

04-03

The Secretary of State presents his compliments to their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to bring to their attention regulations regarding the limited circumstances in which certain officials of foreign governments, including those accredited to the United States, are allowed to bring firearms or ammunition into the United States.

This note addresses only the subject of firearms and/or ammunition importation: (1) by individuals carrying such articles on their person or as accompanying baggage; or (2) as contents of a shipment. The Department will advise the missions of the applicable laws and policies governing the possession and carrying of firearms within the United States in a separate circular note. The Department looks to the Chiefs of Mission to bring this vital information to the attention of all sending state personnel, both in Washington and at consular posts throughout the United States.

With regard to importation, the United States Bureau of Customs and Border Protection (CBP) is responsible for clearing any individuals who are

accredited to the United States Government and wish to bring firearms or ammunition into the United States either on their person or in accompanying baggage. CBP is also responsible for clearing at U.S. ports of entry shipments that contain firearms or ammunition sent by individuals who are accredited to the United States Government. CBP has the authority to seize and hold in safekeeping any firearms and ammunition being brought into the United States without authorization issued by the appropriate federal and local authorities, and will release them to their owners only upon presentation of authorization.

Federal law generally prohibits the importation or transportation into the United States of firearms and ammunition by foreigners. The prohibition for importing firearms and ammunition has an exception for temporary importation of firearms and ammunition for legitimate hunting or lawful sporting purposes by mission personnel who possess a hunting license or permit lawfully issued by a state of the United States, or a letter of invitation or registration to participate in a qualifying sporting event or trade show. There is also a limited exception for temporary importations by official representatives of a foreign government who are either (1) accredited to the United States Government or

the Government's mission to an international organization having its headquarters in the United States; or (2) en route to or from another country to which such individuals are accredited. This exception applies only to importation of firearms and ammunition by individuals bringing in the firearm for his or her own official use.

Firearms Accompanying Mission Personnel

Mission personnel who wish to import firearms or ammunition for legitimate hunting or lawful sporting purposes must first obtain and submit ATF Form 6NIA to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In order for the 6NIA to be completed, the applicant must first possess either (1) a hunting license or permit lawfully issued by a state of the United States, or (2) in the event the applicant is invited to participate in a qualifying sporting event or trade show, the letter of invitation or registration for the event. The ATF 6NIA application, if approved, shall then serve as the import permit. Mission personnel must present upon arrival an approved Form 6NIA to CBP,

along with the hunting license or permit, or the letter of invitation or registration.

For importation of firearms or ammunition by mission personnel to be used for unofficial purposes in a non-sporting capacity, the Department's Form DSP-61, "Application/License for Temporary Import of Unclassified Defense Articles" should be submitted to the Office of Defense Trade Controls along with a letter of support from the embassy. If the action requested in the DSP-61 is approved, mission personnel bringing in the firearms must present upon arrival the approved DSP-61 to CBP.

If an official representing a foreign government seeks to import firearms and ammunition to be used for official purposes, CBP will contact the Department of State to confirm an individual's official capacity before allowing the individual to bring the firearm and/or ammunition into the United States.

Shipments

Generally, missions and mission personnel seeking to temporarily import a shipment of firearms and ammunition for unofficial purposes must obtain the

appropriate authorization by completing documentation mentioned above required by the Department or ATF, as well as documentation required by local authorities. The Department's Form DS-1504 "Request for Customs Clearance of Merchandise" must accompany any shipment containing firearms or ammunition for official or unofficial purposes. The contents of the DS-1504 should include:

- make and model of the firearm(s),
- year(s) of manufacture,
- serial number(s),
- and quantity of all firearm(s) to be imported.

For ammunition, all of these forms must identify caliber and quantity.

Mission personnel seeking to import firearms or ammunition for unofficial purposes should attach one of the following forms. For unofficial purposes in a non-sporting capacity, Form DSP-61, along with a letter of support from the embassy, should be submitted to the Office of Defense Trade Controls in order to gain approval for importation of firearms or ammunition. If the action requested in the DSP-61 is approved, a copy should be attached to

the completed DS-1504. Applicants should then submit these documents to the Office of Foreign Missions for customs clearance.

To import firearms or ammunition for legitimate hunting or lawful sporting purposes, mission personnel must first obtain approval from ATF using the Form 6NIA. The applicant must first possess either (1) a hunting license or permit lawfully issued by a state in the United States, or (2) in the event the applicant is invited to participate in a qualifying sporting event or trade show, the letter of invitation or registration for the event. A copy of Form 6NIA signifying ATF approval must then be submitted to the Department with the DS-1504 for customs clearance. Mission personnel should retain the original approved Form 6NIA, along with the hunting license or permit, or letter of invitation/registration, to present to CBP when retrieving the shipment.

No import permit is required for shipments of firearms or ammunition to be used for official purposes by official representatives of a foreign government. However, submitting the DS-1504 for proper customs clearance remains a requirement of the Department.

The Chiefs of Mission should be aware of the following additional restrictions: First, the permission to import firearms and ammunition is temporary. At the time of their departure, mission personnel are responsible for exporting their firearms and ammunition. Mission personnel who have been in the United States for more than ninety days cannot directly import firearms or ammunition. Such importation must instead be executed through a federal firearms licensee.

Second, all foreigners regardless of their status are prohibited from importing firearms restricted by the National Firearms Act, such as machine guns, silencers, and short-barreled rifles and shotguns. In addition, foreigners are prohibited from importing semiautomatic assault weapons or large capacity ammunition feeding devices.

The Chiefs of Mission are also reminded that the foregoing information pertains solely to importation of firearms and ammunition into the United States. None of this information in any way exempts mission personnel from complying at all times with applicable state or local laws and regulations in all other matters regarding firearms. Accordingly, permission to possess or carry

firearms and/or ammunition within the United States must be obtained from the appropriate authority of the local jurisdiction in which the mission employee resides or in which he or she proposes to possess or carry such firearms and/or ammunition.

Department of State,

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