

From: Violeta Navarro
To: TACs
Date: July 19, 2022
Subject: Alien Firearm License (AFL)

Sending on behalf of the Firearms Background Division

Hello,

As some of you are aware, our state was recently audited by the FBI. The auditors advised that we should not be using NICS for the purpose of issuing an Alien Firearm License (AFL).

After further discussion with NICS and reviewing RCWs 9.41.171, 173, 175, we found that there is no mention of the ability to run a NICS check for the purpose of an AFL.

RCW 9.41.173(3) The sheriff shall check with the national crime information center, the Washington state patrol electronic database, the health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW **9.41.040** or **9.41.045** to possess a firearm.

Effective immediately you are not allowed to run a NICS check when processing an Alien Firearm License.

You should continue to run the following when processing an AFL:

- Immigration Alien Query (IAQ)
- National Crime Information Center (NCIC)
- Washington Crime Information Center (WACIC)
- Health Care Authority (HCA)

As a reminder, if a non-immigrant alien wants to purchase a firearm or Concealed Pistol License (CPL) a NICS check will be conducted. An AFL is a requirement prior to the purchase of a firearm or CPL:

Concealed Pistol License RCW 9.41.070(4):

The application shall contain questions about the applicant's eligibility under RCW **9.41.040** and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW **9.41.173** and produce proof of

compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

Alien Firearm License RCW 9.41.171:

It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, unless the person: (1) Is a lawful permanent resident; (2) has obtained a valid alien firearm license pursuant to RCW 9.41.173; or (3) meets the requirements of RCW 9.41.175.

If you have any questions please email firearms@wsp.wa.gov.

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