



An FFL Tip Sheet for Processing NICS Checks for Non-U.S. Citizens/Aliens



All Aliens, no matter the status, must have the following two items:

- 1) A valid form of identification; and
- 2) A valid alien number* (which will be provided to question 20 on the ATF Form)

Immigrant Alien or LPR

Description

- Granted permanent residence in the United States
- Most are known as LPR
- Must Carry evidence of their status
- Status, in majority of cases, is granted for life

Identification

- Identification will Indicate “Permanent Resident”
- Card will have either an A#, AR# or USCIS#
- Number will be nine numeric digits in length
- No longer need proof of 90 days of residency

Quick Form 4473 Check

- Question 19 (Country of Citizenship)
- Question 20 (Alien Number) – 9 digit number
- Question 21.i.1. (Alien admitted with nonimmigrant visa?) – will respond with “No”
- Question 21.i.2. (Exceptions) – Leave blank

Nonimmigrant Alien

Description

- No intention of abandoning residence in another country
- Granted access to the United States for a specific purpose and for a temporary period of time

Identification

- Identification will be either a Visa or Employment Authorization Card
- May have both an A#/AR#/USCIS# and an I-94#, either can be used for NICS purposes. The AR#/USCIS# is located on the Employment Authorization Card and the I-94# can be located at the CPB.gov website.
- I-94# is 11 digits in length (10 digit may be a letter)
- No longer need proof of 90 days of residency
- Not all need a valid exception, just those admitted under a Visa

Quick Form 4473 Check

- Question 19 (Country of Citizenship)
- Question 20 (Alien Number) – 11 digit I-94 number
- Question 21.i.1. (Alien admitted with nonimmigrant visa?) – can be “No” or “Yes”
- Question 21.i.2. (Exceptions) – If “Yes” to 21.i.1. an exception is required to purchase a firearm – can respond “Yes” or “No”
- Question 26.d. (exception documentation) – populate if 21.i.2. is “Yes”

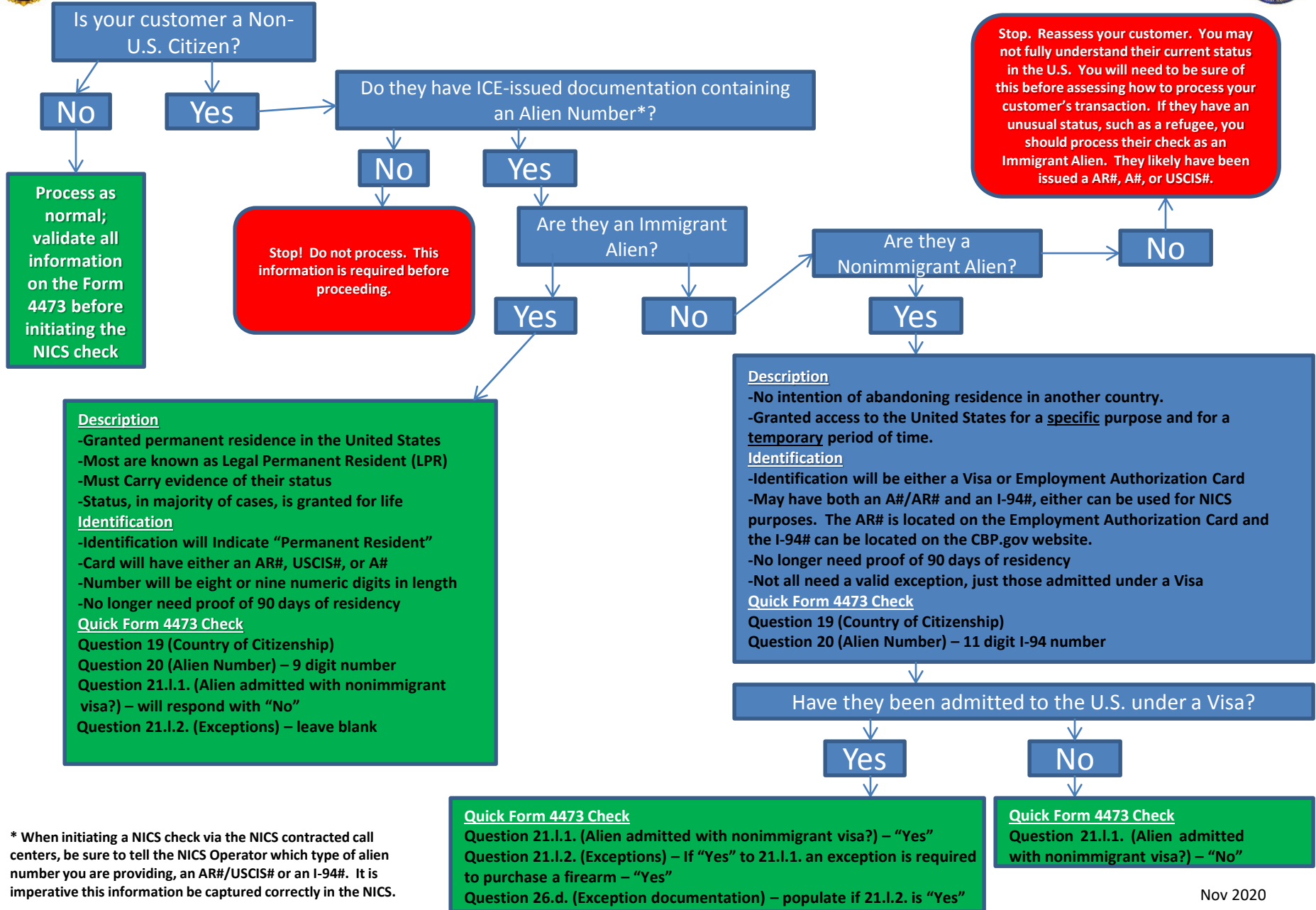
NICS—National Instant Criminal Background Check System
 ICE—U.S. Immigration and Customs Enforcement
 FFL—Federal Firearms Licensee
 AR#—Alien Registration Number
 A#—Alien Number
 LPR—Legal Permanent Resident Alien
 USCIS#—United States Citizenship and Immigrations Services Number
 CBP—United States Customs and Border Patrol
 Form I-94—Arrival and Departure Record

*NICS Contracted Call Center user—be sure to tell the NICS Operator which type of alien number you are providing, either an AR# or an I-94#. It is imperative this information be captured correctly in the NICS. An incorrect number could adversely impact the results of the NICS check.

*NICS E-Check users—once you choose a country of citizenship other than the United States of America, be sure to click on the “+” sign and enter the subject’s AR# or I-94#. Please remember to include only the numeric digits. Nov 2020



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Description

- Granted permanent residence in the United States
- Most are known as Legal Permanent Resident (LPR)
- Must Carry evidence of their status
- Status, in majority of cases, is granted for life

Identification

- Identification will Indicate "Permanent Resident"
- Card will have either an AR#, USCIS#, or A#
- Number will be eight or nine numeric digits in length
- No longer need proof of 90 days of residency

Quick Form 4473 Check

Question 19 (Country of Citizenship)

Question 20 (Alien Number) – 9 digit number

Question 21.I.1. (Alien admitted with nonimmigrant visa?) – will respond with "No"

Question 21.I.2. (Exceptions) – leave blank

Description

- No intention of abandoning residence in another country.
- Granted access to the United States for a specific purpose and for a temporary period of time.

Identification

- Identification will be either a Visa or Employment Authorization Card
- May have both an A#/AR# and an I-94#, either can be used for NICS purposes. The AR# is located on the Employment Authorization Card and the I-94# can be located on the CBP.gov website.
- No longer need proof of 90 days of residency
- Not all need a valid exception, just those admitted under a Visa

Quick Form 4473 Check

Question 19 (Country of Citizenship)

Question 20 (Alien Number) – 11 digit I-94 number

Quick Form 4473 Check

Question 21.I.1. (Alien admitted with nonimmigrant visa?) – "Yes"

Question 21.I.2. (Exceptions) – If "Yes" to 21.I.1. an exception is required to purchase a firearm – "Yes"

Question 26.d. (Exception documentation) – populate if 21.I.2. is "Yes"

Quick Form 4473 Check

Question 21.I.1. (Alien admitted with nonimmigrant visa?) – "No"

* When initiating a NICS check via the NICS contracted call centers, be sure to tell the NICS Operator which type of alien number you are providing, an AR#/USCIS# or an I-94#. It is imperative this information be captured correctly in the NICS.

These written instructions mirror the flowchart above used by FFLs for firearms background checks for non-U.S. Citizens. If the customer is a US citizen, process as normal.

Does your customer have an ICE-issued documentation containing an Alien Number?

If no, Stop! Do not process. This information is required before proceeding.

If yes, are they an Immigrant Alien?

If yes, the customer has been granted residence in the United States (U.S.) and most likely known as a Legal Permanent Resident. They must carry evidence of their status, which in most cases, is granted for life. Their identification will indicate “Permanent Resident” and their card will have either an AR, A, or USCIS number which will be 8 or 9 digits in length and the customer will not need 90 days proof of residency. On the Form 4473, customer will complete questions 19 and 20. Question 21.l.1. will have a “no” response, and question 21.l.2. will be left blank. FFL may process firearms background check.

If no, are they a Non-immigrant Alien?

If no, Stop! Reassess the customer. You may not fully understand their status in the U.S. You will need to be sure of this before assessing how to process the customer’s transaction. TIP: If they have an unusual status such as refugee, you should process their check as an Immigrant Alien. They likely have been issued an AR, A, or USCIS number.

If yes, the customer has no intention of abandoning residence in another country and has been granted access to the U.S. for a specific purpose for a temporary period. Their identification will be either a Visa or Employment Authorization Card. They may have both AR and I-94 numbers, either of which can be used for the NICS check. The AR number will be located on the Employment Authorization Card and the I-94 number can be located on the CBP.gov website. The customer no longer needs to provide 90 days of residency and only those who enter under a Visa must provide a valid exception.

Have they been admitted to the U.S. under a Visa?

If no, response to question 21.l.1. will be marked “no” and FFL may process firearms background check.

If yes, response to questions 21.l.1., 21.l.2., and 26.d. will all be marked “yes.” FFL may process firearms background check.

When initiating a NICS check via the NICS contracted call centers, be sure to tell the NICS Operator which type of alien number you are providing, an AR, A, USCIS, or I-94. It is imperative this information be captured correctly in the NICS.