

INFORMATION NOTICE

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NON-U.S. CITIZEN REFERRAL PROCESS AND POSSIBLE LEGAL CONSEQUENCES WHEN WORKING IN THE CANNABIS INDUSTRY

On November 8, 2016, California voters passed the Control, Regulate and Tax Adult Use of Marijuana Act, Proposition 64. It legalized the responsible use of marijuana by adults 21 and over and reduced the criminal penalties for most remaining marijuana offenses from felonies to misdemeanors, and some misdemeanors to infractions. Although many states, including California, have enacted laws to legalize the use of marijuana, the federal Controlled Substances Act considers the possession, cultivation, distribution, purchase, and sale of marijuana to be illegal.

As a result, Non-United States (U.S.) citizens who work in the cannabis industry may suffer negative immigration consequences. Non-U.S. citizens include persons with any immigration status other than U.S. citizenship, such as lawful permanent residents, refugees and asylees, and people with temporary visas or forms of protection (e.g., Deferred Action for Childhood Arrivals, Temporary Protected Status, U visa, T visa, Parole in Place, etc.). Immigration law is federal, and under federal law, it remains an offense to possess marijuana or work in the cannabis industry. Working in the cannabis industry could prevent a non-citizen from obtaining a visa or other immigration benefit, make the non-citizen deportable, or bar their eligibility for citizenship.

If a non-U.S. citizen currently employed or considering employment in the cannabis industry asks America's Job Center of CaliforniaSM (AJCC) staff how this employment might affect their immigration status, staff members should refer them to one of the Immigration Services Contractors through the <u>California Department of Social Services</u>. These contractors can provide accurate immigration guidance and information on possible legal consequences when working in the cannabis industry.

Furthermore, non-U.S citizen job seekers considering employment in the cannabis industry should also be directed by AJCC staff to the Immigrants' rights advocates and legal service providers have made additional resources available in multiple languages.

/S/ JAIME L. GUTIERREZ, Chief
Central Office Workforce Services Division

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