



clearing cannabis convictions

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Immigration Law FAQ

ILLINOIS CANNABIS LEGALIZATION & IMMIGRATION LAWS

Even though cannabis is legal in Illinois, people who are not citizens of the United States need to be aware of the consequences under federal immigration laws. While states may have legalized the use and distribution of cannabis, federal laws still consider cannabis an illegal substance.

Admitting to Cannabis Use Can Have Serious Consequences

Persons who are not citizens of the United States, who admit to using or who benefit financially selling, manufacturing, investing or when any member of the household, including U.S. citizens work in the industry – *even in states where cannabis is legal* - can be:

- denied entry to the United States
- denied applications for naturalization or permanent residency (green card)
- subjected to detention without the possibility for a bond
- and in some cases, deported.

What Not to Do to Protect Yourself and Your Family

Some things you should avoid entirely, while others you should **only do after consulting with a trusted immigration lawyer.**

- Do not carry with you or travel with cannabis or a medical cannabis card.
- Do not admit to an immigration officer or consular official that you have ever possessed or used cannabis – even for medical purposes.
- Do not obtain a medical cannabis card.
- Do not travel outside the country if you have used or worked in the cannabis industry as you may be denied entry upon return.

Cannabis Legalization and Expungement of Records

There are things to know before you expunge your cannabis record in Illinois.

- If you have ever been arrested, charged, or convicted of ANY cannabis related offense, obtain 3-4 copies of your court records, including certified dispositions and keep them in a safe place.
- If your record is automatically expunged under Illinois' cannabis legalization laws, you can request a certified disposition from the Clerk of the Circuit Court in the county the record occurred.
- Do not expunge any criminal records without first obtaining 3-4 copies of your certified dispositions and consulting with a trusted immigration lawyer. Expungements – with few exceptions – have NO effect for immigration purposes. Even if a conviction is expunged, it is still considered a conviction for immigration purposes.

Consult with a trusted immigration lawyer if you are not a U.S. citizen and want to understand your rights and options.

This information is for educational purposes only and does not constitute legal advice.