

September 16th, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Steny Hoyer
Majority Leader
U.S House of Representatives
Washington, D.C. 20313

Dear Speaker Pelosi and Majority Leader Hoyer,

We, the undersigned immigrants' rights organizations and allies write to express our support for the Marijuana Opportunity Reinvestment and Expungement (MORE) Act (H.R.3884). The MORE Act addresses the harms caused by the War on Drugs, which disproportionately impacts Black people and communities of color, and protects immigrant communities.

Immigrants face particularly severe penalties for any conduct involving marijuana, *including conduct that is permitted under the law of their state*.

- It is USCIS policy that immigrants who work in the growing marijuana industry, and pay state and federal income taxes for this work, are subject to expulsion from the United States, and denial of the ability to naturalize, solely based on the employment -- because they are deemed “drug traffickers” and federal offenders.¹
 - For example, in Colorado, two immigrants who work in that state’s legal marijuana industry were denied citizenship on the grounds that their employment made them “drug traffickers” and federal offenders. The Mayor of Denver tried to intercede for them, but to no avail.²
- USCIS applies the same penalties to immigrants who use medical or recreational marijuana in compliance with state law.
 - A Michigan green card holder who was severely injured in an accident used marijuana to control chronic pain, according to her doctor’s instructions and Michigan law. She has been denied naturalization.³
- Immigrants who intend to work in the marijuana industry are excluded from the United States by U.S. State Department policy under the *terrorism and national security* grounds.⁴

Immigrants who have even the most minor convictions relating to marijuana face catastrophic penalties.

¹ See USCIS *Policy Manual*, amended April 2019, Volume 12, Chapter 5, Part C.2, at <https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-5> a

² *Denver Post*, April 3, 2019 at <https://www.denverpost.com/2019/04/03/michael-hancock-marijuana-immigration/>

³ Individual Consult with Immigrant Legal Resource Center. Contact KBrady@ilrc.org for more information

⁴ See DOS, *Foreign Affairs Manual*, amended June 2020, 9 FAM 302.5-4(A), 9 FAM 302.5-4(B)(4).

- ICE statistics indicate from 2007-2013, over 34,000 people were deported whose most serious offense was possession of marijuana. In 2013, the number one drug crime for which immigrants were deported is simple possession of marijuana.⁵
- In California, a permanent resident used a family remedy to treat her arthritis she soaked marijuana leaves in oil and applied the oil to her elbows. She was convicted of the then-California offense of growing a marijuana plant for personal use, which is considered a “drug trafficking aggravated felony” for immigration purposes. Because of this, she was ordered deported.⁶

The MORE Act would end stories like the above, by removing marijuana as a Schedule I federal controlled substance, while leaving states free to enact their own laws. Any immigrant who violated a state law could face criminal penalty but could not be deported for possessing marijuana. The MORE Act also includes provisions to protect immigrants against deportation and other harsh penalties based on their former employment in the industry or conduct relating to marijuana.

The MORE Act does more than protect immigrants today; it also helps address lasting wounds from the past. The Act would establish a fund to invest resources into communities impacted by the War on Drugs, which are disproportionately Black and communities of color. This would be an important step towards racial equity.

The MORE Act is a meaningful opportunity to protect immigrants and undo harms caused by punitive carceral systems. We urge you to vote “Yes” and pave the way for a United States that stands for justice for all people. If you have any questions, please do not hesitate to contact Nithya Nathan-Pineau, Policy Attorney & Strategist at the Immigrant Legal Resource Center (ILRC) at nnathan-pineau@ilrc.org.

Sincerely,

African Public Affairs Committee Action Fund
 Center for Law and Social Policy (CLASP)
 Church World Service
 Coalition for Humane Immigrant Rights (CHIRLA)
 CRLA Foundation
 DailyKos
 Families for Freedom
 Houston Migrant Outreach Coalition
 Human Rights Watch
 Immigrant Action Alliance (formerly Friends of Miami-Dade Detainees)

⁵ See Grace Meng, *A Price Too High: US Families Torn Apart by Deportations for Drug Offenses*, Human Rights Watch (Jun. 16, 2015) p. 25, and see TRAC Immigration, *Secure Communities and ICE Deportation: A Failed Program?* (April 2014) at <https://trac.syr.edu/immigration/reports/349/#f3> and

⁶ See, e.g., NPR, *Immigrant Felons and Deportation: One Grandmother’s Case* (April 9, 2016) at <https://www.npr.org/2016/04/09/473503408/immigrant-felons-and-deportation-one-grandmothers-case-for-pa>

Immigrant Defense Project (IDP)
Immigrant Justice Network (IJN)
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center (ILRC)
Interfaith Immigration Coalition
Just Futures Law
Mano Amiga
Mennonite Central Committee U.S. - Washington Office
National Immigrant Justice Center (NIJC)
National Immigration Project of the National Lawyers Guild (NIPNLG)
National Korean American Service & Education Consortium (NAKASEC)
National Network for Immigrant & Refugee Rights
New York Immigration Coalition
NorCal Resist
Organized Communities Against Deportation
RAICES
The Rhizome Center for Migrants
SA Stands Immigration Coalition
San Antonio Sanctuary Network
Southeast Asia Resource and Action Center (SEARAC)
SPLC Action Fund
UC Davis Immigration Law Clinic
United We Dream Network