

PRACTICE ALERT: "Trusted Traveler" status could be revoked due to involvement in the Canadian cannabis business

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February 6, 2019 | **IMMIGRATION**

LMWF's Immigration Practice has received direct confirmation from an impacted individual that NEXUS cards may be being revoked due to ties to Canadian cannabis companies that are doing business in the U.S. An individual has confirmed that he received a letter from U.S. Customs and Border Protection (CBP) revoking his NEXUS card, shortly after others in his company were turned away at the U.S. border due to their company's U.S. activities related to the business of cannabis. Notably, the individual had not recently attempted to enter the U.S. for any reason; rather, his trusted traveler status was unceremoniously revoked by mail. The individual is now concerned that this action by CBP may indicate that he could be deemed inadmissible for "aiding and abetting" in the trafficking of a controlled substance.

This situation highlights the tenuous ongoing position of foreign cannabis business investors and workers who wish to enter the United States. U.S. Customs and Border Protection has stated that "a Canadian citizen working in or facilitating the proliferation of the legal marijuana industry in Canada, coming to the U.S. for reasons unrelated to the marijuana industry will generally be admissible to the U.S." However, it appears likely that companies are being "red flagged" by Customs and Border Protection, and their workers also flagged for close scrutiny. As LMWF has been previously advised by U.S. Department of State officials, the easier it is to draw a nexus between the U.S. cannabis business and the Canadian company's cannabis-related activities, the more likely it is that individuals working for that company could be deemed to be "drug traffickers" and rendered inadmissible to the U.S.

LMWF continues to monitor and inform its clients and readers of the risks faced based on their cannabis-related activities in Canada and/or the U.S. If you are worried that you could have an issue entering the U.S., please feel free to reach out to one of our experienced attorneys to discuss whether it's likely that you will be challenged, how to prevent problems if possible, or your options to be able to enter the U.S. with a determination of inadmissibility.

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