



HOW TO CHECK IF YOU HAVE A CRIMINAL RECORD

This guide provides step-by-step instructions about how to check if you have a criminal record from the FBI and state government agencies.

I want to apply for immigration relief, but I may have a criminal record.

A. What do I do?

Many people who have been arrested or convicted of a crime may still be able to apply for some forms of immigration relief. However, certain types of crimes will disqualify them. If you have ever been arrested or detained by law enforcement, it is best to get legal advice on whether you are still eligible, and seek help putting together your application!

B. How do I know if I have a criminal record?

If you have had any contact with law enforcement officers, it is essential to request your criminal history to help you and your attorney figure out if you are eligible for immigration relief or benefits, and to assess any risk of enforcement action. Contact with law enforcement can look like many things. It includes:

- Being arrested for a DUI
- Receiving a citation for public disorderliness
- Being stopped at the border when entering the U.S.
- Agreeing to a plea bargain with a prosecutor
- Violating probation or parole
- Dismissing or expunging a conviction

Even if you expunged your record, or if all charges were eventually dismissed, there is a record and it is important to request a copy of it so that you know exactly what happened.

Although you may feel nervous sharing your complete history with an attorney, the information is critical to helping an attorney know how best to advise you on your immigration options. If you cannot remember exactly what happened in a case, or are not sure whether what happened is important, just share what you can remember and your attorney can help you request your record to get a full picture of what happened.

C. What is in a criminal record?

Criminal background checks produce summary documents, often called “rap sheets,” which are just a list of interactions with law enforcement. It is the government’s version of your criminal history. A rap sheet does not include every piece of paper or administrative record involved in an incident.

The rap sheet pulls information from certain government databases on a person’s past encounters with law enforcement. The primary federal background check system is maintained by the Federal Bureau of Investigation (FBI), but each state also has its own criminal background check system. Your attorney may recommend that you request both your state and federal criminal history records.

A state criminal background check is different from a federal background check. For example, the California Department of Justice (CA DOJ) maintains the state’s criminal records. FBI records include information from across the country, whereas the state records will just include information from just that particular state.

Rap sheets include:	Rap sheets do not include:
<ul style="list-style-type: none"> • Warrants • Arrest • Charges • Convictions • Prior deportations • Sentencing information 	<ul style="list-style-type: none"> • Actual and complete court records • Arrest reports • Officer notes • Facts or evidence of the case

The FBI calls its version of a rap sheet an “Identity History Summary.” Information about Identity History Summary Checks are available here: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

Information about California’s rap sheets is available here: <https://oag.ca.gov/fingerprints/record-review>.

D. How do I request my criminal record?

We explain the steps below, but it is important to check the FBI and the relevant state’s websites for the most up to date information and request forms.

- You can get your criminal record mailed to you by sending a request, with your fingerprints, to certain government agencies. Depending on what kind of record you may have, you should send your request to the Federal Bureau of Investigation (FBI), and/or to the relevant state (e.g., California Department of Justice (CA DOJ)). See this chart to help you determine where you should request your records from:

Type of incident	What kind of check do I do?	What is the fingerprint process?
Federal/Immigration/ Border	FBI fingerprints	Submit an FBI ink card, available here: https://www.fbi.gov/file-repository/standard-fingerprint-form-fd-258-1.pdf/view
Arrest by police IN California	CA DOJ Live Scan (California uses a digital method of collecting fingerprints called, "Live Scan.")	Submit a digital scan at a California designated Live Scan location: https://oag.ca.gov/fingerprints/locations
Arrest by police OUTSIDE California	FBI fingerprints	Submit an FBI ink card, available here: https://www.fbi.gov/file-repository/standard-fingerprint-form-fd-258-1.pdf/view
I don't know	Ask for help from an attorney.	

E. What are the steps to request my criminal and immigration history from the FBI?

Note: The FBI's website and links change constantly, so you may have to do a quick Google search for the most up-to-date link.

Step 1: Complete the FBI Criminal History Summary Request Form: <https://forms.fbi.gov/departmental-order-website-questionnaire>.

1. Include your name, date of birth.
2. Include your complete mailing address. You may provide an office address of a legal representative instead.
 - Providing your telephone number and/or e-mail address is optional.
3. Under "Purpose" or "Reason for request," write "personal review" or "review own record." *Do not write that it is for immigration purposes.*
4. Sign and date the form. If the request is for a couple, family, etc., everyone must sign the form.

Note: Providing information like a Social Security Number and citizenship information *is optional*; you do not have to provide this information.

Step 2: Have your fingerprints taken on the FBI fingerprint ink card.

1. For FBI records checks, you should use the FBI's ink card. The form can be found here: <https://www.fbi.gov/file-repository/standard-fingerprint-form-fd-258-1.pdf/view>. You can have your fingerprints taken on that card at some of the Live Scan locations, or at some other legal services agencies as well. Before you go, call the fingerprinting service in your area and ask:
 - Do they provide ink card fingerprinting for FBI record checks?
 - What is the fee for taking fingerprints?
 - What kind of identification or documentation is required?
2. Include your name and date of birth on the fingerprint card.

WARNING! Undocumented immigrants and others who have outstanding warrants should *not* go to a law enforcement agency (e.g., Police or Sheriff's Department) to have their fingerprints taken. They could be arrested and referred to ICE. Look into other options for submitting fingerprints through a private agency or business. Call ahead to verify what forms of identification may need to be presented.

Step 3: Include payment of eighteen dollars.

Option 1: Obtain a money order or cashier's check for eighteen dollars (U.S. dollars) made payable to the Treasury of the United States.

Option 2: Pay by credit card using the Credit Card Payment Form.

1. Note: Cash, personal checks, or business checks *will not* be accepted.
2. Payment must be for the exact amount. If the request is for a couple, family, etc., include eighteen dollars for each person

Step 4: Double check that you have all the required documents.

Review the FBI Identification Record Request Checklist (<https://www.fbi.gov/file-repository/identity-history-summary-request-checklist.pdf/view>) to ensure that you include everything you need to process the request.

- signed and completed applicant information form
- completed fingerprint card
- payment of eighteen dollars

Step 5: Submit your request packet to the FBI:

Option 1: Mail your request packet to the FBI:

FBI CJIS Division: Summary Request
1000 Custer Hollow Road
Clarksburg, WV 26306

Option 2: Electronically submit your request to the FBI.

If you submit a request electronically, you may visit a participating U.S. Post Office to submit your fingerprints electronically as part of your request. Call the post office first to make sure they offer this service. There may be a fee.

1. Go to <https://www.edo.cjis.gov>.
2. Follow the steps under the “Obtaining Your Identity History Summary” section.

Step 6: Wait for a response.

Once the request for the FBI Identification Record is made, if the FBI does not find a record, a “no record” response will be sent. If the FBI does find a criminal history record in the file, an identification record or rap sheet will be sent.

It currently takes the FBI two to four weeks to process requests submitted through the mail. The processing time for electronic submissions is about three to five business days once they receive the request.

The FBI must send the results to the person who requested the record.

F. What are the steps to request my criminal history from my state?

Each state has its own procedure for obtaining rap sheets. Find the instructions from the relevant state agency in charge of maintaining criminal records submitted by the state courts and law enforcement agencies. A map at <https://www.hirenetwork.org/clearinghouse> can be a helpful place to start looking for your state criminal records agency, although a simple Google search will usually be very effective.

Example 1: In Texas, the Department of Public Safety handles “Personal Criminal History Record Information.” You can create a login to search records electronically—<https://secure.txdps.state.tx.us/DpsWebsite/CriminalHistory/>—or the department provides a request form and instructions here: <https://www.dps.texas.gov/internetforms/Forms/CR-63.pdf>.

Example 2: In Massachusetts, a state records request is called a CORI (Criminal Offender Record Information) and the state Executive Office of Public Safety and Security explains what is in these records and how to request your own history: <https://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/>.

Example 3: In Florida, the state Department of Law Enforcement offers several different kinds of checks to choose from: <http://www.fdle.state.fl.us/cms/Criminal-History-Records/Obtaining-Criminal-History-Information.aspx>.

Example 4: In California, the CA Department of Justice maintains the statewide criminal records, which can be accessed via live scan (digital fingerprinting). Extensive instructions about the request process and live scan options are available on the Attorney General’s website at: <https://oag.ca.gov/fingerprints/security>.

G. What are the steps to request my California DOJ criminal records?

If you have ever been arrested or detained by law enforcement in California, such as the local police or sheriff, these are the instructions for submitting your request to the California Department of Justice to get a copy of your criminal history (record). For California residents only

CA DOJ Records Requests requires:

- Digital fingerprint scan
- \$25 fee

Step 1: Find the Live Scan location convenient for you: <https://oag.ca.gov/fingerprints/locations>.

- Call ahead to ask what forms of identification are accepted.
- You may also want to double check their fee for taking fingerprints.

Step 2: Fill out the Live Scan Form (Form BCIA 8016RR):

https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/bcia_8016RR.pdf.

- Check “Record Review” as the “Type of Application”
- Enter “Record Review” on the “Reason for Application” line.
- Fill out all your personal information.
- Leave blank any questions you don’t know the answer to.

Step 3: Take the completed form to any Live Scan site for fingerprinting services.

- If needed, ask the Live Scan operators for assistance filling out the form.
- Live Scan means that the fingerprints are sent digitally to the CA DOJ from the Live Scan site.
- The Live Scan operator can accept your payment of twenty-five dollars to the CA DOJ.

Additional questions may be directed to the CA DOJ Record Review Unit at (916) 227-3835.

H. What happens after I request my criminal record?

- The criminal history check will help you and your attorney find out if you need to request additional records. You will work with your attorney to figure out what the documents mean. Just because a rap sheet does not list a certain incident does not mean that the government does not have a record of that interaction. Often the rap sheets are incorrect or incomplete.
- The rap sheet may list courts where you can request a complete court record. You will then have to request records from each court where there may be records.
- After you have obtained your criminal history rap sheet(s) and complete court records, your attorney will help you determine your eligibility.

- For guidance on how to reach a California DOJ rap sheet, visit the Reentry Legal Clinic’s step-by-step guide: <https://reentrylegalclinic.dozuki.com/Guide/How+to+read+a+DOJ+rap+sheet/1>.
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