



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 23033684

Date: NOV. 7, 2022

Appeal of Phoenix 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), for misrepresentation of a material fact. U.S. Citizenship and Immigration Services (USCIS) may grant a discretionary waiver under this provision if refusal of admission would result in extreme hardship to a qualifying relative or qualifying relatives. The Phoenix Field Office Director denied the Form I-601, Application to Waive Inadmissibility Grounds (waiver application), to waive their inadmissibility.

The matter is now before us on appeal. The Applicant bears the burden of demonstrating eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). 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 dismiss the appeal.

When the Applicant filed for a nonimmigrant visa with the U.S. State Department, he misrepresented a material fact that he was already married to his current spouse, when they in fact married after he entered the United States as a nonimmigrant. This resulted in the Applicant being inadmissible under 212(a)(6)(C)(i) of the Act and he filed for a waiver of that ground before the Director. The Director denied the waiver application concluding the Applicant did not establish his spouse, as his only qualifying relative, would suffer extreme hardship if he were refused admission as an LPR. Because the requisite level of hardship was not demonstrated, the Director did not perform a discretionary analysis.

On the Form I-290B, Notice of Appeal or Motion, the Applicant indicated they would submit a brief or additional evidence within 30 days of filing. However, the Applicant has not provided anything further to date. Accompanying the appeal, the Applicant provided the following statements as the basis for the appeal:

- The Director failed to accurately and properly apply INA section 212(a) and the factors that must be considered in making a determination.
- The Director failed to accurately and fairly consider the evidence presented in support of the application and ignored relevant evidence.

- The Director failed to even consider whether a discretionary waiver is appropriate.<sup>1</sup>

These are only a generalized statements of error and they do not identify a specific error. The Applicant did not describe how the Director failed to accurately and properly apply the statute, or what factors they did not consider in their decision. Nor did he specify what evidence was presented but not considered. And regarding the final bullet, if an applicant does not demonstrate extreme hardship to a qualifying relative, performing a weighing of positive and negative discretionary factors is not required because even if the favorable factors outweigh the adverse ones, the waiver will not be approved due to the lack of extreme hardship (i.e., a discretionary analysis without a showing of extreme hardship would serve no purpose).

The burden to present and develop the arguments lie with the Applicant. Section 291 of the Act; *Chawathe*, 25 I&N Dec. at 375. It is insufficient for counsel for the Applicant to mention a possible argument in a skeletal way, leaving it up to us to “put flesh on its bones.” See *Al-Tamimi v. Adelson*, 916 F.3d 1, 6 (D.C. Cir. 2019); *Singh v. Gonzales*, 416 F.3d 1006, 1010 (9th Cir. 2005) (citing to *Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 820 (9th Cir. 2003)). Consequently, the Applicant has not satisfied his burden to demonstrate eligibility.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> The Applicant also included a statement about his spouse’s health condition on the waiver application itself, but did not identify an error on the Director’s part within that statement.