



EMN Ad-Hoc Query on PL ad hoc query on firearms license issued to foreigners

Requested by Joanna SOSNOWSKA on 24th October 2016

Miscellaneous

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (24 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.



Background information:


Actually this area is not unified within the EU. This question follows from the need of obtaining the reliable information on solutions existing in particular Member States. Knowledge about these solutions will be helpful in the risk assessment regarding internal security area as well as terrorist threat. There have been incidents of terrorist and violent nature, which have taken place in EU MS, concerning individuals with irregular migration status. The existence of such incidents indicates that there is a need to acknowledge how the firearms being in possession of foreigners are used (whether legally or illegally).



Questions


1. Is it possible for individuals with irregular migration status to obtain a firearms licence? If so, in which cases and what categories of persons does this concern (e.g. applying for residence permits, applying for international protection, etc.)? Does this also concern to persons residing illegally?
2. Is it possible for the third-country nationals residing legally on the territory of Member States (with granted international protection status) to obtain a firearms license? If so, under what circumstances?




Responses



	Country	Wider Dissemination	Response
	Austria	Yes	<p>1. In principle yes, if the applicant is reliable and at least 18 years old. However, the decision is within the discretion of the competent authority (Art. 21 Weapons Act). In exercising this discretion, private interests are only taken into account insofar as this is possible without disproportionate interference with the public interests (Art. 10 Weapons Act). Accordingly, it seems very unlikely that irregular migrants are granted a firearms license.</p> <p>2. In principle yes (please see the response to Question 1).</p>
	Belgium	Yes	<p>1. No. Article 11 § 1 of the Law of 8 June 2006 on weapons indicates that « the possession of a firearm subject to authorisation or related ammunition is prohibited for private individuals</p>


			<p>without prior authorisation issued by the governor competent for the place of residence of the applicant. This authorisation can only be issued following an advice – within three months following the application – of the chief of the local police of the place of residence of the applicant. The decision must be motivated. The authorisation can be limited to the possession of the firearm, excluding ammunition, and it is valid only for one firearm ». In order to obtain an authorisation to possess a firearm in Belgium, it is thus necessary to legally reside in Belgium. As indicated above, the application has to be submitted to the governor competent for the place of residence of the applicant. In the framework of the application procedure, the police will go to the residence of the applicant in order to check if the applicant does live at the given address and if he has taken the necessary security measures for the storage of the firearm(s). If the applicant does not have a residence in Belgium, he will have to apply for an authorisation to possess a firearm to the State Security services (Sûreté de l'Etat/ Veiligheid van de Staat) (art. 11 §2 of the law of 8 June 2006).</p> <p>2. Yes. The law does not foresee a nationality criteria. A person legally residing in Belgium – regardless of his nationality – can apply for an authorisation to possess a firearm in Belgium. He needs to submit an application for the authorisation to the governor competent for his place of residence (see question 1). In order to be granted the authorisation, the applicant needs to meet the legal conditions set out in article 11 § 3 of the law of 8 June 2006 on weapons.</p>
	Croatia	Yes	<p>1. A person with an irregular migration status cannot obtain a firearms licence in the Republic of Croatia.</p> <p>2. Under the provisions of the Law on Weapons (NN 63/07, 146/08, 59/12) in the Republic of Croatia only foreigners with a temporary or permanent residence can acquire, hold or keep and bear arms and they have to meet the conditions for the acquisition and possession of weapons as well as Croatian citizens. This also applies to persons who are in the Republic of Croatia granted international protection and on the basis of protection afforded to acquire the right to stay in Croatia. Law on Weapons and the Law on Amendments to the Weapons Act does not provide the option for a storage of hunters' weapons - foreign nationals. However, the law has introduced the</p>



			possibility of lending a weapon to an alien to whom Croatian Hunting Association has issued a hunting card for aliens.
	Cyprus	No	
	Czech Republic	Yes	<p>1. Acquisition and possession of firearm permit is regulated by the Act No. 119/2002 Coll., on firearms and ammunition, as amended. According to the Section 18, paragraph 1.a), the firearm permit can be issued to a person who resides in the Czech Republic – the person in question does not have to be a citizen of the Czech Republic, however, his/her stay has to be legal. Without fulfilling this condition, the permit cannot be issued. Thus, the termination of a stay in the Czech Republic can lead to the termination of validity of a firearm permit. The firearm permit cannot be issued to the person who is staying in the territory of the Czech Republic illegally. If a person resides in the Czech Republic, then he/she has to meet also other set requirements by the law, meaning to reach a required age, being legally capable (integrity), being reliable, capable in terms of health and being professionally competent. The examination is conducted only in Czech language. Moreover, if a person applying for the acquisition of the firearm permit has, prior to filing the application, resided within the last ten years continuously for more than six months outside the Czech Republic, he/she shall be obliged to submit a document similar to an extract from the Register of Criminal Records from the country where the applicant resided translated into the Czech language by a certified interpreter recorded in the Register of Forensic Experts and Interpreters; if the applicant cannot submit such a document since such country does not issue a document of this kind he/she must submit a statutory declaration stating that he/she has not been convicted for a criminal offence for which the applicant cannot be deemed to be without any criminal record (Section 22) and has not been sanctioned for a minor offence in connection to which the applicant cannot be deemed reliable (Section 23). Also, an applicant for a firearm permit who has his/her place of residence in a Member State (other than CZ) shall be obliged to submit the consent of the Member State concerned to the issuing of a firearm permit or a statement from the Member State indicating that such previous consent is not deemed to be necessary, translated into the Czech language by a certified interpreter recorded in the Register of Forensic Experts and Interpreters. More information from the law: Section 18 (1) The relevant police unit shall issue a firearm permit to a natural person who satisfies the below conditions.</p>



			<p>The natural person concerned should a) reside in the Czech Republic; b) have reached a required age (Section 19); c) be legally capable; d) be capable in terms of health (Section 20); e) be professionally competent (Sections 21 and 21(a); f) have no criminal record (Section 22); and g) be reliable (Section 23). (2) The relevant police unit shall dismiss an application for a firearm permit if the applicant does not satisfy some of the conditions referred to in paragraph 1. (3) The relevant police unit may issue a decision dismissing an application for a firearm permit if the applicant is a foreign national who is not a) a citizen of a Member State; b) a citizen of a Member State of the North Atlantic Treaty Organisation; c) a family member of a person stipulated in letter (a) who has been issued a temporary residence permit or who is in possession of a permanent residence permit in the Czech Republic and who has had conferred on them the status of long-term resident of the European Community in the Czech Republic or a foreign national who has had conferred on them the same right in a Member State of the European Union and who has been issued a long-term residence permit in the Czech Republic; d) a family member of a person stipulated in letter d) who has been issued a long-term residence permit in the Czech Republic; or e) a person who has been awarded asylum in the Czech Republic even though such a foreign national satisfies all conditions referred to in paragraph 1. There is no appeal against such decision.</p> <p>2. As stated before, the person has to reside in the territory of the Czech Republic. If a person is staying in the Czech Republic illegally, then the person in question cannot be issued with a firearm permit.</p>
	Estonia	Yes	<p>1. It is not possible for individuals with irregular migration status to obtain a firearms license in the Republic of Estonia.</p> <p>2. According to the Estonian Weapons Act, weapons may be acquired by citizens of the Republic of Estonia or by aliens who hold a valid Estonian residence permit or who are residing in Estonia based on the right of residence. Weapons may be acquired since 18 years of age, by some types of weapons as of 21 years of age. It should be noted, that the validity of a weapons permit issued to an alien holding a temporary residence permit or a temporary right of residence shall not exceed the validity of his or her residence permit or right of residence. Upon the revocation of</p>



			the residence permit or the termination of the right of residence, the weapons permit shall be revoked.
	Finland	Yes	<p>1. It is only possible to obtain a firearms licence if a person is residing legally in Finland.</p> <p>2. Yes it is possible to get. If a person is found suitable by the Finnish firearms act, then the grounds of residence permit makes no difference. In order to be found suitable by the licence authority the applicant shall have a history of several years without crimes or unacceptable behaviour. If this period is not entirely fulfilled in Finland, the applicant shall show his/her suitability by documentation of the authorities of the state of his/her previous residence.</p>
	France	Yes	<p>1. No. Acquisition and detention of firearms by individuals, whatever their nationality, is subject to authorization or declaration, depending on the type of firearms. The applicant has also to meet certain conditions (e.g.: be reliable and at least 18 years old, providing an extract of the criminal record proving the absence of convictions, etc.). In addition to the application file, the applicant has to provide a valid identity document (or a valid residence permit if it concerns a third-country national), a proof of residence, a medical certificate and a proof of having a safe (at home). The decision is notified by the competent authority (prefet) of the place of residence.</p> <p>2. In principle yes, providing that the applicant, of whatever status, meets the required conditions (see Q1) and receives a positive decision by the prefet.</p>
	Germany	Yes	<p>1. Pursuant to section 4 subsection 1 of the German Weapons Act (WaffG), applicants for a licence permitting them to acquire, possess, carry and shoot a weapon shall 1. be at least 18 years of age, 2. have the necessary reliability and personal aptitude, 3. demonstrate the necessary specialized knowledge in an examination, 4. demonstrate a need (for example as a hunter, marksman or endangered person), and 5. enclose proof of liability insurance cover of one million euros for personal injury and property damage. The requirements set out in 3 to 5 above need not be met for a licence to carry weapons for shooting blanks or irritants or weapons used as signalling devices (so-called “minor firearms certificate”); cf. section 10 subsection 4 sentence 4 in conjunction with Annex 2, Part 2, Chapter 3, nr. 2 and 2.1 of the Weapons Act. In addition,</p>


			<p>applicants shall prove that they store weapons and ammunition in a way which keeps them from being lost or stolen by unauthorized third parties (section 36 of the Weapons Act). The licence may be expressly refused if the applicant has not been ordinarily resident for at least five years in Germany (section 4 subsection 2 of the Weapons Act). This means that, as long as the final decision on third-country nationals' right to remain or right to international protection is pending, these third-country nationals usually do not meet the preconditions for being granted a licence to carry weapons. Obviously, this applies all the more to illegal residents.</p> <p>2. Third-country nationals who legally reside in Germany, for example on the grounds of having been granted international protection, may be granted a licence, provided that they meet the requirements set out in the answer to question 1 above.</p>
	Hungary	Yes	<p>1. No, it is not possible for individuals with irregular migration status to obtain a firearms licence because they do not have a domicile within the territory of Hungary. Domicile is needed to obtain a permit from the local Police Authority among other conditions (being at least eighteen years of age; having no criminal record; passing medical and psychological tests as well as a successful weapons proficiency test) according to Articles 3 and 3/A. of Act XXIV of 2004 on weapons and Article 4. (4) of Government Decree No. 253 of 2004 on weapons and ammunitions.</p> <p>2. Yes, it is possible for a third-country national residing legally on the territory of Hungary or other Member States of the European Union to obtain a firearms license under the conditions of Act XXIV of 2004 and Government Decree No. 253 of 2004. One has to have a domicile in Hungary, has to be at least eighteen years of age; must not have a criminal record; has to pass medical and psychological tests as well as a successful weapons proficiency test.</p>
	Italy	Yes	<p>1. No, it is not possible.</p> <p>2. In Italy, requirements for obtaining firearm licenses for the purposes of personal defence, hunting or wing shooting do not include citizenship. In fact, a firearm license may be issued to all those who have their residence in the territory of the State. However, the procedure for</p>





			<p>obtaining a firearm license is very complex and includes many safeguards. First, applicants must prove that they are currently exposed to such a risk that justifies the need for a firearm license. Second, a number of checks are made on applicants, such as health checks for mental, personality and behavioural disorders. In particular, applicants should not be addicted to drugs or alcohol. The use, even occasional, of drugs, psychotropic drugs and alcohol abuse makes applicants non-eligible for obtaining a firearm license. In addition to the checks carried out by the competent office, if a third-country national applies for a firearm license, the Central Prevention Police Office, the Central Criminal Police Directorate and the Central Immigration Directorate (all under the Department of Public Security) are notified, so that additional elements are gathered before deciding whether to issue firearm license.</p>
	Latvia	Yes	<ol style="list-style-type: none"> 1. It is not possible for individuals with irregular migration status to obtain a firearms licence. 2. According to the Law on the Handling of Weapons and Special Means it is not possible for a person with granted international protection status to obtain a firearms lice. According to the Law on the Handling of Weapons and Special Means V part 16.point (3) A citizen of Latvia, a non-citizen of Latvia, a citizen of a European Union Member State and a citizen of a state of the European Economic Area, as well as a person who has received a permanent residence permit in the Republic of Latvia if he or she has reached the age of 18 years and the prohibitions referred to in this Law do not apply thereto, has the right, with the authorisation of the State Police, to acquire, possess and transport Category B, C and D long smooth-bore hunting, sport and self-defence firearms, traumatic long firearms, high energy pneumatic weapons and the ammunition thereof, to utilise these weapons according to their intended use for hunting, practice shooting, shooting sports competitions and self-defence, as well as for the killing of farm animals in accordance with the procedures laid down in laws and regulations. (4) The person referred to in Paragraph three of this Section, who has reached the age of 21 years and who has a hunters certificate, if the prohibitions referred to in this Law do not apply to this person, has the right, with the authorisation of the State Police, to acquire, possess and transport Category B and C long rifled barrel hunting firearms and the ammunition thereof, to utilise these weapons for hunting, practice shooting, shooting sports competitions, as well as for the killing of farm animals in accordance with the procedures laid down in laws and regulations. (5) The person

			<p>referred to in Paragraph three of this Section, who has reached the age of 18 years, who has been a member of a registered sports organisation for at least three years and who has at least the second sport class in a type of sport connected with shooting, if the prohibitions referred to in this Law do not apply to this person, has the right, with the authorisation of the State Police, to acquire, possess and transport Category B and C long rifled barrel sports firearms and the ammunition thereof, Category B short firearms, the calibre length of which does not exceed 5.6 millimetres, and the ammunition thereof, and to utilise these weapons in practice shooting and shooting sports competitions. (6) A citizen of Latvia, a citizen of a European Union Member State who has received a permanent residence permit in the Republic of Latvia and a citizen of a European Economic Area State, who has reached the age of 21 years, if the prohibitions referred to in this Law do not apply thereto, has the right, with the authorisation of the State Police, to acquire, possess and transport or possess, transport and carry Category B semi-automatic, non-automatic and single-shot short firearms, the calibre of which does not exceed 9 millimetres, and the ammunition thereof and to utilise these weapons in practice shooting and shooting sports competitions, as well as use them for self-defence.</p>
	Lithuania	Yes	<p>1. No, it is not possible. The right to obtain a firearms license is possible only for those third-country nationals who permanently live in Lithuania. That means that migrants who illegally reside in the Republic of Lithuania cannot obtain a firearms license as well as any gun. The same situation applies for those individuals who have already applied for residence permit or asylum but have not received a positive decision yet.</p> <p>2. If the third-country national is granted a refugee status (the case does not include subsidiary or temporary protection status), then a person obtains a permanent residence permit. In that case, a refugee would in principle apply to obtain a firearms license if he or she meets the criteria as defined by the law (e.g. perfect repute, certificate of passed exam to use a gun, etc.)</p>
	Luxembourg	Yes	<p>1. No. Does this also concern to persons residing illegally? Yes.</p> <p>2. Yes. Any legally residing third country national who wishes to have a firearm at home or for leisure (i.e. for hunting, sport shooting, collection item, etc.) is in the same situation as other</p>

			<p>residents and must apply for an authorization to the Ministry of Justice. The applicant must join to the application a copy of his/her identification document, a copy of the criminal record and the proof of having paid the fee. This permit is granted for five years and it is renewable every five years. It can be withdrawn at any moment according to the legal applicable procedure. It can be refused when there is a concern that the applicant represents a threat to himself/herself, to others, or to public order or safety. In accordance with the principle of precaution, when applying for a firearm permit, the applicant must justify a legitimate reason for buying a firearm and to obtain the permit. The Minister of Justice can refuse to grant the permit when there is a concern that the applicant, taking into consideration his/her mental condition, background and criminal record, is a threat to himself/herself, to others, or to public order or safety. If the application of the permit is for hunting, before granting the permit, the Ministry of Justice requires that the applicant has obtained a hunting license for the year of the application. If it is for sport shooting, the applicant must attach a copy of his/her valid membership of a shooting club for the year of the application. The fee for the issuance, the renewal or amending a firearm permit is of 50 Euros. When applying for the first time for a firearm permit, the application is transferred to the Grand-ducal police of the residence of the applicant for a honorability investigation. If needed for the issuing of the first permit or in any other case when necessary, the Ministry of Justice will require additional information to the Public Prosecutor Office.</p>
	Malta	Yes	<p>1. No</p> <p>2. No</p>
	Netherlands	Yes	<p>1. No. In order to obtain a firearms license in the Netherlands, applicants need to be a member of a shooting association. In order to become a member of such an association, they need to hand over a Certificate of Good Conduct. Persons residing irregularly or illegally cannot apply for such a certificate, hence cannot become a member of a shooting association and hence also cannot apply for a firearms license.</p>

			<p>2. Yes. A third country national with a valid residence permit has the same rights as all other Dutch citizens and therefore, if they fulfil the conditions, can apply for a firearms license.</p>
	Poland	Yes	<p>1. No. According to the Act on weapons and ammunition, firearms license is not issued to people, who have no permanent residence on the territory of the Republic of Poland. An administrative decision to grant a firearms licence is issued by the competent Commander of the Regional Police Unit, after a detailed proceeding in such case has been carried out. Such proceedings are to determine whether the individual in question does not pose threat for public order and public security and for himself. This individual is also to present an important reason to be granted a firearms license. Real, constant and above-average risk to life, health or property are considered to be crucial reasons, in terms of obtaining a firearms license.</p> <p>2. See above.</p>
	Portugal	Yes	<p>1. No.</p> <p>2. Yes, when all established criteria for different types of firearms are fulfilled (Law 5/2006 of February 23rd as amended by Law 59/2007 of September 4th). PT doesn't perform such distinction.</p>
	Slovak Republic	Yes	<p>1. It is only possible to apply for the firearm license if a person is staying in the territory of the Slovak Republic with authorization in the form of a residence. By residence the address of the temporary or permanent residence of the either a citizen of Slovakia or foreigner is understood. It does not include the address of the Municipal or City Office.</p> <p>2. Such person needs to fulfil all the requirements as stated by the Act on Firearms and Ammunition necessary for obtaining the license. These are as follows (not exhaustive): The Police Office issues a firearms license to a natural person who: a) applies for its issuance in written, b) possesses full legal capacity, c) reached a certain age (in this case 21, if s/he is not a part of the state representation in the sport shooting or has a hunting license), d) has a clear criminal record and is trustworthy (as defined by this Act), e) is medically fit and mentally</p>

			<p>capable to possess or carry firearms or ammunition, f) shows a professional competence to possess or carry firearms or ammunition by passing a test in front of the examination commission, g) is (lawfully) residing in the territory of the Slovak Republic, h) during the administrative procedure s/he has demonstrated a reasonable need to possess or carry a firearm or ammunition, In the application the applicants states his/her: a) personal information, b) the number of the ID card or passport (in case of the foreigner), c) the number of the group in which the requested firearm falls in, d) justification why s/he needs the issuance of the firearm license. S/he also encloses two photographs of his/her present resemblance as stated in the Act on Firearms and Ammunition, medical assessment and psychological assessment of his/her physical and mental capacity to possess or carry firearms or ammunition, and necessary licenses or certification of the responsible administrative body or legal entity (in case of firearms license for hunting, sport activity etc.). Act on Firearms and Ammunition lists several other requirements for specific cases.</p>
	Slovenia	Yes	<p>1. The Weapons Act in Article 65 provides that foreign persons who have a permanent residence permit or a temporary residence permit for at least one year without interruption in the Republic of Slovenia enjoy the same status as citizens of the Republic of Slovenia with respect to the acquisition, possession and carrying of weapons, if not otherwise determined by this Act. The Weapons Act differently provides possession of weapons of foreign missions, consulates and international organisations seated in the Republic of Slovenia who have diplomatic immunity in Slovenia. As stated, person who does not have permanent residence permit or temporary residence permit in the Republic of Slovenia (irregular migration status) or person residing illegally cannot obtain a firearms licence.</p> <p>2. Weapons Act has no specific provisions that specifically relate to the person who has been granted refugee status or subsidiary protection status. As answered before, foreign persons who have a permanent residence permit or a temporary residence permit for at least one year without interruption in the Republic of Slovenia enjoy the same status as citizens of the Republic of Slovenia with respect to the acquisition, possession and carrying of weapons. For person who has been granted refugee status or subsidiary protection status that means, that for obtaining a permit to acquire weapons, a permit to acquire ammunition, and a weapons permit, he/she has to fulfil</p>

			the following conditions: 1. The individual must be at least 18 years old; 2. There must be no public order reservations; 3. The individual must be trustworthy; 4. The individual must have a justified reason for being issued with a weapons document; 5. The individual must have a valid health certificate; 6. The individual must have passed a test of knowledge of the handling of weapons.
	Spain	Yes	<p>1. No.</p> <p>2. Yes, under the same circumstances as Spanish citizens.</p>
	Sweden	Yes	<p>1. No</p> <p>2. Yes. In order to be granted a weapon licence the person is required to be at least 18 years of age. The person also needs to be law-abiding and well-behaved, and must be able to certify the purpose of his/her need to possess a weapon. The most common purposes are hunting and target shooting.</p>
	United Kingdom	Yes	<p>1. No. A person applying for a firearms license must be a resident of the UK. This applies to persons residing illegally in the UK.</p> <p>2. Yes. The applicant would need to submit a firearms application to their local Police Force. They must also have two referees vouch for their character and no criminal record. A police officer would then visit the applicant to interview them and make sure the firearms would be kept in a secure cabinet. If the police office was sure the applicant was not a threat to the public and would not use a firearm irresponsibly, they would approve the application.</p>
	Norway	Yes	<p>1. This query cannot be answered by Norway on the basis of the information that is readily available.</p> <p>2. See the text above.</p>

