



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

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF L-R-T-

DATE: JAN. 21, 2016

APPEAL OF PHILADELPHIA FIELD OFFICE DECISION

APPLICATION: FORM I-601, APPLICATION FOR WAIVER OF GROUNDS OF  
INADMISSIBILITY

The Applicant, a native and citizen of Jamaica, seeks a waiver of inadmissibility. *See* Immigration and Nationality Act (the Act) § 212(i), 8 U.S.C. § 1182(i). The Field Office Director, Philadelphia, Pennsylvania, denied the application. The matter is now before us on appeal. The appeal will be dismissed.

In a decision dated February 2, 2015, the Director determined that the Applicant was inadmissible for procuring a nonimmigrant visa and subsequent entry into the United States by fraud or willful misrepresentation. The Director further determined that the Applicant had not established that refusal of admission would result in extreme hardship to a qualifying relative. The Form I-601, Application for Waiver of Grounds of Inadmissibility, was denied accordingly.

On appeal, the Applicant submits the Form I-290B, Notice of Appeal or Motion, and a letter. In the letter, the Applicant states that a brief/additional documentation in support of the appeal will be submitted within 45 days. As of today, this office has not received any additional documentation in support of the instant appeal. The record is thus considered complete and was reviewed in its entirety in rendering this decision.

Section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i), provides:

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 establishes that the Applicant misrepresented his marital status when he applied for a nonimmigrant visa in July 2010. Specifically, he claimed to be married when in fact he was unmarried. The Applicant is thus inadmissible under section 212(a)(6)(C)(i) of the Act for fraud or willful misrepresentation. The Applicant does not contest this finding of inadmissibility on appeal.

Section 212(i)(1) of the Act, 8 U.S.C. § 1182(i)(1), provides that section 212(a)(6)(C)(i) inadmissibility may be waived as a matter of discretion for

(b)(6)

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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 . . . that the refusal of admission . . . would result in extreme hardship to the citizen or lawfully resident spouse or parent of such an alien, or, in the case of a VAWA self-petitioner, the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child.

The Applicant must demonstrate that denial of the application would result in extreme hardship to a qualifying relative or relatives. In this case, the qualifying relative is the Applicant's U.S. citizen spouse. Hardship to the applicant or others can be considered only insofar as it results in hardship to a qualifying relative. *Matter of Gonzalez Recinas*, 23 I&N Dec. 467, 471 (BIA 2002).

The definition of extreme hardship "is not . . . fixed and inflexible, and the elements to establish extreme hardship are dependent upon the facts and circumstances of each case." *Matter of Cervantes-Gonzalez*, 22 I&N Dec. 560, 565 (BIA 1999) (citation omitted). Extreme hardship exists "only in cases of great actual and prospective injury," *Matter of Ngai*, 19 I&N Dec. 245, 246-47 (BIA 1984), but hardship "need not be unique to be extreme." *Matter of L-O-G-*, 21 I&N Dec. 413, 418 (BIA 1996). The common consequences of removal or refusal of admission, which include "economic detriment . . . [,] loss of current employment, the inability to maintain one's standard of living or to pursue a chosen profession, separation from a family member, [and] cultural readjustment," are insufficient alone to constitute extreme hardship. *Matter of Pilch*, 21 I&N Dec. 627 (BIA 1996) (citations omitted); *see also Matter of Shaughnessy*, 12 I&N Dec. 810 (BIA 1968) (separation of family members and financial difficulties alone do not establish extreme hardship); *but see Matter of Kao and Lin*, 23 I&N Dec. 45, 51 (BIA 2001) (distinguishing *Matter of Pilch* on the basis of variations in the length of residence in the United States and the ability to speak the language of the country to which the qualifying relatives would relocate). Nevertheless, all "[r]elevant factors, though not extreme in themselves, must be considered in the aggregate in determining whether extreme hardship exists." *Matter of Ige*, 20 I&N Dec. 880, 882 (BIA 1994) (citations omitted).

The Applicant's spouse asserts that she will experience extreme hardship were she to remain in the United States while her spouse relocates abroad as a result of his inadmissibility. She states that while she is at work and school she needs the Applicant to take care of her son, born in [REDACTED] from an earlier relationship. She further declares that she and her son have a close relationship with the Applicant and would be devastated without him.

In regard to the emotional hardship referenced, while we acknowledge the contentions in the record that the Applicant's spouse will experience emotional hardship were she to remain in the United States while the Applicant relocates abroad, the record does not establish the severity of this hardship or the effects on her daily life. Nor has the Applicant's spouse established that the biological father of her child is unable to assist in the child's care when she is unable to do so. As for the financial hardship referenced, the record establishes that the Applicant's spouse became a licensed practice nurse in 2014 and is gainfully employed, working 40 hours per week at a rate of \$14 an hour. The Applicant has not established that his spouse would be unable to financially

support herself. Alternatively, it has not been established that the Applicant would be unable to obtain gainful employment abroad that would permit him to assist his spouse financially should the need arise. When the evidence is considered in the aggregate, the record does not establish that the Applicant's spouse will experience extreme hardship were she to remain in the United States while the Applicant relocates to Jamaica.

Regarding relocation to Jamaica with the Applicant as a result of his inadmissibility, the Applicant's spouse asserts that she has worked hard for her nursing degree and will not be able to use her degree in Jamaica. She declares that if she relocates abroad, she will have to separate from her mother and siblings in the United States. She states that she has anxiety that she will not be safe in Jamaica and will have a significantly lower living standard. The Applicant has not provided documentation in support of his spouse's statements regarding her safety and living standard. Nor has he provided documentation to establish that his spouse will not be able to obtain gainful employment in Jamaica. In addition, the Applicant has not established that his spouse will be unable to return to the United States to visit her relatives. Going on record without supporting documentary evidence generally is not sufficient for purposes of meeting the burden of proof in these proceedings. *See 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)). In this case, when the evidence is considered in the aggregate, the record does not establish that the Applicant's spouse will experience extreme hardship were she to relocate to Jamaica, her native country, to reside with the Applicant.

The record, reviewed in its entirety, does not support a finding that the Applicant's U.S. citizen spouse will face extreme hardship if the Applicant is unable to reside in the United States. Rather, the record demonstrates that she will face no greater hardship than the unfortunate, but expected, disruptions, inconveniences, and difficulties arising whenever a spouse is removed from the United States or is refused admission. There is no documentation establishing that the Applicant's spouse's hardships are any different from other families separated as a result of immigration violations. Although we are not insensitive to the Applicant's spouse's situation, the record does not establish that the hardships she would face rise to the level of "extreme" as contemplated by statute and case law.

The Applicant has the burden of proving eligibility for a waiver of inadmissibility. *See* section 291 of the Act, 8 U.S.C. § 1361. The Applicant has not met that burden. Accordingly, we dismiss the appeal.

**ORDER:** The appeal is dismissed.

Cite as *Matter of L-R-T-*, ID# 15553 (AAO Jan. 21, 2016)