

# Clean Slate and Immigration

For more information on who will benefit from Clean Slate, check out CLS's [Clean Slate FAQ](#).

For more information about the risks and rewards of record-clearing, see CLS's guide on [Navigating the Complexities of Expunging Records for Immigrant Clients](#).



*Clean Slate is a new law in PA that removes barriers to employment, housing, and other opportunities for millions of people with criminal records. However, it may make accessing record information for immigration purposes more complicated.*

## ***What does Clean Slate do?***

Beginning in June 2019, Clean Slate will automatically seal non-conviction information within 60 days, some misdemeanor convictions after 10 years without a subsequent conviction, and all summary convictions after 10 years (if fines and costs are paid off). The law also allows more misdemeanor convictions to be sealed by petition.

## ***Does Clean Slate help for immigration purposes?***

No. Just like with expungements, sealing under Clean Slate does not have any effect on the consequences of a criminal record for immigration purposes. **In fact, sealed information will still be available to USCIS and ICE.**

## ***If a record is sealed, will it show up in the public court database (UJS)?***

No. Because sealing will occur automatically, you will not be able to rely on the public court dockets to know whether someone has a record or not. **All arrests not resulting in conviction will be automatically sealed, as will many old misdemeanor convictions.**

## ***Will sealed cases show up on FBI background checks?***

Yes. Unlike with expungement, sealing—automatic or by petition—does not remove information from the FBI database.

### **Center City Office:**

1424 Chestnut St. | Philadelphia, PA 19102-2505 | 215-981-3700 | [clsphila.org](http://clsphila.org)

### **North Philadelphia Law Center**

1410 West Erie Ave. | Philadelphia, PA 19140-4136 | 215-227-2400

### Charges that WILL be automatically sealed:

- All non-convictions

### Convictions that MAY be automatically sealed:

- 2<sup>nd</sup> and 3<sup>rd</sup> degree misdemeanors that are 10 years old
- E.g. some DUIs, theft charges, drug possession, etc.
- Summary convictions over 10 years old

### Convictions that MAY be sealed by petition only:

- Misdemeanors (of any degree) that are 10 years old
- E.g. many simple assaults, possession of instrument of crime, recklessly endangering another person, etc.

### Convictions that can NEVER be sealed

- Any felony conviction
- E.g. agg assault, PWID (selling drugs), etc.

The rules are **COMPLEX**. See this [flow chart and summary](#) for more guidance.



### *How can I access someone's entire record, including sealed cases?*

FBI background checks will still include sealed records. In addition, **individuals (and their attorneys) can access their own records**, including sealed information, through two ways:

- 1) Request a copy of the full record (including sealed cases) at any local courthouse in Pennsylvania.
- 2) Submit an Access and Review (A&R) request to the PA State Police.

For the A&R, you must submit a [paper request form](#) (not the online PATCH request), along with a \$20 money order and a government-issued photo ID (a foreign passport or state ID is acceptable). If an attorney is requesting the A&R on behalf of a client, they must also submit an affidavit of representation.

Although the A&R asks for a Social Security Number, it is not required for the State Police to process an A&R request.

**An A&R request often several months to process**, but it is the most reliable way to obtain an accurate and complete record in Pennsylvania.

### *Can people access their own court documents after a record is sealed under Clean Slate?*

Yes. Unlike with expungement—where paper court documents are physically destroyed along with the electronic records—sealed case files are simply unavailable to the public.

**Individuals can request their own court records (including certified copies of case dispositions), even after a case has been sealed, at the courthouse where they were prosecuted.**

In other words, individuals or their advocates can still use case information from FBI or other background checks (e.g. docket numbers, DC numbers, etc.) to identify and request official court records that may be required for immigration purposes.

#### Center City Office:

1424 Chestnut St. | Philadelphia, PA 19102-2505 | 215-981-3700 | [clsphila.org](http://clsphila.org)

#### North Philadelphia Law Center

1410 West Erie Ave. | Philadelphia, PA 19140-4136 | 215-227-2400