



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

OCT 29 2007

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Joe Potosky
www.losttarget.com

Dear Mr. Potosky:

This is in response to your letter dated October 20, 2007 in which you asked whether a nonimmigrant alien in possession of a valid stateside hunting license and a U.S. Customs Form 4457 is required to have an ATF Form 6 NIA.

All nonimmigrant aliens (with few exceptions) must obtain an import permit from ATF to temporarily import firearms and ammunition into the United States for hunting or other lawful sporting purposes. Because nonimmigrant aliens generally cannot possess firearms and ammunition in the United States, the permit process is necessary to ensure any nonimmigrant alien bringing firearms or ammunition into the country falls within an exception to the prohibition. Please note this requirement is applicable to nonresidents of the United States, e.g. those living abroad and coming to the United States temporarily.

The permit, once approved, authorizes the nonimmigrant alien to bring in the firearms and ammunition listed on the permit repeatedly for 12 months after the date the permit is approved, as long the nonimmigrant alien has a valid State hunting license to present to the Customs and Border Protection (CBP) inspector at the time of entry.

In your letter you reference Item #5, General Information, of ATF Form 6NIA. It states that "an approved ATF F 6NIA (5330.3d) import permit also is not required for firearm(s) or ammunition brought into the United States or any possession thereof by a nonimmigrant alien who can establish to the satisfaction of the U.S. Customs Service that such firearm(s) or ammunition was previously taken out of the United States or any possession thereof by such person."

Mr. Potosky

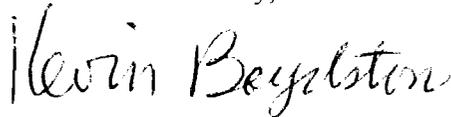
This scenario is only applicable when the nonimmigrant alien is residing in the United States and temporarily leaves the country with firearms and/or ammunition. See also question R36, Questions and Answers, Federal Firearms Regulations Reference Guide 2005 edition:

Question – “I’m a nonimmigrant alien and have been living in the United States for several years. I have a firearm that I legally purchased in the United States and legally possess (I have a valid State hunting license). I’m going to bring my gun with me on a hunting trip to Canada. Will I need to obtain a Form 6NIA permit to bring the gun back into the United States with me?”

Answer – “You will not need to obtain a Form 6NIA permit if, when you return to the U.S., you can satisfy to the U.S. Customs and Border Protection (CBP) official that you previously took the firearm out of the United States with you. The easiest way to do this is to complete Customs Form 4457 when you leave the U.S. with the gun. Please note that when you return to the U.S. you will have to present the CBP official with documentation (for example, a hunting license/permit demonstrating you are exempt from the general non-immigrant alien prohibition on possessing firearms.”

We trust the foregoing has been responsive to your request. Should you have any further questions, please contact Program Manager Desiree M. Winger at (304) 616-4584.

Sincerely,



Kevin L. Boydston
Chief, Firearms and Explosives Imports Branch