VOLUNTARY APPEAL FILE (VAF) APPLICATION

Date of application: _____

Please fill out the following information:

Last Name	First Name	Middle Name	Cadence

OTHER LEGAL NAMES -

Last Name	First Name	Middle Name	Cadence

Sex (Circle one)	Hispanic Ethnicity (Circle one)	Race (Circle one or more)	Height	Weight	Social Security Number *optional
M F	Yes - Hispanic No - Hispanic	1. American Indian or Alaska Native 2. Asian 3. Black or African American 4. Native Hawaiian or Other Pacific Islander 5. White			

Date of Birth Month	Day	Year	Place of Birth City/State	Country of Citizenship	State of Residence	Eyes	Hair

Alien Registration Number	Miscellaneous Numbers (Military ID, Driver's License)

MAILING ADDRESS:

_____

_____

_____

PHYSICAL ADDRESS:

_____

_____

_____

TELEPHONE: _____

* FORM MUST BE ACCOMPANIED WITH A COMPLETED FINGERPRINT CARD AND THE APPLICANT STATEMENT FORM.

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. THIS IS SOLELY FOR THE VOLUNTARY APPEAL FILE. AN INDIVIDUAL WISHING TO APPEAL MUST INITIATE AN APPEAL UNDER A SEPARATE COMMUNICATION. PLEASE SEE THE FBI NICS APPEAL BROCHURE FOR FURTHER INFORMATION.

FOR MORE VAF INFORMATION:
Customer Service 1-877-444-NICS (6427)
Telecommunications Device for the Deaf (TDD)
1-877-NICS-TTY

Brady Act Requirements

In November 1993, the Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103-159, was signed into law 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 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 immediate information 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 NICS 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.

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 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 of a firearm would violate state or federal law.

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 FBI NICS Section must destroy all identifying information on allowed transactions prior to the start of the next FBI NICS operational day. If a potential purchaser is delayed or denied a firearm and successfully appeals the decision, the FBI 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 <u>every</u> subsequent purchase.

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

Application Process

Under this new process, potential purchasers will have the option to supply the FBI 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 to be entered into the file. The individual's signature under the applicant's statement is required to give the FBI 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. Fingerprint impressions are required and must be prepared by a law enforcement agency that must stamp the agency name, address, and telephone number on the fingerprint card. This application, a set of rolled fingerprints, the reason the person believes they should be entered into the VAF and any supporting documentation should be sent to the following address:

Federal Bureau of Investigation
National Instant Criminal Background Check System
Voluntary Appeal File Team
Post Office Box 4278
Clarksburg, WV 26302-9922

After reviewing the application, fingerprint cards and validating the materials submitted by the Applicant, the FBI 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 FBI NICS Section is required to destroy any records submitted to the VAF upon written request of the individual. Additionally, if the FBI NICS Section discovers a disqualifying record on the individual after their entry into the VAF, the FBI NICS Section may remove the individual's information from the file.

APPLICANT'S STATEMENT:

I give the information on the following page voluntarily with the understanding that if my application is successful, I will be entered into the FBI NICS Voluntary Appeal File (VAF). I understand that if at any time I wish to be removed from the VAF, I can make a request in writing to the Voluntary Appeal File Team to be removed. I also understand that if the FBI NICS Section discovers a disqualifying record after my entry into the VAF, the FBI 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 fingerprints must be returned by mail only.

Mailing Address (for receiving correspondence):

_____

_____

Telephone Number: (_____) _____

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 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 NICS Section, Post Office Box 4278, Clarksburg, West Virginia 26302-9922.