



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 29667774

Date: JAN. 03, 2024

Appeal of Imperial, California Field Office Decision

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

The Applicant, a native and citizen of Mexico currently residing in the United States, has applied to adjust status to that of a lawful permanent resident (LPR). A noncitizen seeking to be admitted to the United States as an immigrant or to adjust status must be “admissible” or receive a waiver of inadmissibility. The Applicant has been found inadmissible for fraud or misrepresentation and seeks a waiver of that inadmissibility. See section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i). 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 Imperial, California Field Office denied the Form I-601, Application for Waiver of Grounds of Inadmissibility (waiver application), concluding that the Applicant had not established that her refusal of admission would result in extreme hardship to a 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

Section 212(a)(6)(C)(i) of the Act renders inadmissible 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, admission into the United States, or other benefit provided under the Act. As stated, this inadmissibility may be waived if refusal of admission would result in extreme hardship to the U.S. citizen or LPR spouse or parent of the alien. Section 212(i) of the Act.

II. ANALYSIS

We hereby incorporate by reference the background and procedural history as discussed in the Director’s decision and highlight the following as relevant to our analysis. The Director determined

that the Applicant is inadmissible under section 212(a)(6)(C)(i) of the Act for making material misrepresentations in her 2014 non-immigrant visa application in order to procure a visa, other documentation, admission into the United States, or other benefits under the Act. The Applicant does not contest this determination, and it is supported by the record. The Applicant filed her waiver application in February 2023, claiming hardship to her U.S. citizen step-daughter. The Director denied the application, after issuing a request for evidence, explaining that the Applicant had not demonstrated she had a qualifying relative who would suffer extreme hardship due to her inability to immigrate. According to the decision, the Applicant's step-daughter is not a qualifying relative.

The Applicant appeals asserting that her step-daughter is a qualifying relative pursuant to section 212(a)(9)(B)(v) of the Act. Section 212(a)(9)(B)(v) of the Act relates to the inadmissibility of unlawful presence and authorizes a discretionary waiver if the Applicant establishes that their U.S. citizen or LPR spouse or parent would suffer extreme hardship. The Applicant does not explain how the waiver provision of section 212(a)(9)(B)(v) of the Act is relevant to this analysis or how the Director erred in not applying this waiver provision.

The Applicant was found inadmissible pursuant to section 212(a)(6)(C)(i) of the Act. Section 212(a)(6)(C)(iii) of the Act authorizes a waiver of section 212(a)(6)(C)(i) of the Act as described in section 212(i) of the Act. Section 212(i) of the Act authorizes a discretionary waiver of inadmissibility under section 212(a)(6)(C)(i) of the Act if refusing admission to the noncitizen would result in extreme hardship to their U.S. citizen or LPR spouse or parents. As the Applicant has only submitted harm that would result to her step-daughter, the Applicant has not established extreme hardship to a qualifying relative, an eligibility requirement for a waiver under section 212(i) of the Act, and therefore remains inadmissible for fraud or misrepresentation under section 212(a)(6)(C)(i) of the Act.

ORDER: The appeal is dismissed.