



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

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

In Re: 22718368

Date: SEP. 14, 2022

Appeal of Hartford, Connecticut Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i), for a material misrepresentation. Any foreign national 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 waiver of these grounds of inadmissibility if refusal of admission would result in extreme hardship to the United States citizen or lawful permanent resident spouse or parent of the foreign national. Section 212(i) of the Act.

The Director of the Hartford, Connecticut Field Office denied the waiver, concluding that the Applicant did not establish that her U.S. citizen daughter was a qualifying relative for her waiver of inadmissibility for misrepresentation.

On appeal, the Applicant does not contest the Director's determination in this regard, or the inadmissibility finding for material misrepresentation.¹ We agree with the Director that the Applicant's daughter is not a qualifying relative for a waiver of inadmissibility for misrepresentation. Section 212(i) of the Act. However, the Applicant newly explains on appeal that her mother is a U.S. citizen and asserts that her mother would experience extreme hardship because of her continued inadmissibility. She supports her assertions by submitting evidence addressing her mother's mental and physical health hardships.² Thus, we will remand the matter to the Director to consider this evidence in the first instance to determine whether the Applicant has demonstrated that her mother will experience extreme hardship should the Applicant be denied admission to the United States.

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

¹ USCIS records show, and the Applicant acknowledges in the waiver application that in February 1997 she attempted to enter the United States using her sister's lawful permanent resident card (Form I-551).

² The Applicant did not identify or provide evidence of other potential qualifying relatives beyond her daughter with the waiver application, which the Director denied without issuing a request for evidence.

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 intent of the Applicant’s mother (whether to separate or relocate) is not apparent from the current record.

As a result of the new hardship evidence submitted, we will remand the matter for a new hardship analysis addressing the hardships of the Applicant’s mother upon separation or relocation, and if necessary, a discretionary determination, making sure to include any extreme hardship finding as a significant positive discretionary factor. The Director may request any additional evidence considered pertinent to the new decision, and any other issues. As such, we express no opinion regarding the ultimate resolution of this case on remand.

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