Appealing your Denial or Delay

If you believe you have been erroneously denied or have received an extended delay on a firearms transfer, you may request an appeal of your deny or delay decision.

You may submit your request first to the agency that conducted the check through the National Instant Criminal Background Check System (NICS), i.e., either the state point of contact or the FBI. As an alternative to appealing directly through the processing agency, you may elect to submit your appeal request to the FBI Criminal Justice Information Services (CJIS) Division's NICS Section.

You may challenge the accuracy of the record used as the basis for your ***denial*** or ***delay*** or submit your fingerprints to establish positive proof that you are not the same person as in the criminal history record used as the basis for your denial or delay.

Record Challenges

You may challenge the accuracy of the record used in the evaluation of your denial or delay or declare your rights to obtain a firearm have been restored, etc. If you have additional information (e.g., court documentation) to assist the NICS Section's Appeal Services Team (AST) in correcting or updating the record, you should include the information with your written correspondence.

Questions of Identity

You may question the identity of the criminal history record used as the basis of your denial or delay by having your fingerprint impressions rolled or electronically scanned by law enforcement or another authorized fingerprinting agency. The agency preparing your fingerprints must provide an agency name, address, telephone number, and an Originating Agency Identifier number (as assigned by the FBI) *and* the legible signature of the person who rolled your fingerprints on the fingerprint card. The reason fingerprinted should be marked "For NICS Purposes." The omission of any required information may result in a rejection of your appeal.

Requesting an Appeal

You may request the reason for your denial or delay from the FBI in **writing** by mail, facsimile, or on-line. Due to the Privacy Act of 1974, the reason for the denial or delay cannot be disseminated to you via the telephone.

Federal Bureau of Investigation
Criminal Justice Information Services Division
NICS Section
Appeal Services Team, Module A-1
Post Office Box 4278
Clarksburg, WV 26302-4278
Facsimile: (304) 625-0535
On-line: <www.fbi.gov/nics-appeals>

Appealing a Denial

You **must** include the ***required information*** below along with your appeal request:

(1) Complete Name
(2) Complete Mailing Address
(3) NICS Transaction Number (NTN) or State Transaction Number (STN)

You may also include a set of your rolled fingerprints.

Appealing a Delay

You **must** include the ***required information*** below along with your appeal request:

(1) Complete Name
(2) Complete Mailing Address
(3) A set of your rolled fingerprints
(4) NICS Transaction Number (NTN) or State Transaction Number (STN)

A delayed transaction will be purged from the NICS within 88 days from creation. The NICS Section requires that you wait 30-days from the date initiating the check prior to filing an appeal on a delay to give the NICS Section's staff time to complete the initial transaction. If your original background check is completed, the Federal Firearm Licensee will be notified with a final status.
Failure to submit all required appeal information will result in the rejection of your appeal request.

Appeal Results

The AST will respond to your appeal request via U.S. mail.

Appeal cases are worked in the order in which they are received.

The provisions for appeals are outlined in the NICS Regulations at Title 28, Code of Federal Regulations, Part 25.10, and Subsection 103 (f) and (g) and Section 104 of the Brady Handgun Violence Prevention Act of 1993.

Notification of Receipt of the Appeal

If you were denied, the AST will respond by providing you with the general reason for denial within five business days of the receipt of your inquiry.

If you were delayed, the AST will notify you that your initial appeal request was received.

NOTE: Specific appeal information can ***only*** be provided to you once positive proof of identity is established with the record used in your denial or delay.

Completion of the Appeal

If the AST is unable to resolve your appeal, you will be provided referral information to contact the agency maintaining the record on which your denial or delay was based. You may submit any information to the agency that maintains the record to assist with the update of your record. The AST must be notified and provided documentation if records are updated and will provide you with a decision on your appeal. Then, if your appeal is successful, you will be notified that you are eligible to purchase or redeem a firearm. You will be issued documentation which **must** be presented to the Federal Firearms Licensee who initiated your background check.

NICS

What Prohibits an Individual From the Transfer or Possession of a Firearm?

A deny message from the NICS indicates the subject of a background check has been matched with a similar name and/or similar descriptive information of a record containing a state law prohibition or any of the following federally prohibitive criteria. A delay message indicates the subject has been matched with a record potentially containing state or federal prohibitive criteria.

Note: If denied, your name will be included in a file accessible by law enforcement.

Section 922(g) and (n) of the Gun Control Act prohibits certain persons from shipping or transporting any firearm in interstate or foreign commerce, or receiving any firearm which has been shipped or transported in interstate or foreign commerce, or possessing any firearm in or affecting commerce. **These prohibitions apply to any person who:**

18 U.S.C. §922 (g) (1)
Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year

18 U.S.C. §922 (g) (2)
Is a fugitive from justice

18 U.S.C. §922 (g) (3)
Is an unlawful user of or addicted to any controlled substance

18 U.S.C. §922 (g) (4)
Has been adjudicated as a mental defective or committed to a mental institution

18 U.S.C. §922 (g) (5)
Is an alien illegally or unlawfully in the United States or who has been admitted to the United States under a nonimmigrant visa

18 U.S.C. §922 (g) (6)
Has been discharged from the Armed Forces under dishonorable conditions

18 U.S.C. §922 (g) (7)
Having been a citizen of the United States, has renounced U.S. citizenship

18 U.S.C. §922 (g) (8)
Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner

18 U.S.C. §922 (g) (9)
Has been convicted in any court of a misdemeanor crime of domestic violence

18 U.S.C. §922 (n)
Is under indictment for a crime punishable by imprisonment for a term exceeding one year

Please reference Volume 62, Federal Register 34634-02; June 27, 1997, Rules and Regulations, for more complete definitions of the prohibiting categories.

NICS Information:

NICS Customer Service
1-877-FBI-NICS (324-6427)

NICS Appeal Facsimile
1-304-625-0535

Telecommunications Device for the Deaf (TDD)
1-877-NICS-TTY

NICS Appeal Web Site
<www.fbi.gov/nics-appeals>

September 2013

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

NICS

Guide for Appealing a Firearm Transfer

Your Rights and Responsibilities

NTN: _____