

If you believe you have been **erroneously denied** a firearm transfer based on a match to a record returned by the National Instant Criminal Background Check System (NICS), you may request an appeal of your deny decision. **Please be advised the agency which processed your NICS transaction is required to have an appeal process. You may make application first to the denying agency, i.e., either the state or local law enforcement agency which processed your transaction. As an alternative to appealing directly through the denying agency, you may elect to submit your appeal request to the FBI NICS Section.** 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.

Requesting an Appeal

You may request the reason for your denial from the FBI by **writing** to:

**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**

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

- (1) FULL NAME
- (2) COMPLETE MAILING ADDRESS
- (3) NICS TRANSACTION NUMBER (NTN) or STATE TRANSACTION NUMBER (STN)

You may also request the reason for your denial through the NICS Section's Appeal Web site or via the NICS Section's Appeal facsimile listed on the back of this brochure.

Failure to submit all required appeal information may result in the rejection of your appeal request.

When appealing through the FBI NICS Section, it is highly recommended that a fingerprint card be included along with your initial appeal request.

The submission of your (rolled or a hard copy of your electronically scanned) fingerprints may help accelerate the appeal process. **NOTE: *Appeal Fingerprint Cards are not accepted via facsimile.***

The NICS Section's Appeal Services Team (AST) will respond to your initial appeal request by providing you with the general reason for denial within five business days of the receipt of your inquiry.

Appealing your Denial

The following information outlines the steps you must take to either challenge your record or make a claim the record used as the basis for your **denial** does not pertain to you.

Questions of Identity

In cases involving criminal history records, if fingerprints are not submitted along with your initial appeal request, you may subsequently be **required to submit your fingerprints to establish positive proof of your identity.** If your fingerprints are required by the FBI NICS Section and you wish to further the appeal process, you must have 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 Identification 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 (as listed above) may result in a rejection of your fingerprint card.

NOTE: Specific appeal information can **only** be provided to you once positive proof of identity has been established via the submission of your fingerprints.

Record Challenges

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

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 was based. For correction of the record, you must follow procedures established by the state or federal agency maintaining the original record. You may submit any information to the originating agency to assist with the correction or update of your record. **(This may also help accelerate the appeal process for you.)** If the **originating agency** corrects your record, the AST must be notified and provided documentation indicating such. The AST will evaluate and verify the information and provide you with a decision on your appeal **in writing.**

Appeal Inquiry

All appeal inquiries to the FBI must be directed to the AST **in writing.** Due to the Privacy Act of 1974, specific information cannot be disseminated to you via the telephone.

Successful Appeal

If your appeal is successful, you will be notified by the AST, via U.S. mail, that your denial has been overturned and you currently have no firearm prohibitions. You will be issued documentation which **must** be presented to the Federal Firearms Licensee who initiated your background check.

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

A deny message from the NICS indicates either you or another individual with a similar name and/or similar descriptive features has been matched with either **federally** prohibitive criteria (listed below) or state prohibitive criteria.

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 illegally or unlawfully in the United States

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.

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

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
<http://www.fbi.gov/nics-appeals>

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NICS

Guide for Appealing a Firearm Transfer

DENIAL



Your Rights and Responsibilities

NTN: _____