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

**PUBLIC COPY**

[REDACTED]

FILE:

[REDACTED]

Office: CHICAGO, IL

Date:

**APR 11 2006**

IN RE:

[REDACTED]

APPLICATION:

Application for Waiver of Grounds of Inadmissibility under Section 212(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(i)

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the District Director, Chicago, IL, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Jamaica who was found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having procured entry into the United States by fraud or willful misrepresentation. The applicant is married to a naturalized U.S. citizen and seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to remain in the United States with her U.S. citizen spouse.

The district director concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the Application for Waiver of Grounds of Excludability (Form I-601) accordingly. *Decision of the District Director*, March 6, 2004.

On appeal, the applicant's spouse states that he would suffer emotional and financial hardships as a result of his wife's inadmissibility. He submits documentation to support his assertions.

The documents submitted include: a statement from the applicant's spouse, medical records for the applicant with dates from 2002 and 2003, a report on crime trends in Jamaica citing unemployment problems as a cause of the high crime rate, a BBC News article entitled, "Army Quells Jamaican Unrest" dated July 11, 2001, an article from the *Jamaican Cleaner* entitled, "Unemployment on the Rise" dated May 19, 2003 and reporting the unemployment rate in Jamaica for adult males as 6.6%, the report on Jamaica from the CIA World Fact Book 2004 stating that Jamaica's depressed economic conditions resulted in an increase in civil unrest, documentation from Comcast Benefits showing the procedures and cost covered by the applicant's spouse's health care coverage, a copy of a contract for an automobile showing a payment plan for 59 payments of \$664.05 a month, and copies of Western Union receipts showing money sent to Jamaica by the applicant. The entire record was reviewed and considered in rendering this decision.

Section 212(a)(6)(C) of the Act provides, in pertinent part, that:

- (i) Any alien 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 this Act is inadmissible.

Section 212(i) of the Act provides that:

- (1) The Attorney General [now the Secretary of Homeland Security (Secretary)] may, in the discretion of the Attorney General [Secretary], waive the application of clause (i) of subsection (a)(6)(C) in the case of an alien who is the spouse, son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if it is established to the satisfaction of the Attorney General [Secretary] that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such an alien.

The record reflects that on October 31, 1996 the applicant made a willful misrepresentation of a material fact when she presented a passport and visa containing the fraudulent name [REDACTED] in order to obtain entry into the United States.

A section 212(i) waiver of the bar to admission resulting from violation of section 212(a)(6)(C) of the Act is dependent first upon a showing that the bar imposes an extreme hardship to the citizen or lawfully resident spouse or parent of the applicant. Hardship the alien herself experiences upon deportation is irrelevant to section 212(i) waiver proceedings; the only relevant hardship in the present case is hardship suffered by the applicant's husband. Therefore, the applicant's medical condition is not relevant to this case. Once extreme hardship is established, it is but one favorable factor to be considered in the determination of whether the Secretary should exercise discretion. *See Matter of Mendez*, 21 I&N Dec. 296 (BIA 1996).

*Matter of Cervantes-Gonzalez*, 22 I&N Dec. 560, 565-566 (BIA 1999) provides a list of factors the Bureau of Immigration Appeals deems relevant in determining whether an alien has established extreme hardship pursuant to section 212(i) of the Act. These factors include the presence of a lawful permanent resident or United States citizen spouse or parent in this country; the qualifying relative's family ties outside the United States; the conditions in the country or countries to which the qualifying relative would relocate and the extent of the qualifying relative's ties in such countries; the financial impact of departure from this country; and significant conditions of health, particularly when tied to an unavailability of suitable medical care in the country to which the qualifying relative would relocate.

The applicant's spouse contends that he would suffer extreme hardship as a result of relocating to Jamaica to remain with the applicant as he would not be able to find employment in Jamaica, he would not be able to obtain health care coverage in Jamaica, and all of his immediate family, with whom he has close relationships reside in the United States. *Applicant's Spouse's Statement*. The applicant's spouse also asserts that it would be impossible to continue to support his children if he were to reside in Jamaica. *Id.* The AAO notes that the children referred to by the applicant's spouse are his step-children and they reside in Jamaica. The information regarding country conditions submitted by the applicant supports his claim of extreme hardship. Jamaica suffers from unemployment and high poverty rates. The applicant currently works for Comcast Cable and if he were to reside in Jamaica it would be extremely difficult for him to find employment in this field. In addition, he would not have any health care coverage and would be separated from his entire family.

Although the applicant has established that her spouse would suffer extreme hardship if he relocated to Jamaica, the applicant has not established extreme hardship to her spouse if he remained in the United States maintaining his employment and close proximity to other family members. The applicant's spouse contends that he will suffer financial hardship if the applicant is denied a waiver of inadmissibility because his wife contributes to one third of their family's expenses. *Statement of Applicant's Spouse*. The AAO acknowledges that the applicant's spouse may be required to alter his living arrangements as a result of the applicant's inadmissibility. The record, however, does not establish that the applicant's spouse will be unable to maintain his current living standard if the applicant departs from the United States.

The applicant's spouse also contends that he would suffer emotional hardship as a result of being separated from his wife of three years. The AAO recognizes that the applicant's husband will endure hardship as a result of separation from the applicant. However, based on the record, his situation, if he remains in the United States, is typical to individuals separated as a result of deportation or exclusion and does not rise to the

level of extreme hardship. U.S. court decisions have repeatedly held that the common results of deportation or exclusion are insufficient to prove extreme hardship. *See Hassan v. INS*, 927 F.2d 465, 468 (9th Cir. 1991). For example, *Matter of Pilch*, 21 I&N Dec. 627 (BIA 1996), held that emotional hardship caused by severing family and community ties is a common result of deportation and does not constitute extreme hardship. In addition, *Perez v. INS*, 96 F.3d 390 (9th Cir. 1996), held that the common results of deportation are insufficient to prove extreme hardship and defined extreme hardship as hardship that was unusual or beyond that which would normally be expected upon deportation. *Hassan v. INS, supra*, held further that the uprooting of family and separation from friends does not necessarily amount to extreme hardship but rather represents the type of inconvenience and hardship experienced by the families of most aliens being deported.

A review of the documentation in the record fails to establish the existence of extreme hardship to the applicant's spouse caused by the applicant's inadmissibility to the United States. Having found the applicant statutorily ineligible for relief, no purpose would be served in discussing whether she merits a waiver as a matter of discretion.

In proceedings for application for waiver of grounds of inadmissibility under section 212(a)(6)(C) of the Act, the burden of proving eligibility remains entirely with the applicant. *See* Section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.