U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 21218498

Date: JUNE 21, 2022

Appeal of Denver, Colorado Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied to adjust status to that of a lawful permanent resident (LPR) and seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i). The Director of the Denver, Colorado Field Office denied the Form I-601, Application to Waive Inadmissibility Grounds (waiver application), concluding that the record did not establish, as required, that denial of admission would result in extreme hardship to the Applicant's qualifying relative. The matter is before us on appeal. The Administrative Appeals Office reviews the questions in this matter de novo. *Matter of Christo's Inc.,* 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Any noncitizen who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under the Act, is inadmissible. Section 212(a)(6)(C)(i) of the Act. There is a discretionary waiver of this inadmissibility if refusal of admission would result in extreme hardship to the U.S. citizen or LPR spouse or parent of the foreign national. Section 212(i) of the Act.

A determination of whether denial of admission will result in extreme hardship depends on the facts and circumstances of each case. Matter of Cervantes-Gonzalez, 22 I&N Dec. 560, 565 (BIA 1999) (citations omitted). We recognize that some degree of hardship to qualifying relatives is present in most cases; however, to be considered "extreme," the hardship must exceed that which is usual or expected. See Matter of Pilch, 21 I&N Dec. 627, 630-31 (BIA 1996) (finding that factors such as economic detriment, severing family and community ties, loss of current employment, and cultural readjustment were the "common result of deportation" and did not alone constitute extreme hardship). In determining whether extreme hardship exists, individual hardship factors that may not rise to the level of extreme must also be considered in the aggregate. Matter of Ige, 20 I&N Dec. 880, 882 (BIA 1994) (citations omitted). The burden of proof is on an applicant to demonstrate eligibility by a preponderance of the evidence. Matter of Chawathe, 25 I&N Dec. 369, 375 (AAO 2010).

II. ANALYSIS

The Applicant does not contest the finding of inadmissibility for fraud or misrepresentation, a determination supported by the record, which establishes that in 2011, she attempted to enter the United States with a fraudulent border crossing card. Instead, the issue on appeal is whether the Applicant's qualifying relative would experience extreme hardship if the waiver were denied. The Director denied the waiver application, concluding that the Applicant did not provide sufficient evidence to support the claim that her father would suffer extreme medical hardship if she were denied admission to the United States. The Director also noted that when an individual is removed or refused admission, a parent is perceived as suffering hardship to some degree; however, extreme hardship must be different and more severe than that suffered by the relatives of any individual who is refused admission to the United States. We have considered all the evidence in the record and conclude that it does not establish that the claimed hardships rise to the level of extreme hardship when considered both individually and cumulatively.

The Applicant must demonstrate that denial of the application would result in extreme hardship to a qualifying relative or qualifying relatives, in this case her lawful permanent resident father. An applicant may show extreme hardship in two scenarios: 1) if the qualifying relative remains in the United States separated from the applicant and 2) if the qualifying relative relocates overseas with the applicant. Demonstrating extreme hardship under both of these scenarios is not required if an applicant's evidence establishes that one of these scenarios would result from the denial of the waiver. The Applicant may meet this burden by submitting a statement from the qualifying relative certifying under penalty of perjury that the qualifying relative would relocate with the Applicant, or would remain in the United States, if the applicant is denied admission. See 9 USCIS Policy Manual B.4(B), https://www.uscis.gov/policymanual (discussing, as guidance, how an applicant can establish extreme hardship upon separation or relocation). In the present case, the record contains no statement from the Applicant's father indicating he intends to remain in the United States or relocate to Mexico if the waiver application is denied. The Applicant must therefore establish that if she is denied admission, her father would experience extreme hardship both upon separation and relocation.

On appeal, the Applicant asserts that the Director erred in finding that the record did not demonstrate that her father would suffer extreme hardship. The Applicant's father asserts that he struggles with depression and anxiety and takes antidepressants to help him cope with his disorders. He states that he also takes medication for high blood pressure which is sometimes triggered by his anxiety. He maintains that a separation from the Applicant would have a detrimental effect upon his anxiety because he relies upon the Applicant for emotional support. He further maintains that he would worry about the Applicant's safety due to Mexico's poor security conditions and his past experience as a victim of gang violence. He also contends that the Applicant would be particularly vulnerable to violence because she was previously targeted by drug cartel members in Mexico due to her former profession as a police officer. The Applicant herself states that her circumstances are unique as she would be returning to dangerous conditions because she was previously targeted on account of her position as a police officer. She contends that the impact of her return to Mexico on her father's medical and psychological issues constitutes extreme hardship that goes far beyond that which would normally be expected upon removal.

Upon de novo review, the Applicant has not established by a preponderance of the evidence that her father would endure extreme hardship upon separation. With respect to psychological hardship, the record contains a photo of the Applicant's father's prescription for fluoxetine hydrochloride, an antidepressant; a copy of an online fact sheet regarding fluoxetine hydrochloride; and a copy of an online fact sheet regarding depression. While we acknowledge the Applicant's father's statements regarding his reliance upon the Applicant for emotional support as well as the difficulties that separation from the Applicant may cause him, the record does not contain sufficient documentation demonstrating that he has been diagnosed or is being treated for any specific psychological or medical conditions or the impact of any psychological or medical hardships he may experience in his daily life. Based on the record, we agree with the Director that the evidence submitted does not provide the detail and specificity necessary to make a finding that the claimed hardships amount to extreme hardship when considered either individually or cumulatively. Thus, the Applicant has not established that her father's hardships would go beyond the common results of removal and rise to the level of extreme hardship.

The Applicant must establish that denial of the waiver application would result in extreme hardship to a qualifying relative upon both separation and relocation. As the Applicant has not established extreme hardship to her qualifying relative in the event of separation, we need not consider extreme hardship in the event of relocation. The waiver application will remain denied.

ORDER: The appeal is dismissed.