U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 21130698

Date: DEC. 1, 2022

Appeal of Lawrence, Massachusetts Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant, a native and citizen of Liberia, has applied to adjust status to that of a lawful permanent resident and seeks a waiver of inadmissibility under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i). Section 212(i) of the Act, 8 U.S.C. § 1182(i), provides for a waiver of this inadmissibility if denial of admission would result in extreme hardship to the United States citizen or lawful permanent resident spouse or parent of the noncitizen.

The Director of the Lawrence, Massachusetts Field Office denied the application, concluding that the record established that the Applicant is inadmissible to the United States under section 212(a)(6)(C)(i) of the Act for fraud or willful misrepresentation of a material fact. The Director further concluded that the record did not establish, as required, that denial of admission would result in extreme hardship to the Applicant's qualifying relative, his U.S. citizen father. On appeal, the Applicant reasserts that denial of admission would result in extreme hardship to his father.

In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

I. LAW

A noncitizen 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 the Act, is inadmissible. Section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i). There is a discretionary waiver of this inadmissibility if refusal of admission would result in extreme hardship to a U.S. citizen or lawful permanent resident spouse or parent. Section 212(i) of the Act, 8 U.S.C. § 1182(i). If the noncitizen demonstrates the existence of the required hardship, then they must also show that USCIS should favorably exercise its discretion and grant the waiver. *Id.*

A determination of whether denial of admission will result in extreme hardship depends on the facts and circumstances of each case. *Matter of Cervantes-Gonzalez*, 22 I&N Dec. 560, 565 (BIA 1999) (citations omitted). We recognize that some degree of hardship to qualifying relatives is present in most cases; however, to be considered "extreme," the hardship must exceed that which is usual or

expected. *See Matter of Pilch*, 21 I&N Dec. 627, 630-31 (BIA 1996) (finding that factors such as economic detriment, severing family and community ties, loss of current employment, and cultural readjustment were the "common result of deportation" and did not alone constitute extreme hardship). In determining whether extreme hardship exists, individual hardship factors that may not rise to the level of extreme must also be considered in the aggregate. *Matter of Ige*, 20 I&N Dec. 880, 882 (BIA 1994) (citations omitted).

II. ANALYSIS

The record supports the Director's conclusion that the Applicant is inadmissible under section 212(a)(6)(C)(i) of the Act, and the Applicant does not assert on appeal that the Director erred in reaching that conclusion. Instead, the Applicant limits the issue on appeal to whether he "establish[ed] the required hardship to the qualifying relative for the approval of his waiver."

An applicant may show extreme hardship in two scenarios: 1) if the qualifying relative remains in the United States separated from the applicant, and 2) if the qualifying relative relocates overseas with the applicant. *See* 9 *USCIS Policy Manual* B.4(B), https://www.uscis.gov/policymanual (providing, as guidance, the scenarios to consider in making extreme hardship determinations). Demonstrating extreme hardship under both of these scenarios is not required if the applicant's evidence demonstrates that one of these scenarios would result from the denial of the waiver. *See id.* (citing to *Matter of Calderon-Hernandez*, 25 I&N Dec. 885 (BIA 2012) and *Matter of Recinas*, 23 I&N Dec. 467 (BIA 2002)). An applicant may meet this burden by submitting a statement from a qualifying relative certifying under penalty of perjury that the qualifying relative would relocate with the applicant, or would remain in the United States, if the waiver is denied. *See id.*

On appeal, the Applicant asserts that his father, a U.S. citizen, "would face extreme hardships if the [A]pplicant were to have his application denied." In support of the application, the Applicant submitted a two-page letter from his father, dated 2021. The Applicant did not submit an additional statement from his father on appeal. Moreover, on appeal, the Applicant references the letter from his father already in the record to establish the hardship his father would experience.

The Applicant's father did not specifically state whether he would remain in the United States or join him abroad. Instead, he stated, "If [the Applicant] had to return [to Liberia], it would be incredibly difficult." He also stated, "I know that if [the Applicant] had to return to Liberia, I would be extremely worried all the time." The Applicant's father elaborated, "Before I fled Liberia [in 1990], I held political office that resulted in me receiving threats against my life. I worry that because I had a visible role in our former government, [the Applicant] could suffer in the same way I did from that affiliation." However, the Applicant's father also stated that two of his 10 children "are still living in Liberia." The Applicant's father did not assert whether his two children who still live in Liberia suffer in the same way he did, or whether he worries about his two other children who live in Liberia. The Applicant's father further stated, "Each of my doctors have asked me about stress and worrying. They say the best thing for me in light of all of my conditions is to take it easy." The record does not establish that the Applicant's father requires anything more than "tak[ing] it easy" to manage his worrying.

The Applicant's father also asserted that the Applicant often calls him "to fill me in on what is going on in his life and to make sure that I am doing ok. I really appreciate his support in my life and I don't know how I would cope without it." However, the Applicant's father does not address whether the Applicant would be unable to call him as often as he currently does if he were denied admission to the United States. For the reasons discussed above, the Applicant has not established how the emotional hardships his father may experience upon separation would go beyond the common results of removal and rise to the level of extreme hardship. *See Matter of Pilch*, 21 I&N Dec. at 630-31.

In addition to discussing emotional hardship he would experience upon the Applicant's denial of admission, the Applicant's father described his medical hardship. The record establishes that the Applicant's father is 73 years of age. He stated, "I have issues with blood clots and need regular medical attention to deal with the issues." He also stated, "I was diagnosed with gout about 2 years ago. It can be very painful. I take daily medication for that, as well as additional prescriptions as needed." He further stated that he is diabetic and that he "take[s] medication for that and every day I monitor my blood sugar." The Applicant's father, who resides in Texas, stated that when he recovered from open-heart surgery in 2006, the Applicant, who resides in Massachusetts, "came down and stayed with me for 3 weeks. He took care of everything. He made me breakfast and helped to tend to things around the house." The Applicant's father also stated that the Applicant "has offered to come down to help with my recovery" if he needs to have surgery on one of his legs to clear a blood clot. He further stated that, although he has seven other adult children who live in the United States, "no one but [the Applicant] is available to give me the kind of care that I need when my health problems are flaring up because everyone is so busy with family and work."

We acknowledge that the Applicant provided care for his father in 2006 when he recovered from surgery, and that the Applicant has offered to provide similar care again if his father requires it. The Applicant discusses on appeal *Tacuri-Tacuri v. Garland*, 998 F.3d 466 (1st Cir. 2021), which in relevant part upheld the Board of Immigration Appeals' (the Board) conclusion that the applicant in that case had not established his qualifying relative would experience extreme hardship because his condition, asthma, "was 'currently manageable and largely stable' . . . and there was no evidence that his asthma could not continue to be managed if [the applicant] is removed." *Id.* at 470. The Applicant distinguishes his father's medical condition from that of the qualifying relative in *Tacuri-Tacuri* because his "conditions are not stable. He is told he will need another surgery soon because of his condition, and he will need the support of his son to help him through this surgery." However, the Applicant's father does not specifically discuss post-operative care that the Applicant has provided for him since 2006, and a substantial period of time has passed since then. Although the Applicant's father discussed having undergone surgery on his left leg "to clear a blood clot" at an unspecified date and he further asserted that "[t]he doctors say a repeat procedure on the other leg may be necessary," he did not state that the Applicant provided post-operative care for him, and the record does not contain evidence supporting his assertion that another surgery is imminent. The Applicant's father does not assert that he requires any assistance in managing his gout or diabetes, which he indicates is limited to taking medication and monitoring his blood sugar level. Because the Applicant's father manages his health conditions on a daily basis, and the most recent—and only—time he specifically asserts that the Applicant provided post-operative care was in 2006, the record does not establish that his medical hardships would go beyond the common results of removal and rise to the level of extreme hardship. *See id.*

The Applicant also discusses *Alvarado v. Holder*, 743 F.3d 271 (1st Cir. 2014), which in relevant part upheld the Board's conclusion that education for a gifted student that "might be more difficult or expensive to get in Guatemala than in the United States did not trigger 'exceptional and extremely unusual hardship.'" *Id.* at 274. The Applicant distinguishes *Alvarado* because it "is unlike the case at hand, where [the Applicant's father' would have to go through multiple hurdles in order to get the help he needs when he has a surgery schedule." The Applicant further asserts that his father "would have to look elsewhere for the support he needs during the period of time when he is going to be having a surgery."

The Applicant's discussion of *Alvarado* is misplaced for several reasons. First, *Alvarado* addressed potential hardship a qualifying relative may experience upon joining the noncitizen abroad following denial of admission; however, the Applicant's father did not indicate that he would join the Applicant abroad. Therefore, the reasoning of a court's discussion of potential hardship a qualifying relative may experience upon joining a noncitizen abroad following denial of admission is inapposite to this case. Second, *Alvarado* contemplated the availability and cost of education for a gifted student; however, the Applicant's father is not seeking education. Therefore, the reasoning of the court's discussion of potential hardship a qualifying relative may experience when seeking education is inapposite to this case. Third, even to the extent that the court's discussion of potential hardship is relevant, the record does not establish how the potential surgery would be "more difficult or expensive to get" upon the Applicant's denial of admission. *See id.* at 274. We acknowledge that the post-operative care that the Applicant has provided for his father—presumably at no cost to the latter—would be unavailable upon the Applicant's denial of admission. However, the record does not establish how the need for the Applicant's father "to look elsewhere for the support he needs" following surgery would go beyond the common results of removal and rise to the level of extreme hardship. *See Matter of Pilch*, 21 I&N Dec. at 630-31.

Although we address each specific hardship factor identified on appeal separately, we have considered the issues in the aggregate, *Matter of Ige*, 20 I&N Dec. at 882, but find that they do not rise above the common results of removal. In summation, considering the record in its entirety, the Applicant has not established by a preponderance of the evidence that denial of the waiver would result in extreme hardship to his father upon separation.

ORDER: The appeal is dismissed.