



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

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

In Re: 24461868

Date: FEB. 16, 2023

Appeal of Los Angeles County Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied to adjust status to that of a lawful permanent resident (LPR) and seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i), for fraud or misrepresentation. The Director of the Los Angeles County Field Office denied the Applicant's Form I-601, Application for Grounds of Inadmissibility (waiver application), concluding that the Applicant had not established extreme hardship to her U.S. citizen spouse, her only qualifying relative. The matter is now before us on appeal. 8 C.F.R. § 103.3. The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

Any 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. There is a waiver of this inadmissibility if refusal of admission would result in extreme hardship to the United States citizen or lawful permanent resident spouse or parent of the noncitizen. If the noncitizen demonstrates the existence of the required hardship, then they must also show they merit a favorable exercise of discretion. Section 212(i) of the Act.

The Director determined that the Applicant was inadmissible under section 212(a)(6)(C)(i) of the Act because she had previously submitted a fraudulent Form I-20, Certificate of Eligibility for Nonimmigrant Status, to establish that she had maintained her nonimmigrant status.¹ The Director concluded, however, that the Applicant had not established that refusal of admission would result in extreme hardship to the Applicant's U.S. citizen spouse.

On the Applicant's Form I-290B, Notice of Appeal or Motion, the Applicant indicates that she will submit a brief and additional evidence within 30 calendar days of the filing date in April 2022. On

¹ The record reflects that with her Form I-485, Application to Register Permanent Residence or Adjust Status, the Applicant stated that she had attended the [redacted] beginning in April 2013; she also submitted a Form I-20 from this school with her Form I-485. In a subsequent adjustment of status interview, the Applicant testified that she had not attended this school, and that she had submitted a fraudulent Form I-20.

this Form I-290B, the Applicant contends that the Director's decision disregards evidence submitted with her waiver application and fails to consider the evidence of extreme hardship in the aggregate. The Applicant further asserts that, for reasons to be provided in the forthcoming brief and evidence, the Director's decision is contrary to the controlling decisions. However, to date we have not received the Applicant's brief or additional evidence. The record therefore lacks evidence to support the Applicant's assertion on appeal that the Director's decision is in error. Further, the Applicant has not identified the evidence that she contends the Director disregarded or failed to consider. She therefore has not overcome the Director's ground for dismissal.

ORDER: The appeal is dismissed.