

VOLUNTARY APPEAL FILE (VAF) APPLICATION

Date of application: _____

Please fill out the following information: (* Denotes Mandatory Information)

***** THIS APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED FINGERPRINT CARD *****

NOTE: If you are interested in applying for the VAF, please ensure you read and sign the Applicant's Statement on the reverse side of this application. An application **cannot** be processed without an original signature.

*Last Name	*First Name	Middle Name	Cadence

Social Security Number	*State of Residence	Telephone Number

*Date of Birth			*Place of Birth	*Gender	*Race
*Month	*Day	*Year	(State)		
				<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> 1 American Indian or Alaskan Native <input type="checkbox"/> 2 Hispanic or Latino <input type="checkbox"/> 3 Black or African American <input type="checkbox"/> 4 Asian <input type="checkbox"/> 5 Native Hawaiian or Other Pacific Islander <input type="checkbox"/> 6 White or Caucasian <input type="checkbox"/> 7 Unknown

Height	Weight	Eyes	Hair	*Country of Citizenship

*MAILING ADDRESS (for receiving correspondence):	*REASON FOR APPLICATION:

OTHER LEGAL NAMES -			
Last Name	First Name	Middle Name	Cadence

Alien Registration Number (*mandatory if Country of Citizenship is other than US)	Miscellaneous Numbers (Military ID, Driver's License)

Additionally, if you have denied transactions you would like for the NICS Section to place under appeal along with your VAF application, you must provide the NICS Transaction Number(s). NTN(s):

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



OMB No: 1110-0043

voluntary Appeal File



NOTE: THIS IS NOT AN APPEAL BROCHURE. HOWEVER, THIS APPLICATION CAN BE USED TO INITIATE AN APPEAL ALONG WITH APPLYING FOR THE VAF. IF YOU WANT TO INITIATE AN APPEAL, PLEASE PROVIDE THE NICS TRANSACTION NUMBER ON THE BOTTOM OF THIS APPLICATION.

FOR MORE VAF INFORMATION:
Customer Service 1-877-FBI-NICS (324-6427)
Telecommunications Device for the Deaf (TDD)
1-877-NICS-TTY (6427-889)

Brady Act Requirements

The Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103-159, was signed into law in November 1993, requiring Federal Firearms Licensees (FFLs) to request background checks on individuals attempting to purchase a firearm. The permanent provisions of the Brady Act, which went into effect on November 30, 1998, required the U.S. Attorney General to establish the National Instant Criminal Background Check System (NICS) that any FFL may contact by telephone or by other electronic means for information to be supplied immediately on whether receipt of a firearm by a prospective transferee would violate Section 922 (g) or (n) of Title 18, United States Code, or state law.

The FBI developed the NICS through a cooperative effort with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and local and state law enforcement agencies. The NICS is designed to respond to background check inquiries to provide FFLs with an immediate response as to whether the transfer of a firearm can proceed or if more research must be completed to make a determination if the transfer would violate state or federal law.

The NICS, which is operated by the FBI Criminal Justice Information Services (CJIS) Division's NICS Section, is a national name check system that queries available records in the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Index to determine if prospective purchasers are disqualified from receiving firearms.

Voluntary Appeal File

A final rule was published by the Department of Justice in *The Federal Register*, outlining the following changes. Per Title 28, Code of Federal Regulations, Part 25.9(b)(1), (2), and (3), the NICS Section must destroy all identifying information on allowed transactions within 24 hours of notification to the FFL. If a potential purchaser is delayed or denied a firearm and successfully appeals the decision,

the NICS Section cannot retain a record of the overturned appeal. If the record is not able to be updated, the purchaser continues to be denied or delayed, and if that individual appeals the decision the documentation must be resubmitted on every subsequent appeal.

For this reason, the Voluntary Appeal File (VAF) has been established. This process permits applicants to request the NICS maintain information about themselves in the VAF to prevent future erroneous denials or extended delays of a firearm transfer.

Application Process

Under this process, individuals have the option to supply the NICS Section with information such as name, date of birth, social security number, and any other identifying numbers using the VAF application included in this brochure to request entry into the file. The individual's signature under the applicant's statement is required to give the NICS Section permission to retain the information in this file. Documents that may clarify records or prove identity (e.g., fingerprint cards, court records, pardons, etc.) will be entered in the VAF along with the descriptive information from the application. This application, a set of rolled fingerprints and any supporting documentation should be sent to the following address:

Federal Bureau of Investigation
Criminal Justice Information Services Division
National Instant Criminal Background Check System
Voluntary Appeal File
Post Office Box 4278
Clarksburg, WV 26302-4278

After reviewing the application and fingerprint card and validating the materials submitted by the applicant, the NICS Section will enter successful applicants into the VAF. The applicant will be notified by mail if their application qualifies for entry

into the VAF. **Entry into the VAF will not automatically result in a proceed response on subsequent purchases. A complete NICS check is still required and will result in a denial if additional prohibitive information is discovered.** The NICS Section is required to destroy any records submitted to the VAF upon written request of the individual. Additionally, if the NICS Section discovers a disqualifying record on the individual after their entry into the VAF, the NICS Section may remove the individual's information from the file.

APPLICANT'S STATEMENT:

I give the information on my VAF application voluntarily with the understanding that if my application is successful, I will be entered into the Voluntary Appeal File (VAF), maintained by the FBI Criminal Justice Information Services Division's National Instant Criminal Background Check System (NICS) Section. I understand if at any time I wish to be removed from the VAF, I can make a request in writing to the NICS Section to be removed. I also understand if the NICS Section discovers a disqualifying record after my entry into the VAF, the NICS Section may remove my information from the file.

SIGNATURE

DATE

A signature is required on the above applicant's statement. If the required signature is absent, the application cannot be processed and will be returned to the applicant as insufficient. This brochure with original signature and original fingerprint card must be returned by mail only.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. The FBI Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section tries to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden to you to provide us with information. The estimated average time to complete the application is 5 minutes, 2 hours for fingerprinting, and 25 minutes for mailing for a total of 2.5 hours. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the FBI CJIS Division's NICS Section, Post Office Box 4278, Clarksburg, West Virginia 26302-9922.