



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

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

In Re: 29188100

Date: DEC. 06, 2023

Appeal of San Fernando Valley, California Field Office Decision

Form I-601, Application for Waiver of Grounds of Inadmissibility

The Applicant seeks a waiver of inadmissibility under the Immigration and Nationality Act (the Act) section 212(i), 8 U.S.C. § 1182(i), for fraud or misrepresentation.<sup>1</sup> Any noncitizen who, by fraud or willfully misrepresenting a material fact, seeks to procure admission into the United States 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 of the San Fernando Valley, California Field Office denied the application, concluding that the record did not establish that the Applicant's qualifying relative (her U.S. citizen spouse) would experience extreme hardship if the waiver was not granted. The matter is now before us on appeal.

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.

## **I. LAW**

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).

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<sup>1</sup> The Applicant does not dispute the finding of inadmissibility on this ground. In March 2016, the Applicant submitted a nonimmigrant visa application to the United States Department of State in which she claimed to be married and testified in an interview at the United States Consulate in Guangzhou, China, to the same, and was subsequently granted a nonimmigrant tourist visa. When the Applicant submitted her Form I-485, Application to Register Permanent Residence or Adjust Status, she admitted that she misrepresented her marital status in order to be granted a nonimmigrant tourist visa.

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). In the present case, the Applicant contends that her United States citizen spouse will experience extreme hardship in the case of both separation and relocation. *See generally* 9 USCIS Policy Manual B.4(B), <https://www.uscis.gov/policy-manual>. The Applicant must therefore establish that if she is denied admission, her spouse would experience extreme hardship both upon separation and relocation.

## II. ANALYSIS

With the waiver application the Applicant submitted a statement from herself and a statement from her spouse, J-R-P-.<sup>2</sup> The Applicant also submitted a psychological evaluation of J-R-P-, income and employment information, family photos, information on country conditions in China, the Applicant's country of nationality, and letters in support from those who know the Applicant and J-R-P-. The Director concluded that although J-R-P-'s statement indicates the Applicant provides him with emotional support, the documentation submitted did not provide, with specificity, what hardships the spouse would face or support the statements with evidence. The Director reviewed the psychological evaluation that was conducted for J-R-P- but determined that the record only reflected one telehealth visit with the doctor and did not reflect an ongoing relationship between J-R-P- and the doctor who provided the reports, or any history of treatment for the disorder suffered by J-R-P-. The Director also concluded that, although the Applicant contends that J-R-P- would suffer extreme hardship upon relocation to China, the record was not supplemented with evidence to show how J-R-P- would suffer extreme hardship outside of hardships commonly expected upon relocation to another country.

On appeal, the Applicant submits the following hardship evidence: a brief, copies of identification documents for the Applicant and her spouse, copies of school records for J-R-P-'s United States citizen daughter, copies of income, tax information, and family expenses, a letter from a doctor treating J-R-P- for back pain, two psychological evaluations, articles regarding J-R-P-'s diagnosed medical conditions, letters of support from those who know the Applicant and J-R-P-, articles regarding country and economic conditions in China, and additional family photos. In her brief, the Applicant contends that J-R-P- will suffer hardship upon relocation to China due to J-R-P-'s age. The Applicant's spouse is currently 41 years of age. To support her claims, the Applicant submits articles regarding how some companies in China advertise jobs specifically to those under the age of 30, and notes that China will only hire civil servants under the age of 35; however, the Applicant does not provide evidence indicating that this practice is prevalent in her spouse's profession. The articles discuss examples of specific companies and the "start-up" industry, but do not reflect information regarding insurance agents, which has been J-R-P-'s profession since 2017. The evidence submitted is insufficient to establish that J-R-P- would suffer from age discrimination if he were to relocate to China.

The Applicant further contends that even if J-R-P- were able to find work in China, the standard of living is lower than that of the United States, and he would struggle to provide for his wife; however, in none of the prior statements in the record, or here on appeal, has the Applicant indicated that she would not be able to obtain employment upon her return to China. As noted by the Director, the

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<sup>2</sup> We use initials to protect the identity of individuals.

Applicant was employed from 2004 until her departure in 2016 as a sales manager. While the Applicant has submitted information regarding the potential salary of an insurance agent in China, she has not supplemented the record to reflect what the cost of living is where they may choose to reside in China and explain why the salary is insufficient. The Applicant also contends that J-R-P-, as a United States citizen, would not be able to obtain a household registration, which determines access to housing, education, and medical treatment, but does not provide evidence indicating that she, as a Chinese citizen, would not be able to obtain the registration.

The Applicant further asserts that J-R-P- would suffer extreme hardship upon relocation as he would be separated from his United States citizen daughter; however, the Applicant does not indicate whether J-R-P-'s daughter currently resides with them, or with her mother, nor do they provide detailed insight on their relationship, stating only that the child's mother will not allow the child to relocate to China, and that J-R-P- "wants to build a close and loving relationship" with his daughter, and this can only be done by living in the United States. We acknowledge and do not seek to lessen the Applicant's contentions that J-R-P- would suffer from separating from his daughter. We further note that J-R-P- indicates that he is a religious person and may face persecution due to his faith.

The record lacks the specificity and detail needed to make a finding that extreme hardship would result upon relocation. Specifically, the emotional concerns presented, which primarily include the spouse experiencing anxiety, do not establish the severity or frequency of the anxiety or how it affects the spouse's ability to perform daily tasks, including his employment. Furthermore, the country condition documentation does not establish that someone in the Applicant's spouse's situation would face financial, medical, or other difficulties or specific threats to their physical safety and security. The record does not show where they would be likely to live in China upon relocation, so we are not able to assess what kinds of access he and the Applicant would have to employment opportunities or medical care. Similarly, we are unable to assess the risk to their personal safety. The evidence submitted also does not show that the spouse, with experience as an insurance agent, would be unable to find employment in China. Moreover, the documentation does not provide a clear picture of what employment opportunities the Applicant has had and, thus, how she may be able to help support herself and her spouse in China.

In conclusion, although we acknowledge that the Applicant and her spouse have a close relationship and the spouse will experience difficulties if he chooses to relocate, the totality of the evidence in the record remains insufficient to show that the spouse's emotional, financial, and medical hardships considered individually and cumulatively would exceed those which are usual or expected if he relocated to China with the Applicant. The Applicant must establish that denial of the waiver application will result in extreme hardship to a qualifying relative or relatives upon both separation and relocation. As she has not demonstrated such hardship in the event of relocation, we cannot conclude that the requisite extreme hardship would actually result from denial of her waiver application, and need not consider whether the spouse would also face hardship upon separation.<sup>3</sup>

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<sup>3</sup> See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); see also *Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

Because the Applicant has not demonstrated extreme hardship to her qualifying relative if she is denied admission, we need not consider at this time whether she merits a waiver in the exercise of discretion and reserve the issue. The waiver application will remain denied.

**ORDER:** The appeal is dismissed.