Nonimmigrant Aliens Purchasing Firearms and Ammunition in the United States

Purchasing a firearm from a Federal Firearms Licensee (FFL) to possess in the United States

- A nonimmigrant alien generally **MAY NOT** purchase a firearm from an FFL and take possession of the firearm in the United States. If you violate this prohibition, you could receive a maximum of 5 or 10 years of imprisonment, depending on the violation.

THIS PROHIBITION APPLIES UNLESS:

1. You establish that you:

- **For handguns:** Have resided in the State where you are buying the handgun for 90 continuous days immediately before purchasing the gun **AND** intend to make a home in that State.

- **For long guns:** Have resided in a State for 90 continuous days immediately before purchasing the gun and intend to make a home in that State — it does NOT have to be the State where the long gun purchase is occurring.

  NOTE: Most foreign dignitaries and members of their entourages **WILL NOT** be able to meet the 90-day residency requirement.

AND

2. You establish that you:

- Are an official representative of a foreign Government who is accredited to the United States Government or your Government's mission to an international organization having its headquarters in the United States and will possess the firearm in your official capacity; OR

- Are an official of a foreign Government or a distinguished foreign visitor who has been so designated by the Department of State and will possess the firearm in your official capacity (if you have an official capacity); OR

- Are a foreign law enforcement officer of a friendly foreign Government entering the United States on official law enforcement business; OR

- Were admitted to the United States for lawful hunting or sporting purposes or are in possession of a valid hunting license or permit lawfully issued in the United States.

If you meet these two criteria, you are eligible to purchase a firearm from an FFL to possess in the United States. However, you **MAY NOT** take the firearm with you when you leave the United States unless:

1. **For sporting shotguns**, you have an FFL export the firearm. The FFL must obtain an export license from the Department of Commerce (202-482-4811) prior to exportation.

2. **For firearms other than sporting shotguns**, you have an FFL registered with the Department of State, Office of Defense Trade Controls (ODTC) (202-663-2714), export the firearm. The FFL must obtain an export license from the ODTC prior to exportation.

- The State Department recommends that you provide the FFL with a letter from your embassy on embassy letterhead explaining why you want to export the firearm. You also should provide an import authorization issued by the competent Government office in your country.

Having a third party purchase a firearm for you from a Federal Firearms Licensee (FFL) to possess in the United States

- If you are not eligable to purchase a firearm from an FFL to possess in the United States, you **MAY NOT** have someone who is eligible purchase one for you. If you violate this prohibition, both you and the person who purchases the firearm for you could receive a maximum of 5 or 10 years of imprisonment, depending on the violation.

Purchasing a firearm from a nonlicensee to possess in the United States

- A nonimmigrant alien generally **MAY NOT** purchase a firearm from a nonlicensee to possess in the United States. If you violate this prohibition, you could receive a maximum of 5 or 10 years of imprisonment, depending on the violation. If you have questions regarding possible exceptions to this prohibition, contact the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Purchasing ammunition from a Federal Firearms Licensee (FFL) or a nonlicensee to possess in the United States

- A nonimmigrant alien generally **MAY NOT** purchase ammunition from an FFL or a nonlicensee to possess in the United States. If you violate this prohibition, you could receive a maximum of 10 years of imprisonment.

THIS PROHIBITION APPLIES UNLESS YOU ESTABLISH THAT YOU:

- Are an official representative of a foreign Government who is accredited to the United States Government or your Government's mission to an international organization having its headquarters in the United States and will possess the ammunition in your official capacity; OR

- Are an official of a foreign Government or a distinguished foreign visitor who has been so designated by the Department of State and will possess the ammunition in your official capacity (if you have an official capacity); OR

- Are a foreign law enforcement officer of a friendly foreign Government entering the United States on official law enforcement business; OR

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- Were admitted to the United States for lawful hunting or sporting purposes or are in possession of a valid hunting license or permit lawfully issued in the United States.

If you meet these criteria, you are eligible to purchase ammunition to possess in the United States. However, you **MAY NOT** take the ammunition with you when you leave the United States unless:

1. **For ammunition for sporting shotguns**, you have an FFL export the ammunition. The FFL must obtain an export license from the Department of Commerce prior to exportation.

2. **For ammunition for firearms other than sporting shotguns**, you have an FFL registered with the Department of State, Office of Defense Trade Controls (ODTC), export the ammunition. The FFL must obtain an export license from the ODTC prior to exportation.

   - The State Department recommends that you provide the FFL with a letter from your embassy on embassy letterhead explaining why you want to export the ammunition. You also should provide an import authorization issued by the competent Government office in your country.

- Unlike with the purchase of firearms, there is no residency requirement for purchasing ammunition.

Purchasing a firearm or ammunition from a Federal Firearms Licensee (FFL) for exportation

- A nonimmigrant alien generally **MAY** purchase a firearm or ammunition from an FFL if the firearm/ammunition is directly exported by the FFL, so that the nonimmigrant alien **DOES NOT** take possession of the firearm/ammunition in the United States prior to exportation.

1. **To export a sporting shotgun or ammunition for a sporting shotgun**, the FFL from whom you purchase the firearm/ammunition must obtain an export license from the Department of Commerce prior to exportation.

2. **To export firearms other than sporting shotguns or ammunition for firearms other than sporting shotguns**, the FFL from whom you purchase the firearm/ammunition must be registered with the Department of State, Office of Defense Trade Controls (ODTC). The FFL must obtain an export license from the ODTC prior to exportation.

   - The State Department recommends that you provide the FFL with a letter from your embassy on embassy letterhead explaining why you want to export the firearm/ammunition. You also should provide an import authorization issued by the competent Government office in your country.

Abiding by State and local law

- This brochure addresses the Federal firearms laws. There may be additional State or local laws that affect your purchase and/or possession of firearms or ammunition. It is your responsibility to be aware of any such laws.

Questions

- If you have any questions about these matters, please contact:

  Bureau of Alcohol, Tobacco, Firearms
  and Explosives
  Firearms Programs Division
  99 New York Avenue, NE
  Washington, DC 20226
  Phone: (202) 648-7090

The Bureau of Alcohol, Tobacco, Firearms and Explosives is the agency responsible for enforcing the Federal firearms laws in the United States. It also has authority over the importation of firearms and ammunition into the United States.

U. S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

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