



April 19, 2019

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## Policy Alert

**SUBJECT:** Controlled Substance-Related Activity and Good Moral Character Determinations

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify that violation of federal controlled substance law, including for marijuana, remains a conditional bar to establishing good moral character (GMC) for naturalization even where that conduct would not be an offense under state law.

### Background

Since 1996, a number of states and the District of Columbia have enacted laws to decriminalize the cultivation, possession, distribution, and use of both medical and non-medical (recreational) marijuana in their respective jurisdictions. However, federal law classifies marijuana as a “Schedule I” controlled substance whose manufacture, cultivation, possession, or distribution may lead to criminal<sup>1</sup> and immigration consequences. This guidance, contained in Volume 12 of the Policy Manual, is controlling and supersedes any prior guidance on the topic.

### Policy Highlights

- Clarifies that violation of federal controlled substance law, including for marijuana, established by a conviction or admission, is generally a bar to establishing GMC for naturalization even where the conduct would not be a violation of state law.
- An applicant who is involved in certain marijuana related activities may lack GMC if found to have violated federal law, even if such activity is not unlawful under applicable state or foreign laws.

### Citation

Volume 12: Citizenship and Naturalization, Part F, Good Moral Character, Chapter 5, Conditional Bars for Acts in Statutory Period [[12 USCIS-PM F.5](#)]

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<sup>1</sup> See the Controlled Substances Act ([21 U.S.C. 812](#)), which categorizes controlled substances into five “schedules” based on their accepted medical uses, potential for abuse, and psychological and physical effects on the body.