



# LEGALIZATION OF MARIJUANA IN ILLINOIS FREQUENTLY ASKED QUESTIONS

Recreational marijuana was legalized in Illinois effective January 1, 2020. State law allows Illinois residents 21 and over to legally possess up to 30 grams of cannabis flower, up to 5 grams of cannabis concentrate products, and edibles totaling no more than 500 milligrams of THC.

## CONSIDERATIONS FOR IMMIGRANTS

Consuming, possessing, or selling marijuana carries serious legal risks for non-US Citizens, even if the state has legalized it.

### COULD CONSUMING OR POSSESSING MARIJUANA AFFECT MY CURRENT OR FUTURE IMMIGRATION STATUS?

YES, it is still a federal offense to possess marijuana. Even possessing a small amount of marijuana within one's own home is a federal drug offense and therefore can be dangerous to immigrants and have serious consequences.

### WHAT ARE SOME POTENTIAL CONSEQUENCES FOR THE POSSESSION OF MARIJUANA FOR IMMIGRANTS?

The possession of marijuana could turn into a conviction and even a felony. This brings the harshest penalties possible in immigration law: it acts as a ground of deportation, a bar to most forms of relief from removal, and brings serious penalties.

### I AM AN IMMIGRANT AND HAVE USED MARIJUANA OR WORKED IN THE INDUSTRY, WHAT SHOULD I DO?

If you have used marijuana or worked in the industry, get a legal consultation before leaving the U.S., applying for DACA renewals, naturalization or any other immigration status.

### WHAT SHOULD I DO IF I HAVE A MARIJUANA CONVICTION?

The law allows for people convicted of possession of under 30 grams prior to legalization to have their records review, pardoned and potentially expunged.

**IMPORTANT:** Even if someone gets their record expunged, there still are immigration consequences for possession of marijuana. Every case is different, obtain legal advice to know your options and before pursuing expungement as it may have impacts on your immigration case

## EMPLOYMENT

### CAN MY EMPLOYER RESTRICT MARIJUANA USE NOW THAT IT IS LEGAL?

Employers can still prohibit employees to use or be under the influence of marijuana in the workplace, while performing duties, or while on call. Drug-free policies can remain in place as long as it is equally applied and enforced.

### CAN I STILL GET DRUG-TESTED AT WORK?

Employers can still require random drug tests if they have a "good faith" reason for thinking you consumed or were under the influence of marijuana while on the job.

## THINGS YOU SHOULD KNOW:

- If you want to avoid any legal risks to your current or future immigration status, it is best to avoid recreational and medical marijuana
- If you need medical marijuana and there is not a good substitute, get a legal consultation before deciding
- Never discuss or admit any conduct involving marijuana with immigration or law enforcement authorities unless your immigration attorney has advised that it is safe
- If you are a non-U.S. Citizen:
  - Do not carry marijuana with you
  - Do not work in the industry or dispensaries
  - Do not carry your medical marijuana card
  - Avoid posting marijuana photos/videos on social media - this could be used against you