

CRIMINAL RECORDS CHECKLIST

The Attorney has determined that s/he cannot decide if you should apply for citizenship because you indicated that you may have an arrest record and do not have it with you today.

For an immigration lawyer to advise you, you need to obtain a **copy of your file from the Clerk of the Court** where your criminal case was filed (in other words go to the clerk of the court where you saw the Judge). Please ask for **certified copies of all the records listed below**. You may have to pay a fee for the copies.

If you are told that the letters are in storage, then you need to place an order for certified copies of those records. It may take longer, but you will need them.

You need copies of the records even if your file was “expunged”, “sealed”, “pardoned” or “dismissed.”

If the court does not have the records, you will need a letter from the court stating that the records have been destroyed or no longer exist.

Please order all of the following, if available, from your file:

1. Charging document (sometimes called “information” or “indictment”) stating the code sections alleged to have been violated
2. Statement of Defendant on Guilty Plea, if any (any statements signed by you as to admission or denial of facts). If this was only done in a discussion with the court, you may need to order transcripts of the discussion between you, the attorney, prosecutor and the judge concerning the plea.
3. Judgment and Sentence of the Court
4. Proof of completion of the sentence – e.g., a court filing showing jail time served, completion of probation, payment of fine, attendance at substance abuse classes, community service, anger management classes, etc.
5. Post-conviction relief, if any (e.g., vacation of sentence, reversal, remand, expungement orders, vacation of finding of guilt, pardon)
6. Court docket (the day-by-day journal of what happened in the court)

Police Records: If you were arrested but never charged with an offense, please order a copy of the police or sheriff’s department report completed at the time of your encounter with law enforcement. You may need to get this at one of the local police stations. You may need a letter from them indicating that charges were never filed.

Once you have these papers for **EVERY** offense, you should make an appointment with an immigration lawyer familiar with the immigration consequences of crimes to see if you should apply for citizenship.