

ATF Guidance – Returning Firearms to Nonresidents

The Firearms Industry Programs Branch (FIPB) is responsible for analyzing and responding to all other variance requests for firearms. If you have any questions about the process below, please contact FIPB by email at FIPB@atf.gov or by phone at (202) 648-7190.

“In sum, per ATF, the nonresidential LE agency does not have an exception under the GCA to give/transfer/dispose firearms directly to a nonresident. In those situations, LE can transfer the nonresident’s firearms to an FFL or transfer the firearms to another LE agency in the transferee’s state of residence (per 18 USC 925(a)(1))”.

The Gun Control Act of 1968 (GCA), [18 U.S.C. 925\(a\)\(1\)](#), specifically exempts law enforcement with regard to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any state or any department, agency, or political subdivision thereof.

However, the GCA, [section 922\(a\)\(3\)](#), prohibits a person from receiving in the state where he resides (or if the person is a corporation or other business entity, the state where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that state. Accordingly, it would be unlawful for the out-of-state nonlicensee to receive such firearms.

In this scenario, the out-of-state nonlicensee will need to acquire the firearm from a [Federal firearms licensee](#) (FFL) located in the nonlicensee’s state of residence. Notably, a nonlicensee resident of Virginia may receive a rifle or shotgun in an over-the-counter transaction at an out-of-state FFL (e.g., an FFL in Pennsylvania) provided the laws of the nonlicensee’s state of residence and the FFL’s state permit the transfer; see [here](#).

In regard to shipping the firearm to an FFL, please see the ATF [FAQ](#) regarding firearms shipments via common or contract carriers:

- ***May a nonlicensee ship a firearm by common or contract carrier?***

A nonlicensee may ship a firearm by a common or contract carrier to a resident of his or her own State or to a licensee in any State. A common or contract carrier must be used to ship a handgun. In addition, Federal law requires that the carrier be notified that the shipment contains a firearm or ammunition, prohibits common or contract carriers from requiring or causing any label to be placed on any package indicating that it contains a firearm and requires obtaining written acknowledgement of receipt.

[[18 U.S.C. 922\(a\)\(2\)\(A\)](#), [922\(a\)\(5\)](#), [922\(e\)](#) and [\(f\)](#); [27 CFR 478.30](#) and [478.31](#)]

Please also see the ATF [FAQ](#) regarding firearms shipments via USPS:

- ***May a nonlicensee ship a firearm through the U.S. Postal Service?***

A nonlicensee may not transfer a firearm to a non-licensed resident of another State. A nonlicensee may mail a shotgun or rifle to a resident of his or her own State or to a licensee in any State. The Postal Service recommends that long guns be sent by registered mail and that no marking of any kind which would indicate the nature of the contents be placed on the outside of any parcel containing firearms. Handguns are not mailable. A common or contract carrier must be used to ship a handgun.

[[18 U.S.C. 1715](#), [922\(a\)\(5\)](#) and [922 \(a\)\(2\)\(A\)](#); [27 CFR 478.31](#)]