



U.S. Department of Justice  
Immigration and Naturalization Service

B9

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



FILE: [REDACTED]  
EAC 99 118 50287

Office: Vermont Service Center

Date: OCT 3 2000

IN RE: Petitioner:  
Beneficiary:



**Public Copy**

APPLICATION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. 1154(a)(1)(A)(iii)

IN BEHALF OF PETITIONER:



Identify...  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Terrance M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** The preference visa petition was denied by the Director, Vermont Service Center. A subsequent appeal was dismissed by the Associate Commissioner for Examinations. The matter is now before the Associate Commissioner on a motion to reopen. The motion will be granted and the previous decision of the Associate Commissioner will be affirmed.

The petitioner is a native and citizen of the Czech Republic who is seeking classification as a special immigrant pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1154(a)(1)(A)(iii), as the battered spouse of a United States citizen.

The director denied the petition after determining that the petitioner failed to establish that she: (1) is the spouse of a citizen or lawful permanent resident of the United States; and (2) is a person whose deportation (removal) would result in extreme hardship to herself, or to her child.

Upon review of the record of proceeding, the Associate Commissioner noted that the petitioner, on appeal, furnished evidence of termination of her spouse's prior marriage to overcome the director's finding pursuant to 8 C.F.R. 204.2(c)(1)(i)(A). He noted, however, that the petitioner failed to establish that her removal would result in extreme hardship pursuant to 8 C.F.R. 204.2(c)(1)(i)(G). The Associate Commissioner, therefore, concurred with the director's conclusion and denied the petition on August 31, 1999.

On motion, the petitioner asserts that she "had a very bad deep depression (6 months long) and that I was mentally abused by my ex-husband." She states that she was punished enough by her husband who caused her depression and do not understand why she must be punished again with deportation. She further states, "In my opinion, logically and obviously, any deportation causes itself hardship to anyone." The petitioner submits additional evidence.

8 C.F.R. 204.2(c)(1)(i)(G) requires the petitioner to establish that her removal would result in extreme hardship to herself or to her child. 8 C.F.R. 204.2(c)(1)(viii) provides:

The Service will consider all credible evidence of extreme hardship submitted with a self-petition, including evidence of hardship arising from circumstances surrounding the abuse. The extreme hardship claim will be evaluated on a case-by-case basis after a review of the evidence in the case. Self-petitioners are encouraged to cite and document all applicable factors,

since there is no guarantee that a particular reason or reasons will result in a finding that deportation (removal) would cause extreme hardship. Hardship to persons other than the self-petitioner or the self-petitioner's child cannot be considered in determining whether a self-petitioning spouse's deportation (removal) would cause extreme hardship.

The Associate Commissioner reviewed the record of proceeding, including additional evidence furnished on appeal, and determined that although the petitioner claims she sought help at a mental hospital for depression, no documentary evidence of the treatment plan was furnished. He further determined that there was no evidence that the petitioner is presently receiving treatment and care for medical or psychological condition, the seriousness of her health, that her medical and psychological condition cannot be treated in the Czech Republic, and that her presence in the United States is vital to her medical and psychological needs. The Associate Commissioner further noted that the petitioner, on appeal, neither furnished additional evidence nor addressed the director's finding that she failed to establish she is unable to pursue similar studies at a college in the Czech Republic.

On motion, the petitioner submits a clinical assessment data reflecting that she was examined at the Connecticut Mental Health Center on January 4, 1999 for depression, and that she will be considered for antidepressant medication. While the petitioner claims that she "had a very bad deep depression (6 months long)," it is not clear whether she is no longer depressed, nor is it clear from the examination report that the petitioner is presently receiving treatment and care for medical or psychological condition.

The petitioner states that if she were to return to her country, she would have no place to live because she gave up her apartment in Prague before coming to the United States. She claims that her mother lives in a small one-bedroom apartment, her father lives with his wife and son also in a one-bedroom apartment, there is a shortage of apartments to rent, and it is also quit expensive to rent. The petitioner further claims that it is not easy to find a new job as unemployment rate is very high according to Czech newspapers.

The petitioner further states that the political situation in her country is not stable and that there was a huge demonstration against the politics of the government in Prague and other large cities in Czech in December 1999. She submits newspaper clippings regarding this demonstration.

The loss of current employment, the inability to maintain one's present standard of living or to pursue a chosen profession, separation from a family member, or cultural readjustment do not rise to the level of extreme hardship. See Matter of Ige, 20 I&N Dec. 880, 882 (BIA 1994); Lee v. INS, 550 F.2d 554 (9th Cir. 1977).

No documentary evidence was furnished to establish that the petitioner's removal from the United States would result in extreme hardship based on economic, political, and social problems in her country. Nor is there evidence to establish that she would not find employment, or that she would be unable to pursue her occupation or comparable employment upon her return to her native country, or that she would not receive support from her family there. It is noted from the clinical assessment data that the petitioner claimed she is unemployed.

Readjustment to life in the native country after having spent a number of years in the United States is not the type of hardship that has been characterized as extreme, since most aliens who have spent time abroad suffer this kind of hardship. See Matter of Uy, 11 I&N Dec. 159 (BIA 1995). Further, emotional hardship caused by severing family and community ties is a common result of deportation. See Matter of Pilch, Int. Dec. 3298 (BIA 1996). The record reflects that the petitioner's family reside in the Czech Republic. Thus, in the petitioner's case, removal from the United States would result not in the severance of family ties but rather in the reunification of her family.

The petitioner, on motion, has failed to establish that her removal would result in extreme hardship to herself, and to overcome the findings of the director and the Associate Commissioner pursuant to 8 C.F.R. 204.2(c)(1)(i)(G).

Accordingly, the decision of the Associate Commissioner dated December 31, 1999, will be affirmed.

**ORDER:** The decision of the Associate Commissioner dated December 31, 1999, is affirmed.