



# Cannabis: Potential Immigration Consequences from Use, Possession, or Sale

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Although an increasing number of states have legalized marijuana, noncitizens may still face [severe immigration consequences](#) if found to use, possess, or engage in the sale of it. This is because immigration law is governed by [federal, not state law](#).

## **Why Marijuana is Prohibited for Noncitizens**

Under federal law, marijuana is still considered a “controlled substance.” The use, possession, and sale of it is accordingly illegal. Notably, marijuana is also classified as a “Schedule I” drug, meaning *both* recreational and [medical use of it is illegal](#) under federal law. Noncitizens who require marijuana for medical purposes should consult with a lawyer prior to getting a medical marijuana card or filling a prescription. Noncitizens who admit to or are convicted of possessing, using, or selling marijuana may suffer immigration consequences.

## **The Immigration Consequences of Marijuana Use**

*For Noncitizens Seeking Admission into the United States*

Any individual seeking entry into the United States or a green card must be found “admissible” under the Immigration and Nationality Act, otherwise known as the “INA.” Under [section 212\(a\)\(2\)\(A\)\(i\)\(II\)](#) of INA, any noncitizen who is convicted of or admits to committing a violation of law relating to a controlled substance is inadmissible. This means that any individual who *admits* to an immigration official that they have used, possessed, or sold marijuana may be denied admission to the United States, resulting in their inability to travel here or get a green card. The same is said for individuals who are *convicted* of possessing, using, or selling marijuana. Individuals who have sold marijuana may also be denied admission under [section 212\(a\)\(2\)\(C\)](#) of the INA for being an illicit trafficker in controlled substances.

In limited circumstances, certain individuals may qualify for a waiver of the above inadmissibility grounds. Noncitizens should consult with a lawyer to discuss potential avenues for relief if they suspect they are inadmissible pursuant to a drug admission or conviction.

*For Noncitizens Already in the United States*

Noncitizens who have already been admitted to the United States may still face disastrous immigration consequences if convicted of marijuana use or possession. Under [section 237\(a\)\(2\)\(B\)\(i\)](#) of the INA, noncitizens who are convicted of violating U.S. law regarding controlled substances are deportable. In addition, under [section 237\(a\)\(2\)\(B\)\(ii\)](#), any noncitizen who is a “drug abuser or addict” is deportable from the United States. The INA does carve out a single exception, however. Noncitizens are *not* subject to deportation if they have only been convicted of “a single offense involving possession for one’s own use of 30 grams or less of marijuana.”



Current green card holders who travel outside of the United States may also be denied entry pursuant to a conviction for marijuana use or possession. Green card holders should consult with a lawyer prior to leaving the United States if they suspect they are inadmissible pursuant to a drug admission or conviction. *For Noncitizens Applying for U.S. Citizenship*

One of the [central requirements](#) for attaining U.S. citizenship is establishing that the applicant has “good moral character.” This requires the applicant to show that they have been an upstanding member of society for the five years prior to filing for citizenship and while their application remains pending.

Noncitizens are permanently barred from establishing good moral character if they are convicted of an [aggravated felony](#). This includes illicit trafficking of a controlled substance. Noncitizens may also be barred from attaining citizenship if they violate U.S. law regarding controlled substances, except, as explained above, if they were only convicted of a singular offense of 30 grams or less of marijuana.

### **What To Do**

As can be seen by the above, state legalization of marijuana has not resulted in the corresponding freedoms for noncitizens. If at all possible, noncitizens should refrain from marijuana use, possession, and sale prior to becoming a U.S. citizen.

If you or someone you know suspects they are at risk of deportation from the United States from a drug admission or conviction, we advise you to consult with a lawyer immediately. In certain circumstances, relief may be available. For further information about how marijuana use can impact noncitizens’ immigration status, we invite you to read the [Immigrant Defense Project](#)’s firsthand accounts.