Immigration Risks of Legalized Marijuana Use

Marijuana use is legal in Maine and many other states, but not for foreign nationals…..

Although it is strictly prohibited on campus you may know that Maine, in addition to several other states across the US, legalized the use of marijuana in the last year or so. The Immigrant Legal Resource Center recently published an advisory about marijuana use/possession for non-US citizens residing in the US. We recommend that you read the entire document which can be found on our website at UMaine.edu/international, but in case you don't have time here is the most important clause:

" Noncitizens residing in these states may reasonably think that using marijuana in accordance with state law will not hurt their immigration status, or their prospects for getting lawful status. Unfortunately, that is wrong. For immigration purposes, it is federal law that controls, and it remains a federal offense to possess marijuana.

In particular, a noncitizen who admits to an immigration official that she possessed marijuana can be found inadmissible, denied entry into the United States, or have her application for lawful status or even naturalization denied. Depending on the circumstances, it can make a lawful permanent resident deportable. This is true even if the conduct was permitted under state law, the person never was convicted of a crime, and the conduct took place in her own home."

As you can see, as long as marijuana and other drug use remains illegal under federal law, non-US citizens can suffer severe consequences, even if legalized in the state where they live.

It is also important to note that conviction for a crime involving "moral turpitude" can cause a foreign national to become inadmissible to the US or to be subject to removal. The definition of such a crime is not exact but it often includes crimes involving illegal drugs, alcohol abuse and sexual assault.

Please feel free to contact OIP if you have any questions or concerns about this communication.