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If you have been **denied** by a Federal Firearms Licensee (FFL) from receiving a firearm/firearm permit because of a record in the FBI's National Instant Criminal Background Check System (NICS), you may submit a request to appeal your denial decision. The provisions for appeals are outlined by the NICS Regulations at 28 Code of Federal Regulations, Part 25.10 and Subsection 103 (f) and (g) and Section 104 of the Brady Handgun Violence Prevention Act (Brady Act) of 1993.

## Requesting The Reason For Your Denial

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

Federal Bureau of Investigation  
NICS Section  
Appeal Services Team, Module A-1  
Post Office Box 4278  
Clarksburg, WV 26302-9922

■ **You must include** your complete mailing address in the request. You may also submit your request by facsimile or by e-mail. (See reverse side for the NICS facsimile number and e-mail address.)

■ **You must include** your NICS Transaction Number (NTN) with your written request. The NTN can be obtained from the FFL.

■ The NICS Appeal Services Team (AST) **cannot** initiate an appeal for you at the request of another individual without your written *and* signed authorization.

■ You may submit your fingerprints, which **must** be rolled by a law enforcement agency, with your initial written correspondence. *The submission of fingerprints with your initial written request may hasten the appeal process.*

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■ The NICS AST will respond to your written request by providing the reason for your denial within five business days **after** receiving your

## Appealing your Denial

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The following information outlines the steps you must take to either challenge your record or make a claim that the record used as the basis for your **denial** pertains to someone other than you.

### Questions of Identity

In cases involving criminal history records, if fingerprints are not submitted with your initial request, you may be required to submit your fingerprints to establish *positive proof* of your identity. If your fingerprints are required by the NICS Section and you wish to further the appeal process, you must have your fingerprints rolled by a local law enforcement agency. The law enforcement agency rolling your fingerprints **must stamp** its agency name, address and telephone number on the fingerprint card *and* the reason fingerprinted must be marked "For NICS Purposes."

### Record Challenges

You may challenge the accuracy of the record used in the evaluation of your denial or declare that your rights to obtain a firearm have been restored, etc. If you have any additional information (e.g., court documentation) that may assist the NICS AST in correcting or updating the record, you should attach the information to your written correspondence. The NICS AST will evaluate your information and provide you with its decision on your appeal **in writing**.

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■ If the NICS AST is unable to resolve your appeal, **you** will be provided information to contact the agency that created the record. For correction of the record, you must follow procedures established by the state or federal agency that maintains the original record. The FBI, as custodian of arrest information that has been submitted voluntarily by local, state and federal law enforcement agencies, does not have the authority to change such records **unless** notified to do so by an authorized criminal justice agency.

You may submit *any* information to the originating agency that would assist with the correcting and/or updating of your record. *(This may also hasten the appeal process.)*

■ If the **originating agency** corrects your record, the NICS AST must be notified and provided documentation indicating such. The NICS AST will verify and evaluate the information and provide you with its decision on your appeal **in writing**.

### Appeal Inquiry

Any inquiry concerning your appeal should be directed to the NICS AST **in writing**. Due to the Privacy Act of 1974, the NICS Section cannot disseminate *specific* information to you via the telephone.

## Successful Appeal

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If your appeal is successful, you will be notified by the NICS AST that your denial has been overturned and that you are eligible to receive a firearm. You will be issued a letter, which **must** be presented to the FFL who initiated your background check.

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

A delay or deny message from the NICS indicates that either you or another individual with a similar name and/or similar descriptive features has been matched with one or more of the following **federally** prohibitive criteria:

■ Persons convicted of/under indictment (or information) for a crime punishable by imprisonment for a term exceeding one year, whether or not sentence was imposed. This includes misdemeanor offenses with a potential term of imprisonment in excess of two years, whether or not sentence was imposed.

■ Persons who are fugitives from justice (the subject of an active warrant).

■ An unlawful user and/or an addict of any controlled substance.

■ Persons adjudicated as a mental defective or involuntarily committed to a mental institution or incompetent to handle their own affairs.

■ An alien illegally/unlawfully in the United States, with the exception of non-immigrants pursuant to Subsection (y)(2).

■ Persons dishonorably discharged from the United States Armed Forces.

■ A renouncer of United States citizenship.

■ The subject of a protective order.

■ Persons convicted of a misdemeanor crime of domestic violence.

## NICS Section Information:

**Facsimile**  
**1-888-550-6427**

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

**NICS Web Site**  
**[www.fbi.gov/hq/cjisd/nics/index.htm](http://www.fbi.gov/hq/cjisd/nics/index.htm)**

**NICS Appeals E-Mail Address**  
**[nicsappeals@leo.gov](mailto:nicsappeals@leo.gov)**

**NICS E-mail Address**  
**[a\\_nics@leo.gov](mailto:a_nics@leo.gov)**

**NICS Customer Service**  
**1-877-444-NICS (6427)**

(Rev. October 2003)



# NICS



## Guide For Appealing A Firearm Transfer DENIAL

*Your Rights and  
Responsibilities*

To be provided by the FFL  
NTN: \_\_\_\_\_