U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 20828882

Date: MAY 19, 2022

Appeal of Queens, New York 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 and seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i), for willful misrepresentation of a material fact.

The Director of the Queens, New York Field Office denied the Form I-601, Application to Waive Inadmissibility Grounds (waiver application), concluding that the record did not establish that the Applicant's qualifying relative, his U.S. citizen (USC) spouse, would experience extreme hardship if the Applicant were denied the waiver.[1] The matter is now before us on appeal.

On appeal, the Applicant submits a brief and additional evidence. We review 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 remand the matter to the Director for the entry of a new decision.

U.S. Citizenship and Immigration Services records indicate that the Director reopened the Applicant's case on June 11, 2021, one day after issuance of the June 10, 2021, decision. His reopened case is currently in process. Accordingly, we shall remand the matter to the Director to proceed with and finalize the reopened proceedings in the Applicant's case.

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[1] 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 United States citizen or lawful permanent resident spouse or parent of the noncitizen. 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).

We would also note that a minor discrepancy – such as the Director's parsing of whether a claimed psychological issue may be considered a medical condition – is not sufficient reason to question the credibility of an individual seeking immigration benefits. *See e.g., Spencer Enterprises Inc. v. U.S.,* 345 F.3d 683,694 (9th Cir. 2003). Further, the Director should consider the brief and accompanying evidence submitted on appeal, including the "Psychoemotional & Family Dynamics Evaluation," before issuing a new decision.

ORDER: The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.