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U.S. Citizenship
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712



FILE: [REDACTED] Office: BOSTON, MA Date: APR 17 2007

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:

SELF-REPRESENTED

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, Chief
Administrative Appeals Office

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

The applicant is a native and citizen of Haiti who was found to be inadmissible to the United States (U.S.) 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 attempted to procure admission into the United States by fraud or misrepresentation on June 26, 1992. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i).

The district director concluded that the applicant failed to submit documentation establishing that she has a qualifying relationship with a U.S. citizen or lawful permanent resident and that she failed to demonstrate extreme hardship to that relative in support of her waiver application. The application was denied accordingly. *Decision of the District Director*, dated May 8, 2004.

On appeal, the applicant states that she has two U.S. citizen children who have illnesses and relocating to Haiti would make it very difficult to keep these illnesses under control. The applicant also submits a letter from her children's doctor as evidence. *Form I-290B*, dated June 1, 2004.

The record indicates that on June 26, 1992, the applicant attempted to enter the United States by using the Haitian passport and temporary lawful permanent resident card of [REDACTED]

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

- (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:

- (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.

Section 212(i) of the Act provides that a waiver of the bar to admission resulting from section 212(a)(6)(C) of the Act is dependent first upon a showing that the bar imposes an extreme hardship on the applicant's U.S. citizen or lawful permanent resident spouse and/or parent. Hardship the alien herself experiences or her children experience due to separation is not considered in section 212(i) waiver proceedings unless it causes hardship to the applicant's spouse and/or parent. Therefore, although the AAO notes the health problems of

the applicant's children, neither their health concerns nor the effect of these health concerns on the applicant, satisfies the requirements of section 212(i) of the Act.

The AAO notes that the applicant's waiver application states that her mother is a lawful permanent resident and that the applicant is the beneficiary of a Form I-130, Petition for Alien Relative, filed by her mother. However, the applicant does not contend that her mother, her only qualifying relative under section 212(i) of the Act would experience hardship as a result of her removal from the United States. Therefore, the applicant has not established that her mother would experience extreme hardship as a result of her inadmissibility.

In proceedings for application for waiver of grounds of inadmissibility under section 212(i) 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.