
PIPS - Partners Office for International Professionals and Students

Memorandum

To: Hospital Staff
From: Claire Ayer, Director
Date: 07/25/2018

Updates on Legalization of Marijuana and Border Searches

Across America, states are moving to legalize some form of marijuana usage (medical, recreational, etc.). In July 2018, both Massachusetts and Vermont will legalize marijuana for public consumption. On the international front, Canada is set to legalize marijuana in October 2018.

Despite changes in state law or even legalization in Canada, marijuana is still a controlled substance at the federal level in the United States. The federal government, not the states, has jurisdiction over immigration matters. It is a federal offense to possess marijuana. For additional information please see [Immigrant legal Resource Center](#).

If a non-citizen admits to an immigration official that he or she has ever possessed marijuana, the person can face very serious immigration problems. An immigration official may ask about marijuana possession as part of the green card or U.S. citizenship application process, when someone is seeking admission to the U.S., or Immigration and Customs Enforcement (ICE) may just question someone on the street.

Even if someone was never convicted of a crime, just used marijuana at home in a state or country where it was legal, this can still create issues for noncitizens. Providing a government officer with a “reason to believe” that a noncitizen is associated with drug usage, is enough to make the noncitizen and even his or her family members inadmissible.

In some states, such as Washington State, ICE and United States Customs and Border Protection (CBP) agents are aggressively asking noncitizens if they ever have possessed

marijuana or used it in the past. [Screening at the Canadian border](#) is expected to increase and it is anticipated the questioning/admission process will grow more rigorous. Attorneys recommend exercising care in social media and smart phone use, and avoiding marijuana stickers, t-shirts, etc.

A visa holder must always have proof of status with them at all times. CBP has increased their presence along major highways in the [New England region](#) this summer. The government's ability to operate immigration checkpoints extends 100 miles from the border. Due to this expanded definition of a border, CBP has broad authority to stop and search a vehicle or inspect a bus.

Finally, information sharing between governments, domestically and internationally, is on the rise. For example, the United States and Canada share more information now than ever, due to the [Beyond the Border Agreement](#). Sometimes information not in one database shows up in another. What an officer sees or doesn't see in a database could trigger questions and potentially solicit admissions to marijuana use

For more information, the American Civil Liberties Union has posted several resources ([Border Rights Pdf](#) and [General Information](#)).