

BASIC IMMIGRATION CONSEQUENCES OF COMMON FEDERAL DRUG CONVICTIONS

| | Simple Possession- Marijuana 21 U.S.C.A. § 844 | Other Simple Possession | manufacture, distribute, dispense, possess with intent 21 USC 841 | | |
|---------------------------------------|---|--|--|--|--|
| Inadmissible? | Yes, though waiver may be available for small amount, personal use (drugs ground) | Yes, no waiver available | Yes | | |
| Deportable? | Yes, unless record of conviction shows small amount, personal use. | Yes | Yes | | |
| Impact on Adjustment of Status? | Not eligible without waiver | ineligible | Ineligible | | |
| Aggravated felony? | Recidivist simple possession, if prior conviction pled and proven | Recidivist possession; First possess of “roofies” | Yes | | |

Crime Involving Moral Turpitude: class of crime that may have immigration consequences. Usually, *Malum in se*.

Inadmissibility: alien barred from entering the U.S. or obtaining a new immigration benefit if present ***

Deportable: alien lawfully present in the U.S. may be deported ***

Adjustment of Status: alien lawfully entered U.S. as non-immigrant, applies to become lawful permanent resident (or other lawful status) without leaving the U.S. **

BASIC IMMIGRATION CONSEQUENCES OF COMMON ARIZONA DRUG CONVICTIONS

| | Misdemeanor marijuana possession § 13-3405 | Other simple possession | Possess, Transport Import for sale any substance | Drug paraphernalia § 13-3415 | Solicitation A.R.S. § 13-1002 |
|---------------------------------|--|---|--|--|---------------------------------|
| Inadmissible? | Yes, though waiver may be available for small amount, personal use (drugs ground) | Yes, no waiver available | Yes | Yes, waiver may be available if related to small amount of MJ for personal use (drugs ground) | No ¹ |
| Deportable? | Yes, unless record of conviction shows small amount, personal use. | Yes | Yes | Yes, may be exception for small amount, personal use marijuana (drugs ground) | No |
| Impact on Adjustment of Status? | Not eligible without waiver | ineligible | Ineligible | Not eligible w/out waiver | Eligible (though not favorable) |
| Aggravated felony? | Recidivist simple possession, if prior conviction pled and proved/ | Recidivist possession; First possess of "roofies" | Yes | No | No |

¹ [Coronado-Durazo v. INS, 123 F.3d 1322 \(9th Cir.1997\)](#), and [Leyva-Licea v. INS, 187 F.3d 1147 \(9th Cir.1999\)](#),