U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 28918453

Date: DEC. 07, 2023

Appeal of Lawrence, Massachusetts Field Office Decision

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

The Applicant has applied to adjust status to that of a lawful permanent resident and seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i). The Director of the Lawrence, Massachusetts Field Office denied the Applicant's Form I-601, Application for Waiver of Grounds of Inadmissibility, after concluding she was inadmissible under section 212(a)(6)(C)(i) of the Act for fraud and misrepresentation and that the record did not establish that that her U.S. citizen spouse, the qualifying relative, would suffer extreme hardship if the Applicant was refused admission to the United States, as required for the waiver. 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.

On appeal, the Applicant asserts that the Director was incorrect in denying the Applicant's Form I-601 because the financial, emotional, and health impacts of relocating to Mexico in addition to the emotional hardship associated with separation establish extreme hardship to the Applicant's spouse. The Applicant also stated on the Form I-290B that she would submit a brief and/or additional evidence to us within 30 calendar days of filing the appeal in support of these assertions. To date the Applicant has not submitted a brief or additional evidence.

We adopt and affirm the Director's decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case). Initially, we note that the Applicant does not contest, and the record supports, the Director's determination of inadmissibility under section 212(a)(6)(C)(i) of the Act and therefore she must establish that her spouse would suffer extreme hardship if she were refused admission to the United States in order to establish eligibility for a waiver of inadmissibility available at section 212(i) of the Act. And we acknowledge the familial, financial, and health-related claims raised by the Applicant if she were refused admission. However, apart from her general assertion that the financial, emotional, and medical hardships upon relocation rise to the level of

extreme hardship to her spouse, the Applicant does not identify any specific errors in the Director's determination that she did not establish the requisite extreme hardship and she has not provided any new evidence with her appeal. As the Director's decision explained, the record, including two brief statements from the Applicant and her spouse, does not otherwise establish any familial, financial, or health-related hardship, either alone or cumulatively, would rise to the level of extreme hardship. Thus, we agree with the Director that the Applicant has not met her burden of establishing that her spouse would be subjected to extreme hardship if she were refused admission to the United States, as required.

Because the Applicant has not demonstrated extreme hardship to a qualifying relative as required to establish eligibility for a section 212(i) waiver of inadmissibility, we need not consider whether she merits a waiver in the exercise of discretion and, therefore, reserve the issue. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"). The waiver application will remain denied.

ORDER: The appeal is dismissed.