



## **Frequently Asked Questions: California Department of Justice (DOJ) Background Checks and Undocumented Students in California Higher Education**

Students, including undocumented students, may be asked to complete a CA DOJ background check in order to participate in professional development opportunities, including: volunteering, internships, fellowships, class-specific requirements (placements, clinicals, service hours, etc), programs leading to licensure, among others. This document aims to educate undocumented students and higher education practitioners about CA DOJ background checks and how to navigate the process. After reviewing this document, students should be able to make an educated decision about whether to move forward with their background check or if they should first consult with a qualified immigration attorney.

**DISCLAIMER:** This document does not aim to provide legal advice or recommendations. This document is intended to support students in making informed decisions based on publicly available information. This is a working document and may be adapted and updated as laws change, and additional information is gathered.

### **Programs Administered by the California Department of Justice (DOJ)**

#### **DESCRIPTION AND BASIC INFORMATION**

##### **1. Can undocumented students complete a background check administered by the State of California?**

Yes, undocumented students can complete background checks.<sup>1</sup>

**Note for DACA recipients:** All DACA recipients have already completed federal background checks in order to qualify for DACA. If a DACA student has had any contact with law or immigration enforcement since their last renewal, they should consider consulting with a qualified immigration attorney before completing any background check, whether CA DOJ or federal.<sup>2</sup>

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<sup>1</sup> However, undocumented students with criminal histories, outstanding warrants, removal (deportation) orders, or other significant immigration issues should consider consulting with a qualified immigration attorney before completing a background check.

<sup>2</sup> For more information about state versus federal background checks, see section below.

For additional information/support around this topic, students may be able to connect with a free immigration attorney at their respective higher education institutions:

[California Community Colleges](#)  
[California State Universities \(CSU\)](#)  
[Universities of California \(UC\)](#)

Students at institutions without free legal services can check out [Immigrants Rising's free legal intake service.](#)

## 2. What is the purpose of background checks according to the CA DOJ?<sup>3</sup>

Sometimes a background check is a requirement for a job, internship, or other opportunity. Securing a criminal background check prior to employment, licensure, or certification provides a hiring or licensing authority an important resource, which aids in the evaluation of the applicant. These applicants are often candidates for positions that place them in a position of trust for some of California's most vulnerable citizenry, elderly, and dependent adults and children.

## 3. What is the difference between fingerprinting, Live Scan, and background checks?

**Live Scan:** Electronic fingerprinting technology is gradually replacing the rolling of fingerprints that use ink and a standard fingerprint card. This fingerprinting technology is inkless and electronically transfers images of fingerprints and personal information to the CA DOJ. These fingerprints will be used to process your background check.

**Background check:** The DOJ will run the Live Scan fingerprint images through their database to search for past criminal records. They will produce a document called a "RAP sheet," which is a list of interactions with law enforcement. It is a summary and does not contain actual police, court, or other documents. RAP sheets may include: warrants, arrests, charges, convictions, and sentencing information. They do not include complete court records, arrest reports, officer notes, or facts or evidence of a case.

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<sup>3</sup> A background check can also be a useful tool for understanding whether there is anything on your record that may affect eligibility for certain immigration relief options. In this instance, an individual or their attorney requests the background check for their personal records, and the results are not shared with anyone else.

#### 4. Who administers background checks and Live Scans in California?

The [California Department of Justice \(DOJ\) runs the background check](#). Private businesses, college campuses—including Human Resources Departments, or police departments—provide the Live Scan (fingerprint) assistance. Additional resources may be found [here](#).

#### 5. What type of identification will be required to complete a Live Scan for a background check?

Individuals must present valid photo identification to the Live Scan Operator. Expired identification cards will not be accepted.

Examples of Valid Photo Identification include: State identification (ID) card, Drivers license, Employment Authorization Document, Foreign passport, Matrícula, and Students IDs may be valid on some campuses. The photo ID [is used for identification purposes only and is not transferred to the California DOJ](#).<sup>4</sup>

#### 6. Can I get a background check without a Social Security Number (SSN) or Employment Authorization Document (EAD) in California?

You do NOT need a SSN or EAD in order to complete a background check. Criminal background checks are performed using your fingerprints, name, date of birth, and any other personal information provided.

#### 7. Can DACA and TPS recipients use their "valid for work only with DHS authorization" SSN to complete a background check?

Although a SSN is not required in order to complete a background check, you may choose to include your SSN with the request. Once a person is issued a SSN, it remains a valid identifying number regardless of whether the person has work authorization or not.

#### 8. What is an ITIN? Can you complete a background check with a Taxpayer Identification Numbers (ITIN)?

According to the [Internal Revenue Service \(IRS\)](#) an Individual Taxpayer Identification Number (ITIN) is a tax processing number issued by the Internal Revenue Service. The IRS issues ITINs to individuals who are required to have a U.S. taxpayer identification number but who do not have, and are not eligible to obtain, a Social Security number (SSN) from the Social Security Administration (SSA). ITINs are not required or used to complete a background check.

Visit the Immigrants Rising [ITIN GUIDE](#) for more information.

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<sup>4</sup> According to the Attorney General Background Checks site, the live scan operator checks the applicant's identification, inputs the applicant's personal descriptor information, captures the applicant's fingerprints electronically, and transmits the data to the DOJ for processing background checks.

# Live Scan and Background Check Logistics

## 1. What is the process for submitting a Live Scan?

1. If you are not referred to a specific Live Scan provider, contact a [reputable Live Scan location near you](#) to inquire about cost and whether an appointment is needed.
2. Complete the [Live Scan Form](#) "Applicant Information" section.
  - SSN and place of birth may be left blank
  - May provide an "in care of" address<sup>5</sup>
3. Bring your Live Scan Form and valid, unexpired photo ID to your fingerprinting appointment.
4. The Live Scan provider will submit your prints and information to the CA DOJ. The provider will give you an applicant transaction identifier (ATI) number.
5. The background check response is prepared. More on process [here](#).

## 2. What is the usual timeline to complete a background check?

The [DOJ states that estimated time](#) to receive results from the date the fingerprints are submitted to the DOJ if there is no criminal history is approximately 3 days, and if there is a criminal history the wait time can be significantly longer. However, immigration attorneys report that they usually receive results within 5-10 business days regardless of criminal history.

## 3. Is there a cost associated with background checks and Live Scans?

Yes. Fees vary by location. Call ahead to the location to receive pricing.

Live Scan Fees:

- CA DOJ Fee: \$32
- Additional fees from Live Scan providers

Some higher education institutions and/or Undocumented Student Centers may be able to cover the cost of background checks for their students.

## 4. Where do you go to get a CA DOJ background check?

The CA DOJ website has a [list of Live Scan locations by county](#).

Some human resources departments at our local colleges and universities also administer background checks for their students. Campus police departments may also offer Live Scan services. Contact your local institution to confirm.

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<sup>5</sup> "In care of" or "c/o" means that a mailing is to be delivered to an address where the person receiving the mailing does not typically receive mail; in this case, if a c/o address is provided, the background check results will be mailed to that c/o address.

## 5. How do I verify if a Live Scan agency is legitimate?

A good way to verify a specific agency's legitimacy is to consult the CA DOJ website that lists [live scan locations](#).

## 6. Assuming that a background check is required for the employment/volunteer opportunity, do I need a background check for each organization?

One organization's background check may not carry to another organization. You may need to complete one for each organization who requires a background check.

## 7. How long can I use my background check for? Can I use the same background check for two organizations?

This will depend on the rules of each organization.

## 8. When should I complete the background check?

Most opportunities (employment, volunteer, internship, etc) are contingent on you successfully clearing a background check. You would typically be offered the opportunity after this process clears.

# State versus Federal Background Checks

## 1. What is the difference between a state and federal background check?

A state criminal background check is different from a federal background check. The Federal Bureau of Investigation (FBI) records include information from across the country, whereas the state records will just include information from just that particular state—for example, the CA DOJ background check only includes information about California criminal history. The FBI background check may also contain information about immigration arrests, because immigration enforcement is a federal matter. In addition, the process for an FBI identity records check is very different from the CA DOJ process. Information about FBI background checks is available [here](#).

## 2. Is California DOJ background check information shared with federal government departments (ex. ICE)?

A person's criminal background information will be shared with federal agencies regardless of whether or not they request their CA DOJ background check records. This type of records request is not known to trigger ICE enforcement; in fact, CA DOJ records requests are standard practice among immigration attorneys (however, extra precautions may be taken for individuals with prior removal (deportation) orders or other immigration or criminal issues).

### 3. Will this background check impact future immigration applications filed through U.S. Citizenship and Immigration Services (USCIS)?

No – it's only used to confirm that you don't have any convictions for crimes that could impact your employment opportunity. Background checks themselves will not impact immigration applications, but criminal records could.

## Background Checks and Accessing Aid in Higher Education

### 1. Does the California Dream Act Service Incentive Grant (DSIG) or the #CaliforniaForAll College Corps require a background check?

No background check is required to participate in the DSIG program or #CaliforniaForAll College Corps. However, some campuses and organizations will require a background check to volunteer on campus. Service organizations that require this for volunteers must consult their internal policies and procedures.

For more information about DSIG, visit the [California Student Aid Commission](#)  
Learn more about [#CaliforniaForAll College Corps](#)

### 2. For campuses where HR requires a background check, what practices can colleges implement to minimize processing time and prioritize processing and approval for DSIG participants or #CaliforniaForAll College Volunteer opportunities?

If you are an administrator, schedule a meeting with your college's Human Resources Department to understand the process for students to do a background check.

The process of background checks could be intimidating for students, especially if your HR office is next to the police department on your campus. If you are an administrator, you could offer to walk with your student to the different offices to guarantee they get the correct information.

If the current process is too complicated for students, administrators can be helpful by educating the different offices on some of the barriers undocumented students face when completing the DSIG or other volunteer processes.

### 3. Would colleges cover the cost of background checks?

Some higher education institutions and/or Undocumented Student Centers may be able to cover the cost of background checks for their students. Connect with your local undocumented student center and UndocuLiaison for more information.



If you have any suggestions for this document, please contact Katrina Linden at [katrina@collegecampaign.org](mailto:katrina@collegecampaign.org)

Use the [Campus Resources for Undocumented Students Map](#) to connect with your local UndocuLiaison or Undocumented Student Center/Program for additional college opportunities/resources information.

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