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WARNING FOR NON-U.S. CITIZENS ABOUT MEDICAL AND LEGALIZED MARIJUANA

As of December 6, 2018, 32 states plus the District of Colombia and Puerto Rico, have legalized medical marijuana. Ten states, including Michigan, have legalized marijuana for recreational purposes, too.

People who are not U.S. citizens may believe that using marijuana in Michigan—whether for recreational or medical use—is permissible and will not affect their immigration status. Unfortunately, that is wrong!! It is still a federal offense to possess marijuana even if, under state law, it is legal for medical or recreational purposes.

The immigration penalties for possessing and/or using marijuana are high. They have not changed. For example, if a non-citizen admits to an immigration officer that s/he has ever possessed marijuana, that can prevent the non-citizen from being approved for a green card, naturalizing, or returning to the United States after foreign travel. This even applies for a person who was never arrested or convicted. Immigration officers are asking non-citizens if they ever used marijuana—especially in states where it has been legalized.

How to protect yourself:

- Know that you can still be deported for having or using marijuana if you are a non-citizen.
- Avoid working in the marijuana industry.
- If you have a medical need and your doctor recommends the use of medical marijuana, speak to an attorney who understands the immigration consequences immediately.
- Never leave your house carrying marijuana, a medical marijuana card, paraphernalia (like a pipe), or accessories like marijuana-themed T-shirts or stickers. Do not have photos or texts about you and marijuana on your phone, social media, or anywhere else.
- Never discuss marijuana use or possession with any immigration or border official, unless you have received expert legal advice first. If an official asks about marijuana, say you do not want to talk and wish to speak to a lawyer. You have the right to remain silent. (Although you might be refused admission into the United States or an immigration benefit if you do not answer questions.)

