



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

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

MATTER OF I-P-

DATE: JAN. 27, 2016

APPEAL OF LAWRENCE FIELD OFFICE DECISION

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

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

In a decision dated February 24, 2015, the Director determined that the Applicant was inadmissible for procuring 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 a brief and a letter from a licensed clinical social worker on behalf of the Applicant's spouse. The entire record was reviewed and considered 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 on February 20, 2001, the Applicant procured admission into the United States by presenting a fraudulent passport. 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

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

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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 contends she will experience extreme hardship if she remains in the United States while the Applicant relocates abroad as a result of his inadmissibility. She indicates that she has a close relationship with the Applicant, and they have a U.S. citizen child, born in [REDACTED]. She declares that she works as a certified nursing assistant at two jobs, and the Applicant works as a cook at a pizza shop, but they barely have enough money to live on. She indicates that her employer has cut back her work hours, and she worries that if the Applicant were to relocate to Albania, he will not be able to find a job, and she will need to support him even though her income will not be enough to support herself and her child. She further maintains that she will not be able to afford a babysitter and will have anxiety about her child's well-being if her child relocated to Albania. The Applicant's spouse indicates that she wants to have more children and attend a nursing program and will not be able to do so if the Applicant were to relocate abroad. She also maintains that she will not be able to afford to visit the Applicant abroad. In his own statement, the Applicant asserts that his parents reside in Albania but they survive on a pension and do not have the money to financially support him.

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In support of financial hardship, the Applicant submitted his spouse's income tax records. The record establishes that the Applicant's spouse is gainfully employed. The Applicant has not submitted documentation establishing his financial contributions to the household. Nor has the Applicant submitted evidence of the household's assets, expenses, and liabilities, to establish that were he to relocate abroad, his spouse will experience financial hardship. He therefore has not demonstrated that his spouse's income will not be enough to support herself and her child if the Applicant were to reside abroad. The Applicant further provided evidence from the Ministry of Finance in Albania regarding employment and wages in the country and [REDACTED] and a May 4, 2014, affidavit from his sister-in-law that declares that her sister-in-law graduated from a vocational school in Albania in the late 90s and since then has not been able to find a job. This evidence does not contain information to establish that the Applicant specifically will be unable to obtain gainful employment abroad that would permit him to assist his wife financially should the need arise.

As for the emotional hardship referenced on appeal, the Applicant has submitted an April 21, 2015, letter from a licensed clinical social worker that states that his spouse has depression and increasing anxiety about separation from the Applicant. The licensed clinical social worker further details that the Applicant's spouse will need access to supportive services for housing, insurance, and supplemental income were the Applicant to relocate abroad. In addition, the licensed clinical social worker maintains that the Applicant's spouse may suffer depression from the loss of the presence of her husband. The licensed clinical social worker also maintains that the Applicant's spouse will be unable to attending nursing school and it will be difficult for her to work many hours as her husband will not be present to provide child care. As we noted above, the record establishes that the Applicant's spouse is gainfully employed. The Applicant has not established that his wife is unable to financially support herself and their child, and obtain alternate care for their child should the need arise. Nor has the Applicant established that he will be unable to assist in the finances of the household while residing abroad. The record also does not establish that the Applicant's spouse will not be able to visit her spouse abroad. Based on a totality of the circumstances, we find that 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 abroad due to his inadmissibility.

Regarding relocating abroad to reside with the Applicant as a result of his inadmissibility, the Applicant's spouse asserts that she would have difficulty finding a job as an older worker, who has no social contacts and is unskilled, particularly because few jobs exist in Albania. She also indicates that her parents live on a fixed pension and do not have the means to support them. The Applicant's wife declares that she and her child have a close relationship with their relatives in the United States and she worries that they will have no further relationship with their extended family. She also asserts that she worries about her child being raised in Albania. She states, specifically, that her child's education will be disrupted, she will have to forego college in the United States, she will confront religious discrimination, and she will have no healthcare in Albania. The Applicant has not provided any documentation in support of the assertions regarding discrimination and healthcare. 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)). Furthermore, as we noted above, the submitted evidence from the Ministry of Finance in Albania and the letter from the Applicant's sister-in-law does not establish that the Applicant and his spouse specifically will be unable to obtain gainful employment. Moreover, although the letter from the licensed clinical social worker states that if the Applicant's spouse relocates to Albania, she will have anxiety about housing, jobs, her child's education, and her child's being able to adjust to life in Albania, we note that the Applicant's spouse was born and raised in Albania, and did not relocate to the United States until she was an adult. In this case, based on a totality of the circumstances, the record does not establish that the Applicant's spouse will experience extreme hardship were she to relocate to Albania, 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. 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 I-P-*, ID# 15435 (AAO Jan. 27, 2016)