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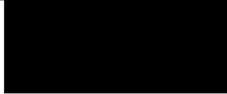
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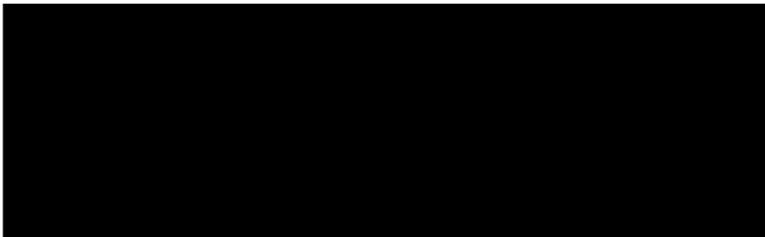
IN RE:

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:



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 waiver application was denied by the Acting Officer-in-Charge (Acting OIC), Manila, Philippines, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant [REDACTED] is a native and citizen of the Philippines 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 seeking 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), for admission into the United States so as to reside with her naturalized citizen husband [REDACTED].

The Acting OIC concluded that the applicant failed to establish that extreme hardship would be imposed on a qualifying relative and accordingly denied the Application for Waiver of Grounds of Excludability (Form I-601). *Decision of the Acting OIC*, dated March 4, 2005.

The AAO will address in this decision the director's finding that the applicant failed to establish waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i).

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 December 1, 2001, the applicant presented a Philippine passport with a fraudulent U.S. visa in her name. In a sworn and signed statement, the applicant admitted ownership of the passport and indicated that someone got the visa for her for which she paid under 6,000 pesos. *Decision of the Acting OIC*, dated March 4, 2005. The applicant therefore sought admission into the United States by using a fraudulent visa. Accordingly, the applicant was found inadmissible to the United States under section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i).

The applicant seeks a waiver of inadmissibility. 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 to the applicant or to her children is not a permissible consideration under the statute and will be considered only to the extent that it results in hardship to a qualifying relative. The qualifying relative in the present case is the

applicant's husband. 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).

"Extreme hardship" is not a definable term of "fixed and inflexible meaning"; establishing extreme hardship is "dependent upon the facts and circumstances of each case." *Matter of Cervantes-Gonzalez*, 22 I&N Dec. 560, 564 (BIA 1999). In *Matter of Cervantes-Gonzalez*, the Board of Immigration Appeals (BIA) lists the factors that it considers relevant in determining whether an applicant has established extreme hardship pursuant to section 212(i) of the Act. The 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. *Id.* at 564. The BIA indicated that these factors relate to the applicant's "qualifying relative." *Id.* at 565-566.

In *Matter of O-J-O-*, 21 I&N Dec. 381, 383 (BIA 1996), the BIA stated that the factors to consider in determining whether extreme hardship exists "provide a framework for analysis," and that the "[r]elevant factors, though not extreme in themselves, must be considered in the aggregate in determining whether extreme hardship exists." It further stated that "the trier of fact must consider the entire range of factors concerning hardship in their totality" and then "determine whether the combination of hardships takes the case beyond those hardships ordinarily associated with deportation." (citing *Matter of Ige*, 20 I & N Dec. 880, 882 (BIA 1994).

U. S. courts have stated, "the most important single hardship factor may be the separation of the alien from family living in the United States," and also, "[w]hen the BIA fails to give considerable, if not predominant, weight to the hardship that will result from family separation, it has abused its discretion." *Salcido-Salcido v. INS*, 138 F.3d 1292, 1293 (9th Cir. 1998) (citations omitted); *Cerrillo-Perez v. INS*, 809 F.2d 1419, 1424 (9th Cir. 1987) (remanding to BIA) ("We have stated in a series of cases that the hardship to the alien resulting from his separation from family members may, in itself, constitute extreme hardship.") (citations omitted). Separation from one's family will therefore be given appropriate weight in evaluating the hardship factors in the present case.

On appeal, counsel makes the following statements. A Philippine travel agency had promised to supply the applicant with a valid visa to legally travel to the United States; however, the travel agency had altered the visa in her passport, causing her expedited removal from the United States at the port of entry. When the applicant returned to the Philippines, she was devastated at being torn apart from the man she loved. The applicant filed a complaint and cooperated with the National Bureau of Investigation in the Philippines regarding the incident. A warrant of arrest was issued for members of the travel agency. On August 2, 2002, the applicant's husband proposed marriage to her and filed a Petition for Alien Fiancé. The applicant's husband has two daughters (ages 9 and 12 years of age) from a former marriage who reside in the United States. The applicant and her husband have two U.S. citizen children living in the Philippines. The applicant's husband cannot leave the United States because he shares joint custody of his daughters with his former wife and is not permitted to take them outside the country. The daughters are very close to their father, spending 50 percent of their time with him. They rely on their father for financial and emotional support. The applicant's husband must chose between his daughters in the United States and his wife and two

children in the Philippines, a horrible situation for any parent. All of [REDACTED]'s U.S. citizen family members are in the United States: his mother, brother, sisters, and grandmother. His mother relies on her children for emotional and financial support after the death of her husband. The applicant's husband has no family ties in the Philippines, besides his wife and two children. The applicant's daughters in the United States will not know their half-siblings in the Philippines.

Counsel states that none of the fact patterns in the cases cited by the acting OIC in the denial is similar to the situation here. According to counsel, in *Matter of W*, 9 I&N Dec. 1 (BIA 1960), the qualifying relative's family ties were not discussed, but the hardship the applicant would face if separated from the qualifying relative or U.S. citizen spouse was discussed. Counsel states that in *Matter of Ngai*, 19 I&N Dec. 245 (BIA 1984) the applicant voluntarily lived in Hong Kong away from her lawful permanent husband and daughters for over 28 years and the qualifying relative husband stated that he did not intend to reunite with the applicant if she entered the United States and he did not intend to move to Hong Kong and leave his daughters behind. Counsel states that in *Matter of Shaughnessy*, 12 I&N Dec. 810 (BIA 1968), family ties were not discussed. According to counsel, the aforementioned cases did not involve a qualifying relative risking separation for all of his family in the United States to live abroad with an applicant. Counsel asserts that in *Matter of Peczkowski*, 11 I&N Dec. 635 (BIA 1966), financial hardship and family ties in the United States was found to outweigh the family ties to the homeland.

Counsel states that the applicant's husband is gainfully employed in the United States as a manufacturing technician and has worked there for five years. Counsel cites to *In Re Cervantes-Gonzalez*, 22 I&N Dec. 560 (BIA 1999) and *Matter of Peczkowski* to show that the financial impact of departure from the United States is a hardship consideration. Counsel states that the applicant's husband would have a difficult time finding employment in the Philippines, a country where he has never been employed and left when he was 20 years old. Counsel indicates that the applicant's husband is responsible for financially supporting his daughters in the United States and would not be able to do this and support his wife and two children and himself in the Philippines. A high end of the median income is less than \$300 per month, counsel states. Counsel indicates that the applicant's husband may be forced to sell his car and condo in an attempt to successfully support himself and his family. He is uncertain about the kind of work, if any, that he will find there as a manufacturing technician. Counsel states that there is significant poverty in the Philippines, with 40% of the population not earning enough to afford basic necessities, and the applicant's husband worries that he will not be able to provide necessities to his family.

According to counsel, the applicant's husband is receiving treatment for clinical depression and panic disorder and obstructive sleep apnea syndrome, undergoing therapy with a psychologist since November 2002. Counsel states that it is unknown whether the applicant's husband will be able to find a psychologist and proper medication in the Philippines or whether his condition will improve if he is separated from his daughters and family in the United States. Counsel states that he will not have that health insurance that he now has. Counsel states that the doctor of the applicant's husband is considering a medical lead for him. Counsel indicates that if the applicant's husband has a nervous breakdown it will have a devastating impact on his children and wife.

Counsel refers to a U.S. State Department communication about conditions in the Philippines to show that Americans need to consider the risks of travel to the Philippines and the presence of terrorist groups. Counsel states that the applicant's husband is a U.S. citizen and he fears for his well-being if he must reside and work

in the Philippines. Counsel indicates that the applicant's husband is concerned that his ability to find employment in the Philippines may be impacted by being an American.

The record contains an affidavit from the applicant's husband in which he makes the following statements. He met his wife through a friend and they became engaged in September 2001. On December 1, 2001, his fiancé was denied entry into the United States. His fiancé was the victim of a travel agency that sold her a fraudulent visa. He assisted her in filing a formal complaint against the travel agency with the Philippine National Police and National Bureau of Investigation. On August 2002, he filed a Petition for Alien Fiancé for the applicant and she filed a Form I-601 to waive inadmissibility based on the fraudulent visa. He began to feel depressed and had panic attacks and suicidal ideation regarding his separation from his fiancé and began to see a psychiatrist, who prescribed medication for depression and anxiety. He has undergone regular psychiatric and psychotherapy care since then. In November 2002, he was involved in an automobile accident, of which he was the cause, due to anxiety attacks. In February 2003, he was placed on disability leave and traveled to the Philippines to be with his wife, who became pregnant. They married. He returned to the United States and was laid off due to absenteeism, depression, and his disability leave. He returned to the Philippines to be with his wife and found it impossible to find work there. He returned to the United States in February 2004 and continued to have anxiety and depression, torn between his children in the United States and his newborn and eight-month-pregnant wife in the Philippines. If he relocates to the Philippines, he will not be able to financially support or pay medical insurance for his children in the United States, violating his child support agreement; and will have to sell his house, where his children live. He has no family in the Philippines; all of his family lives nearby and he visits them regularly. He wishes to be near his father, who has Addison's disease. Act.¹ He is concerned about not being involved in his children's lives. He loves his wife, who gives him physical, mental, and emotional support. It would rip out his heart to separate his children from their mother in the Philippines and he will not be able to afford a babysitter for them in the United States. His life will be destroyed if his wife is not allowed to enter the United States or if he must uproot from the United States and leave everything that he has achieved. If he leaves the United States, he will not receive the same quality of medical care that he receives in the United States or afford medical care. He has spent most of his adult life in the United States and has strong social and cultural ties here. If he left the United States, especially with his deteriorating health, he will have extreme psychological, economic, emotional, and health-related hardships. In addition, he will not be able to financially support his family; the Philippines has a high unemployment and poverty rate. He will not find a comparable job to the one he has in the United States. *Affidavit of Applicant's Husband*, dated October 29, 2004.

In the supplemental brief, the applicant makes the following statements. Her husband has significant health issues, which can be life-threatening. He has major depression and panic disorder and obstructive sleep apnea syndrome and nasal obstruction. Her place of residence, Pampanga, does not have specialized health care to meet her husband's needs. In the Philippines her husband would not have health insurance, which he currently has with his U.S. employer. Her husband suffers from gastrointestinal and back problems and requires medication (Seroquel) to sleep. He also takes medication Paxil CR for anxiety attacks and depression. Her husband was in an automobile collision. He was placed on disability status in March 2003 and was laid off due to incompetence. Her husband has joint custody of children from a prior marriage, and he provides their medical, dental, and vision care. Her husband has been employed in the same job in the semiconductor industry for 14 years, and he barely earns enough to support his two families. It would be

¹ [REDACTED] s father passed away in January 2004. *Appeal Brief*, page 10.

impossible for him to find employment in the Philippines to cover child support, a mortgage, and medical needs. Her husband will be a “dead beat dad” under California law if he does not provide child support; and will be a burden on his former spouse. Her stepdaughters would not adjust to social and cultural life in the Philippines and they do not speak the native language. Her husband’s family ties are in the United States and he is involved in his daughter’s lives. Her father-in-law who has Addison’s disease is close to her husband. The Philippines, including Pampanga, is not a safe place for Americans. *Supplement of Brief in Support of I-601 Waiver of Grounds of Inadmissibility.*

The record contains letters from [REDACTED] and [REDACTED], a licensed psychologist. The letter from [REDACTED] indicates that the [REDACTED] has been a patient since June 7, 2002 and has been diagnosed with panic disorder and major depression. He is taking Paxil CR 25 mg a day and Restoril 30 mg at night. She states that he has been overwhelmed and stressed out dealing with immigration issues, financial, and job stressors, and is in therapy to cope with the issues. The letter from [REDACTED] indicates that she began seeing [REDACTED] in January 2003 and has since seen him. She states that he was placed on stress disability leave from his employer from February 19 to April 2 in 2003; that he spent time in the Philippines with his wife; and that he was re-hired by his employer at a lower level position. She discussed Mr. [REDACTED]’s dilemma of separation from his wife and child in the Philippines or separation from his children in the United States; his inability to earn an income in the Philippines; and his daughter’s acclimation to the American lifestyle and the adversity they will experience in the Philippines. She states that [REDACTED] “early history created a vulnerability that now renders him very susceptible to psychological breakdowns when triggered in this manner.” [REDACTED] states that [REDACTED] is likely to remain vulnerable to severe and significant psychological difficulties as long as he is placed in a situation that activates his separation anxiety and that having his wife and children join him in the United States is the only viable solution for him and his family.

The record also contains documents from the Department of Justice in the Philippines, including warrants of arrest, a document entitled “Recommendation/Resolution”; birth certificates; a marital agreement from a California court indicating that [REDACTED] and his former wife have joint physical and legal custody of their daughters and that he must pay \$200 per month in child support and share in childcare costs; a certificate of naturalization; a letter dated June 27, 2004 from [REDACTED], and a letter dated July 29, 2004 from [REDACTED] regarding the applicant’s husband; a travel warning issued March 23, 2005 by the U.S. Department of State; a U.S. Department of State country report; a web page from the Embassy of the United States in Manila; a Form I-601 and its supplement; a document entitled “Supplement of Brief in Support of I-601 Waiver of Grounds of Inadmissibility”; a letter from [REDACTED] the former spouse the applicant’s husband, indicating that she will not allow their children to live in or travel to the Philippines; letters and documents from or pertaining to the family members of the applicant’s spouse; a letter from [REDACTED] the second grade teacher at Glenwood Elementary who teaches [REDACTED]’s daughter, indicating that [REDACTED] helps in his daughter’s class; an automobile collision report; a layoff notice; an affidavit from the applicant’s husband; a document from West Valley Sleep Disorder’s Center; a document entitled “Certification of Health Care Provider”; a claim for disability insurance benefits - doctor’s certificate pertaining to the applicant’s husband; a police clearance; and other documents.

The entire record, including all the supporting documents, was reviewed and considered in rendering this decision.

The AAO will now apply the *Cervantes-Gonzalez* factors to the present case to the extent they are pertinent in determining extreme hardship to the applicant's husband. Extreme hardship to the applicant's husband must be established in the event that he accompanies the applicant; and in the alternative, that he remains in the United States. A qualifying relative is not required to reside outside of the United States based on the denial of the applicant's waiver request.

indicates that he will suffer extreme emotional hardship if the applicant's waiver of inadmissibility is denied. The AAO notes that the record indicates that the applicant has endured emotional hardship due to separation from his wife and children who live in the Philippines and his anxiety that joining them to live in the Philippines would separate him from his daughters who live in the United States. For example, the letter from his treating psychologist discusses the psychological difficulties that has experienced and will continue to experience as a result of separation from his family in the Philippines and concern about separation from his daughters in the United States. The letter from his psychiatrist, Dr. indicates that is taking medication for panic disorder and major depression. The documents from the applicant and her husband convey his concern of his wife not being allowed entry into the United States and about being forced to uproot from the United States and leave his daughters and everything that he has achieved. It is noted that the letter from's former spouse indicates that she will not authorize her daughters to travel or live in the Philippines.

The AAO is mindful of and sympathetic to the emotional hardship has endured as a result of separation from his wife and children in the Philippines and his anxiety about separation from his daughters in the United States in the event that he joins this wife in the Philippines. However, the AAO finds that the emotional hardship should be weighed against the fact that prior to marriage to the applicant he was aware that she had been denied entry into the United States for attempting to use a fraudulent visa to gain admission into the country. *Matter of Cervantes, supra* at 567, indicates that it is relevant to consider whether the applicant's spouse married the applicant after removal proceedings began. The court stated that:

[T]he respondent's wife knew that the respondent was in deportation proceedings at the time they were married. In contrast to the respondent's assertions on appeal, this factor is not irrelevant. Rather, it goes to the respondent's wife's expectations at the time they were wed. Indeed, she was aware that she may have to face the decision of parting from her husband or following him to Mexico in the event he was ordered deported. In the latter scenario, the respondent's wife was also aware that a move to Mexico would separate her from her family in California. We find this to undermine the respondent's argument that his wife will suffer extreme hardship if he is deported.

(citations omitted).

Here, was aware at the time he wed that the applicant had been denied entry into the United States and that he might be faced with the decision of parting from her or following her to the Philippines in the event that she was not allowed entry into the country. In the latter scenario, was also aware that a move to the Philippines would separate him from his daughters and other family in the United States. In applying the reasoning in *Matter of Cervantes* to the situation here undermines argument that he would suffer extreme hardship if his wife's waiver is not granted and he is confronted with the choice of living with his wife and children in the Philippines or with his daughters in the United States. Mr. has a difficult choice to make. However, it is choice that confronted him well before his marriage to

the applicant and the births of their children. The AAO therefore finds that in marrying the applicant with this awareness, the claims by [REDACTED] and his psychiatrist, psychologist, and wife that he will suffer extreme hardship if his wife's waiver is not granted is greatly diminished.

The AAO finds unpersuasive [REDACTED]'s assertion that if he should remain in the United States separation from his children in the Philippines constitutes extreme hardship. The general proposition is that the mere birth of a deportee's child who is a U.S. citizen is not sufficient to prove extreme hardship. The BIA has held that birth of a U.S. citizen child is not per se extreme hardship. *Matter of Correa*, 19 I&N Dec. 130 (BIA 1984). In *Marquez-Medina v. INS*, 765 F.2d 673 (7th Cir. 1985), the Seventh Circuit has stated that an illegal alien cannot gain a favored status merely by the birth of a citizen child. The Ninth Circuit has found that an alien illegally present in the United States cannot gain a favored status merely by the birth of his citizen child. *Lee v. INS*, 550 F.2d 554 (9th Cir. 1977). In a per curiam decision, *Banks v. INS*, 594 F.2d 760 (9th Cir. 1979), the Ninth Circuit found that an alien, illegally within this country, cannot gain a favored status on the coattails of his (or her) child who happens to have been born in this country. Thus, the fact that the applicant gave birth to child who are United States citizens is not sufficient in itself to establish extreme hardship.

The AAO agrees with counsel's assertion that the financial impact of departure from the United States is a hardship consideration. In considering financial hardship if [REDACTED] relocates to the Philippines, the AAO finds that his economic hardship claims of having to sell his home in the United States, not being able to find comparable employment in the Philippines, not having health benefits, and not being able to pay child support for his daughters in the United States do not reach the level of extreme hardship. General economic conditions in an alien's native country will not establish "extreme hardship" in the absence of evidence that the conditions are unique to the alien. *Kuciemba v. INS*, 92 F.3d 496, (7th Cir. 1996), citing *Marquez-Medina v. INS*, 765 F.2d 673, 676 (7th Cir.1985). It is noted that the evidence in the record relating to employment in the Philippines and travel warnings is general in nature and not unique to [REDACTED]. There is therefore no specific evidence that directly relates to [REDACTED] to establish that he will not find employment in the Philippines or has been personally threatened by a specific terrorist group. Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

Furthermore, in a per curiam decision, *Pelaez v. INS*, 513 F.2d 303, (5th Cir. 1975), the Fifth Circuit stated that difficulty in obtaining employment and a lower standard of living in the Philippines is not extreme hardship. "Second class" medical facilities in foreign countries are not per se extreme hardship. *Matter of Correa*, *supra*. In *Carnalla-Munoz v. INS*, 627 F.2d 1004, (9th Cir. 1980), the Ninth Circuit upheld the BIA finding that petitioners would suffer some measure of hardship on vacating and selling their home, but determined that this would not constitute "extreme hardship and that hardship in finding employment in Mexico and in the loss of their group medical insurance did not reach "extreme hardship." The AAO observes that there is no evidence in the record supporting the applicant's assertion that her husband requires medical treatment that is not available in the Philippines. Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici*, *supra*. Moreover, the U.S. Supreme Court held in *INS v. Jong Ha Wang*, 450 U.S. 139 (1981), that the mere showing of economic detriment to qualifying family members is insufficient to warrant a finding of extreme hardship.

Counsel asserts that in *Matter of Peczkowski, supra*, financial hardship and family ties in the United States outweighed the family ties to the homeland.

In *Matter of Peczkowski*, the applicant's wife was aware that her husband had a conviction in 1963. She knew this prior to her and her husband's application for a visa at the same time in 1965, and she was made aware at that time that his visa was refused due to the conviction. It was made clear to her that her husband might not be able to join her and his stepchild in the United States if his waiver of excludability, which required a showing of "extreme hardship," was not granted. The BIA stated that the disappointment and emotional hardship which the wife would experience if her husband application is denied is "the ordinary hardships of family separation and do not constitute extreme hardship." However, the BIA found extreme hardship to the appellant's wife and stepchild based on the circumstances in the case. His wife had to make her temporary home in the United States with relatives, and she was forced to entrust the care of her child to such relatives while she was required to work full-time to support herself and eight-year-old daughter.

The fact pattern in *Matter of Peczkowski* differs from the one presented here, however. Unlike the appellant's spouse in *Matter of Peczkowski* who is forced to find employment to provide a livelihood for herself and her daughter, [REDACTED] had been consistently gainfully employed prior to his marriage to the applicant. Although the record reflects that assertions have been made that [REDACTED] will be unable to financially support both of his families in the event that he moves to the Philippines or in the event that he remains in the United States, there is no evidence in the record substantiating these assertions. For example, there is no record of household expenses or of [REDACTED]'s earnings. Accordingly, the assertions are not persuasive. Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici, supra*.

The AAO finds that [REDACTED]'s 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 based on the record. In *Hassan v. INS*, 927 F.2d 465, 468 (9th Cir. 1991), the Court of Appeals upheld the BIA's finding that deporting the applicant and separating him from his wife and child was not conclusive of extreme hardship as it "was not of such a nature which is unusual or beyond that which would normally be expected from the respondent's bar to admission." (citing *Patel v. INS*, 638 F.2d 1199, 1206 (9th Cir.1980) (severance of ties does not constitute extreme hardship)). The Ninth Circuit in *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. The record before the AAO is insufficient to show that the emotional hardship endured by [REDACTED] is unusual or beyond that which is normally to be expected upon deportation.

In the final analysis, the AAO finds that the requirement of significant hardships over and above the normal economic and social disruptions involved in deportation has not been met so as to warrant a finding of extreme hardship. Having carefully considered each of the hardship factors raised, both individually and in the aggregate, it is concluded that these elements do not in this case constitute extreme hardship to a qualifying family member for purposes of relief under 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v).

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. The applicant has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.