otherwise be destroyed upon the approval of the firearm transaction. This retained information includes but is not limited to: a fingerprint card, court documentation, correspondence, and information contained in the applicant's appeal file if one exists. The applicant must also supply the FBI NICS Section with the reason for which they believe they would be erroneously denied or would receive an extended delay.

The application process also requires that positive proof of identity be provided by way of rolled fingerprint impressions **prepared by a law enforcement agency** on a fingerprint card. Additionally, the FBI NICS Section will also accept any certified court documentation that may assist in the application process. This may include but is not limited to: court documentation and pardons. Individuals may also provide Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Relief of Disabilities. This information will be retained in the VAF and will not be returned. If at any time an individual wishes to be removed from the VAF, the NICS is required to destroy their documentation upon request.

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Additionally, if the FBI NICS Section discovers a disqualifying record on the individual after their entry into the VAF, the FBI NICS Section may remove the individual's information from the file. In

either case, the individual will be notified by mail that their information has been removed.

At the conclusion of the FBI NICS Section's research, the applicant will receive a letter from the FBI NICS Section indicating the outcome of the research as being successful, unsuccessful or the information insufficient. Successful applicants will be provided a unique personal identifier number (UPIN) which they will provide to the FFL for all future purchases. The applicant will retain the original letter for their files. **The ATF recommends the UPIN be placed in block 18(a) of the ATF Form 4473 until such time that the form can be revised.**

In the future, the UPIN will be provided to the Call Center Representative during the initial background check. **In the interim, all subsequent NICS checks on those individuals with UPINs must be conducted through the FBI NICS Section at 1-877-444-6427.** Select **option six** from the automated menu to be transferred to a VAF Customer Service Representative. The FFL must state that they are conducting a NICS check on an individual who has provided a UPIN. The FFL will provide the UPIN to the VAF Representative and the rest of the process will remain the same.

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If you have any questions regarding this communication, you may contact the FBI NICS Section Customer Service at telephone number 1-877-444-6427.

Sincerely yours,

Eugene W. Donaldson
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