



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

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

In Re: 35279800

Date: DEC. 12, 2024

Appeal of Cincinnati, Ohio Field Office Decision

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

The Applicant, a native and citizen of Mexico currently residing in the United States, has applied to adjust status to that of a lawful permanent resident (LPR). A noncitizen seeking to be admitted to the United States as an immigrant or to adjust status must be “admissible” or receive a waiver of inadmissibility. The Applicant has been found inadmissible for fraud or misrepresentation and seeks a waiver of that inadmissibility. *See* Immigration and Nationality Act (the Act) section 212(i), 8 U.S.C. § 1182(i). U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver if refusal of admission would result in extreme hardship to a qualifying relative or qualifying relatives.

The Director of the Cincinnati, Ohio Field Office denied the application, concluding that the record did not establish that the Applicant had a qualifying relative who would experience extreme hardship if she were denied admission. The matter is now before us on appeal pursuant to 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.

Section 212(a)(6)(C)(i) of the Act renders inadmissible 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, admission into the United States, or other benefit provided under the Act. Section 212(i) of the Act provides a waiver of the above ground of inadmissibility if refusal of admission would result in extreme hardship to a U.S. citizen or lawful permanent resident spouse or parent of the noncitizen. If a noncitizen demonstrates the existence of the required hardship, then they must also show they merit a favorable exercise of discretion on their waiver request. *Id.*

The Applicant does not contest her inadmissibility on appeal but claims that if she is denied admission to the United States her U.S. citizen daughter will experience extreme hardship. The Director denied the request for a waiver concluding that the Applicant had not established that she had a qualifying relative who would experience extreme hardship.

On appeal, the Applicant provides a brief statement asserting that her daughter would experience extreme hardship and provides a new psychological evaluation for her daughter. To qualify for a waiver of inadmissibility under section 212(i) of the Act, the Applicant must establish extreme hardship to a U.S. citizen or LPR spouse or parent. The Applicant's U.S. citizen daughter is not a qualifying relative for the purposes of section 212(i) of the Act. The Applicant has not provided evidence to establish that her spouse or parent would experience extreme hardship. Accordingly, the Applicant has not established extreme hardship to a qualifying relative under section 212(i) of the Act.

ORDER: The appeal is dismissed.