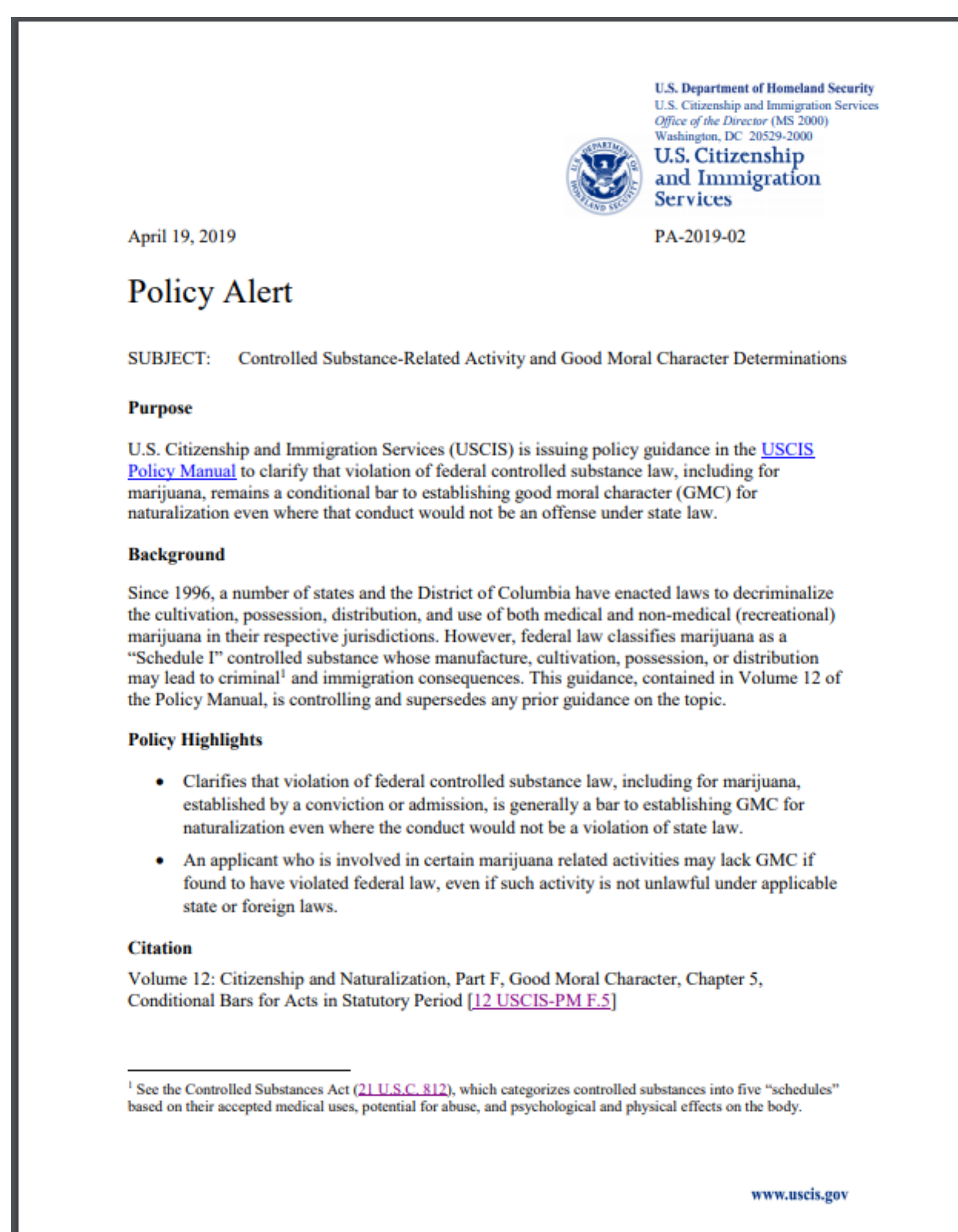




ALERT: USCIS Policy Guidance: Immigrants & State Marijuana Legalization

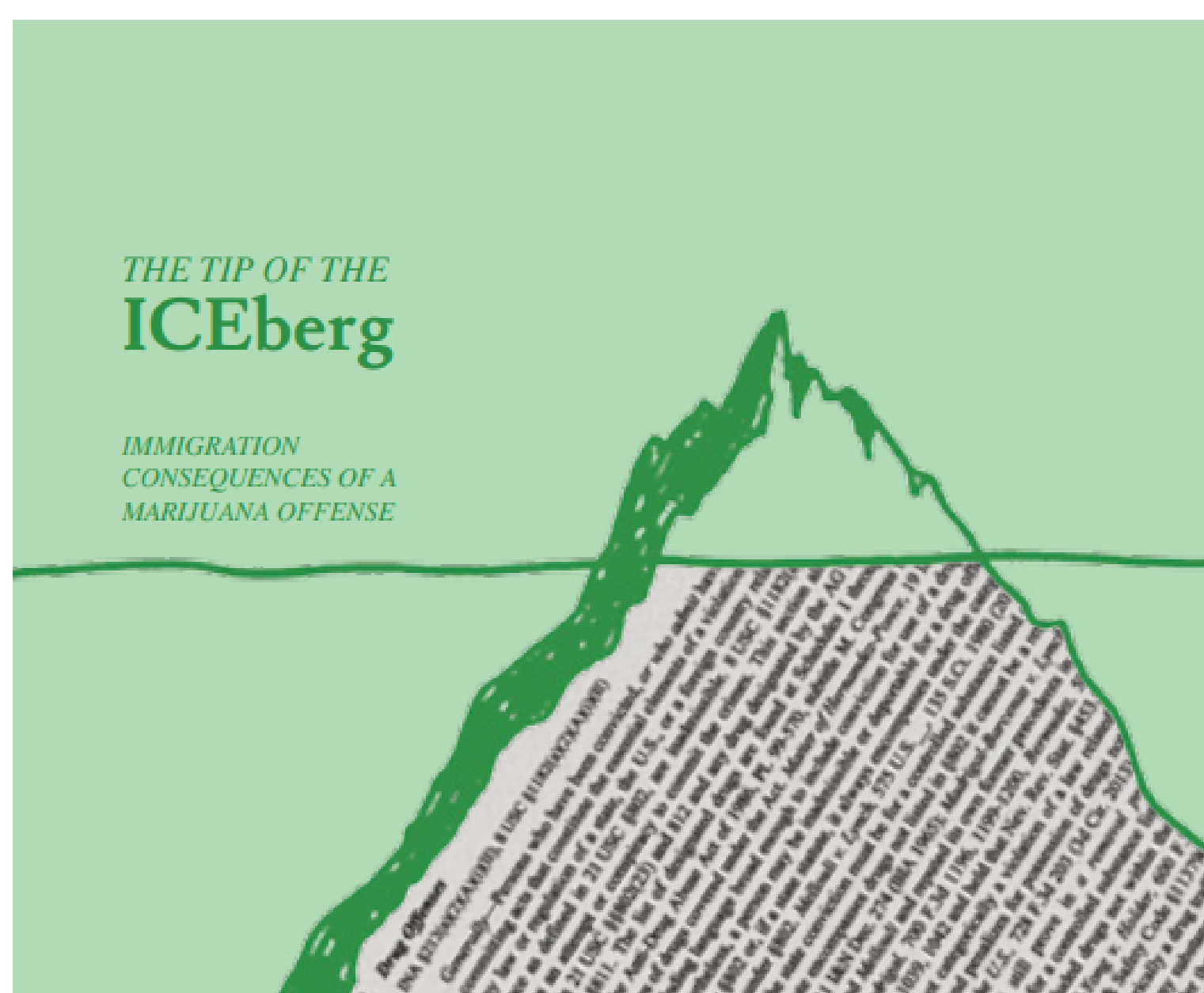
On April 19, 2019, USCIS issued a policy alert about how it will treat marijuana-related activity that takes place in states that have decriminalized medical and recreational marijuana.

The guidance describes how people who engage in marijuana related activity that has been legalized by the state can be found to lack the "good moral character" necessary to be granted citizenship.



- Acknowledges that a conviction or admission of a violation of federal controlled substance law is generally a bar to establishing good moral character.
- Allows USCIS to consider conduct that has been decriminalized by the state as a bar to establishing good moral character for naturalization.
- It raises the possibility that even people who have never been arrested, have no convictions for marijuana offenses, and have never admitted to violating federal controlled substance laws, may not be able to meet the burden of proof to show that they have not committed an offense.

The immigration consequences of a marijuana conviction are draconian and outdated.



Even though New York State decriminalized marijuana possession in the 1970s, immigrants with and without status still suffer grave consequences after an arrest or conviction for a marijuana offense in New York.

- A New York marijuana violation is still considered a conviction for immigration purposes.
- A marijuana arrest can trigger immigration enforcement, even if the person is never convicted.

Learn more with our infographic on marijuana convictions at:
www.immdefense.org/marijuana

This USCIS policy goes even further, by punishing immigrants who do not have convictions.

In issuing this guidance, DHS is making known its intent to deny immigration applications and possibly subject immigrants to deportation based on conduct that has been made legal in the state in which it occurs. This policy could be applied to recreational use of marijuana, medical use of marijuana, and owning or working in a state regulated medical or recreational marijuana business.

New York has a responsibility to ensure that immigrants can benefit from legalization.

What can you do?

MARIJUANA JUSTICE MEANS WE MUST



CLEAR PRIOR
CRIMINAL RECORDS

ADDRESS THE HARMS DONE TO:



HOUSING



IMMIGRATION



CHILD
WELFARE



CREATE AN EQUITABLE &
SUSTAINABLE INDUSTRY

REINVEST REVENUES INTO THE
MOST-HARMED COMMUNITIES.



Organizations: Sign on to the Start SMART campaign for marijuana justice.

smart-ny.com

Individuals: Tell your elected representative that you demand marijuana justice now!

<http://bit.ly/MJjusticenow>

State legalization must include equity components, such as reinvestment, that benefit the communities disproportionately harmed by marijuana prohibition.

Immigrants will be shut out of much of the legal market because of our draconian, outdated immigration laws. They must not be shut out of reparations for the separation of families and communities.