



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

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

In Re: 24745045

Date: APR. 27, 2023

Appeal of Sacramento, California Field Office Decision

Form I-601, Application for Waiver of Grounds of Inadmissibility

The Applicant seeks a waiver of inadmissibility under the Immigration and Nationality Act (the Act) section 212(i), 8 U.S.C. § 1182(i), for fraud or misrepresentation.¹

Any noncitizen who, by fraud or willfully misrepresenting a material fact, seeks to procure admission into the United States is inadmissible. Section 212(a)(6)(C)(i) of the Act. There is a 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. If the noncitizen demonstrates the existence of the required hardship, then they must also show they merit a favorable exercise of discretion. Section 212(i) of the Act.

The Director of the Sacramento, California Field Office denied the application, concluding that the record did not establish that the Applicant's qualifying relative (his U.S. citizen spouse) would experience extreme hardship if the waiver was not granted. The matter is now before us on appeal.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (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.

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

¹ The Applicant does not dispute the finding of inadmissibility on this ground. In December 2013, the Applicant filed for adjustment of status through marriage, but the Applicant failed to disclose a prior marriage in the Philippines that had not been terminated. The Applicant was granted conditional permanent residence in February 2014, and his status was later rescinded in April 2019.

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). In the present case, the Applicant contends that his United States citizen spouse will experience extreme hardship in the case of both separation and relocation. *See generally* 9 USCIS Policy Manual B.4(B), <https://www.uscis.gov/policy-manual>. The Applicant must therefore establish that if he is denied admission, his spouse would experience extreme hardship both upon separation and relocation.

With the waiver application, the Applicant submitted a statement from himself, from R-G-R-, his United States citizen spouse, naturalization certificates for R-G-R-'s mother and daughter, medical records for R-G-R-'s mother and daughter, family photographs, medical records from the Applicant, a psychological evaluation of R-G-R-, copies of bills and income documentation for the Applicant and R-G-R-, and articles regarding country conditions in the Philippines.² The Director reviewed the evidence and concluded that the Applicant had not established that a denial of his admission would rise to the level of extreme hardship.

On appeal, the Applicant submits a brief, which contends that the Director's decision "nitpick[ed]" statements and factors from the evidence provided with the waiver application in order to reach their conclusion and asks us to review the same evidence and come to a different conclusion. The Applicant further states that the Director failed to consider the hardships presented in aggregate and insists that the Director ignored evidence. We disagree and determine that the Director's decision considered the Applicant's statements, along with his spouse's, and the evidence provided with the waiver application. The Director's decision outlined the Applicant's hardships between separation and relocation and provided a thorough analysis of the record. The Director acknowledged that R-G-R- has a disabled adult daughter, and an elderly mother with health concerns who resides with the couple. The Director acknowledged R-G-R-'s psychological evaluation, which diagnosed her with posttraumatic stress disorder (PTSD), depression, and anxiety. The Director also analyzed the financial information provided by the Applicant and his spouse, which indicated that, while the Applicant's income assists in supporting R-G-R-, R-G-R-'s income alone appeared to be sufficient to cover the family's expenses, should she remain in the United States, separated from the Applicant.

Several of the issues noted by the Director involved claims by the Applicant and his spouse that was not supported by supplemental documentation, such as his and his spouse's inability to find work in the Philippines, or the relation of the minimum wage chart provided. In her statement, R-G-R- implied that because minimum wage is the equivalent of \$9.16 per day in the Philippines, they would not be able to afford to live, but did not provide evidence to indicate that she would be expected to work for the minimum wage. Further, R-G-R- stated that she feared that the Applicant would not be able to find work, or that he would not be able to receive adequate medical care in the Philippines, which again was only asserted through her personal statements, and not supported by evidence. The Director further acknowledged country condition reports, but also noted that the information was specific to certain areas of the Philippines, and not the country as a whole. We further note that neither the Applicant nor his qualifying relative indicated where in the country they would reside, if forced to relocate. We agree with the Director's assessment, as it provided a full review of both the Applicant and his spouse's statements, as well as the supplemental evidence included with the waiver application. In our de novo review of the record, we also determine that the Applicant did not

² We use initials to protect the identity of individuals.

sufficiently show that his qualifying relative would experience extreme hardship on separation or relocation when considering the claimed hardships in aggregate.

As the Applicant's brief on appeal does not address any of the deficiencies noted in the Director's decision, and he does not provide any new evidence, the Applicant has not overcome the Director's determination that he has not established that his qualifying relative will experience extreme hardship on separation or relocation. Because the Applicant has not demonstrated extreme hardship to a qualifying relative if he is denied admission, we need not consider whether he merits a waiver in the exercise of discretion. The waiver application will therefore remain denied.

ORDER: The appeal is dismissed.