

MARIJUANA AND IMMIGRANTS



WARNING ABOUT MEDICAL AND LEGALIZED MARIJUANA

The Problem

- Because of Prop 64, California law provides that any person age 21 or over can legally possess and use marijuana. California also permits medical use of marijuana.
- Because of this, immigrants in California may think that using marijuana will not hurt their immigration status. Unfortunately, that's wrong!! It is still a federal offense to possess marijuana, and federal law controls for immigration.
- ***If a non-citizen admits to an immigration official that he or she has ever used marijuana***, the person can face very serious immigration problems -- even if the person never was convicted of a crime, just used marijuana at home, and it was legal under state law.
- The person can face serious problems if he or she applies for a green card, applies for U.S. citizenship, travels outside the United States, or ICE just questions them on the street.
- Some immigration officers are asking noncitizens if they have ever used marijuana—*especially* in states that have legalized marijuana.

What to do: Legal Self-Defense for Noncitizens

- Don't use marijuana until you are a U.S. citizen. Don't work in the marijuana industry.
- If you have a real medical need and there is no good substitute for medical marijuana, get legal counsel.
- Never leave the house carrying marijuana, a medical marijuana card, paraphernalia (like a pipe), or accessories like marijuana T-shirts or stickers. Don't have photos or text about you and marijuana on your phone, Facebook, or anywhere else.
- ***Never discuss any conduct relating to marijuana with any immigration or border official***, unless you have expert legal advice that this is OK. If a federal official asks you about marijuana, say that you don't want to talk to them and you want to speak to a lawyer. You have the right to remain silent. Stay strong – once you admit it, you can't take it back. If you did admit this to a federal officer, get legal help quickly.