



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

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

In Re: 28602472

Date: DEC. 22, 2023

Appeal of Manchester, New Hampshire Field Office Decision

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

The Applicant, a national of Cameroon, has applied to adjust status to that of a lawful permanent resident (LPR). He seeks a waiver of inadmissibility under the Immigration and Nationality Act (the Act) section 212(i), 8 U.S.C. § 1182(i), for willful misrepresentation. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver if refusal of admission would result in extreme hardship to a qualifying relative or qualifying relatives.

The Director of the Manchester, New Hampshire Field Office denied the waiver request, concluding that the Applicant did not establish the requisite extreme hardship to his U.S. citizen spouse, his only qualifying relative. The matter is now before us on appeal. 8 C.F.R. § 103.3.

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.

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. To establish eligibility for a waiver of this inadmissibility the noncitizen must demonstrate, as a threshold requirement, that denial of admission will result in extreme hardship to their U.S. citizen or lawful permanent resident spouse, or parent. 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).

II. ANALYSIS

The Applicant does not contest the finding of inadmissibility, which is based on his willful misrepresentation to obtain a nonimmigrant visa to the United States. The issues on appeal are whether the Applicant has established extreme hardship to his qualifying relative and, if so, whether he merits a waiver as a matter of discretion. We have reviewed the entire record and conclude that it is insufficient to show that the individual and cumulative hardships to the Applicant's U.S. citizen spouse would rise to the level of extreme if the Applicant is denied admission.

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. *See generally* 9 USCIS Policy Manual B.4(B), <https://www.uscis.gov/policy-manual> (providing guidance on the scenarios to consider in making extreme hardship determinations). 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. *See id.* (citing to *Matter of Calderon-Hernandez*, 25 I&N Dec. 885 (BIA 2012) and *Matter of Gonzalez Recinas*, 23 I&N Dec. 467 (BIA 2002)). The applicant may meet this burden by submitting a statement from the qualifying relative or relatives certifying under penalty of perjury that the qualifying relative or relatives would relocate with the applicant, or would remain in the United States, if the applicant is denied admission. *See id.* Here, the record indicates that if the Applicant's waiver is denied, his spouse intends to remain in the United States. Therefore, the Applicant must establish that if he is denied admission, his spouse would experience extreme hardship upon separation.

In the present case, the Applicant's spouse indicates she would not want to move to Cameroon and intends to remain in the United States if the waiver application is denied. The Applicant has submitted the following documentation in support of the waiver application: affidavits from the Applicant and his spouse, letters from a friend and the Applicant's brother and sister, financial documentation, and country conditions information for Cameroon.

The Applicant's spouse contends that she would experience emotional, psychological, and financial hardship were she to remain in the United States without the Applicant, whom she married in 2020. The spouse indicates that the Applicant is emotionally supportive to her, they enjoy spending their time together and with their family and friends, the Applicant is the primary income earner, and without the Applicant she could not pay the bills and would need to move to a less expensive home. She states that if the Applicant could not remain in the United States, it would be impossible for them to have children because she understands Cameroon is a dangerous and violent place, the Applicant fled the country because his life was in danger, and she would not want to live there or raise children in those conditions.

The Director found that the Applicant did not submit sufficient evidence to establish that his spouse would suffer emotional, psychological, or financial difficulties that would rise to the level of extreme hardship. The Director's decision describes the facts and analysis of the Applicant's case in detail,

and we incorporate it by reference here. On appeal, the Applicant has not provided additional evidence and has still not established that his spouse's hardships that would result from separation, considered individually and cumulatively, would go beyond the common results of inadmissibility or removal and rise to the level of extreme hardship.

Though the spouse's affidavit notes the Applicant provides her with emotional support, it also indicates that she is close to and regularly spends time with multiple family members, including her mother, stepfather, sister, uncle, and two brothers. In regard to the spouse's concern that she would suffer depression without the Applicant and she would experience further emotional difficulties worrying about his safety and well-being in Cameroon, the record does not establish that she would lack emotional support from her family members or that she would be unable to obtain care from a mental health professional. The spouse refers to country conditions in Cameroon and asserts it would be impossible to have children with the Applicant if he could not remain in the United States. However, the evidence does not establish that the spouse would be unable to raise their children in the United States upon separation or that she would lack assistance and support from her family members here.

Regarding the spouse's claim of financial hardship upon separation, while the evidence documents the Applicant's income contributions to the household and we acknowledge the spouse may experience some financial difficulty without him, the record does not demonstrate that she would face a financial strain that would rise to the level of extreme hardship if he is denied admission. Though the evidence includes the Applicant's 2021 W2 form and paystubs for the Applicant and his spouse, the record does not contain documentation concerning their regular expenses and financial obligations.

In conclusion, although the record demonstrates that the Applicant's spouse may experience emotional, psychological, and financial difficulties due to separation from the Applicant, the totality of the evidence is insufficient to show that the hardship would rise beyond the common results of removal or inadmissibility if she remains in the United States. As such, no purpose would be served in determining whether the Applicant merits a waiver as a matter of discretion. The waiver application will remain denied.

ORDER: The appeal is dismissed.