



U.S. Citizenship  
and Immigration  
Services

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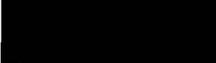
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JUN 01 2007

FILE:



Office: PANAMA

Date:

IN RE:

Applicant:



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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Officer in Charge, Panama. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, and the application denied.

The applicant is a native and citizen of Ecuador who was found to be inadmissible to the United States pursuant to 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 willful misrepresentation. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i).

The officer in charge determined that the applicant had failed to establish that a qualifying family member would suffer extreme hardship if she were refused admission into the United States. The application was denied accordingly.

On appeal, the applicant indicates that her U.S. lawful permanent resident mother will suffer extreme hardship if she is denied admission into the United States, and she asks that U.S. Citizenship and Immigration Services (CIS) waive her ground of inadmissibility.

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

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.

The record reflects that on November 21, 1982, the applicant sought admission into the United States by using a fraudulently obtained passport. The record reflects further that on April 20, 2005, during her consular U.S. visa interview, the applicant repeatedly denied her 1982 attempt to be admitted into the United States by fraudulent means. Accordingly, the applicant is inadmissible under section 212(a)(6)(C)(i) of the Act.

Section 212(i)(1) of the Act provides that:

The Attorney General [now Secretary, Department 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 the applicant's mother is a U.S. lawful permanent resident. The applicant is thus eligible to apply for relief under section 212(i) of the Act.

In *Matter of Cervantes-Gonzalez*, 22 I&N Dec. 560, 565-66 (BIA 1999), the Board of Immigration Appeals (Board) provided a list of factors that it deemed relevant in determining whether an alien had established extreme hardship. The factors included 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 Board held in *Matter of Ige*, 20 I&N Dec. 880, 882, (BIA 1994), that, "relevant [hardship] factors, though not extreme in themselves, must be considered in the aggregate in determining whether extreme hardship exists."

"Extreme hardship" has been defined as hardship that is unusual or beyond that which would normally be expected upon deportation. See *Perez v. INS*, 96 F.3d 390 (9<sup>th</sup> Cir. 1996.) Court decisions have repeatedly held that the common results of deportation or exclusion [now, removal or inadmissibility] are insufficient to prove extreme hardship. See *Perez v. INS*, *supra*. See also, *Hassan v. INS*, 927 F.2d 465, 468 (9<sup>th</sup> Cir. 1991).

The record contains a letter written by the applicant's mother (Ms. [REDACTED]). In her letter, Ms. [REDACTED] indicates that all of her other children have immigrated to the United States and that it makes her very sad that the applicant is unable to do so. Ms. [REDACTED] states that she is elderly, and that she is unable to return to Ecuador because her family and life are now in the United States. Ms. [REDACTED] states that her children are her financial, psychological, and moral support. Ms. [REDACTED] states further that she has gone to the hospital more frequently since the applicant was denied admission into the United States. The applicant submits a medical letter from Dr. [REDACTED], Saint Vincent Catholic Medical Center (SVCMC), stating that Ms. [REDACTED] has been treated at the SVCMC medical center since October 1996 for medical problems including diabetes mellitus, hypertension, and hypercholesterolemia. The record contains no other evidence of hardship.

The AAO finds, upon review of the totality of the evidence, that the applicant failed to establish that her mother would suffer extreme hardship if she is denied admission into the U.S., and her mother remains in the United States. The AAO notes that the record contains no evidence to illustrate Ms. [REDACTED] financial situation, or to indicate that Ms. [REDACTED] depends on the applicant for financial support. The AAO notes further the U.S. Supreme Court holding that, "[t]he mere showing of economic detriment to qualifying family members is insufficient to warrant a finding of extreme hardship." See *INS v. Jong Ha Wang*, 450 U.S. 139 (1981). In addition, the medical letter contained in the record is vague, and fails to establish the cause or extent of Ms. [REDACTED]'s illnesses. The letter additionally fails to demonstrate that Ms. [REDACTED] suffers from a physical or emotional condition that was caused by the applicant's absence from the United States, or that would become significantly better if the applicant were admitted into the United States.

The applicant has also failed to present evidence to corroborate the claim that her mother would suffer extreme hardship if she relocated to Ecuador with the applicant. It is noted that the applicant's mother is familiar with the language and culture of the country, as she is originally from Ecuador. In addition, the record contains no evidence to establish that any of Ms. [REDACTED]'s family members reside in the United States. The applicant therefore failed to establish that Ms. [REDACTED] would be separated from U.S. citizen or lawful permanent resident family members if she returns to Ecuador. Moreover, the AAO notes that in *Matter of Pilch*, 21 I&N Dec. 627 (BIA 1996), the Board held that emotional hardship caused by severing family and community ties is a common result of deportation and does not constitute extreme hardship.

A section 212(i) of the Act waiver of inadmissibility is dependent first upon a showing that the bar to admission imposes an extreme hardship on a qualifying family member. If extreme hardship is established, the Secretary then assesses whether an exercise of discretion is warranted. Because the applicant failed to establish that her mother would suffer extreme hardship if she is denied admission into the United States, the AAO finds that it is unnecessary to address whether discretion should be exercised in the present matter.

Section 291 of the Act, 8 U.S.C. § 1361, provides that the burden of proof is on the applicant to establish eligibility for the benefit sought. A review of the evidence in the record, when considered in its totality,

reflects that the applicant has failed to establish that her mother would suffer hardship beyond that which is normally to be expected upon removal. Accordingly, the AAO finds that the applicant has failed to establish that she is eligible for relief under section 212(i) of the Act. The present appeal will therefore be dismissed, and the application will be denied.

**ORDER:** The appeal is dismissed. The application is denied.