



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

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

In Re: 42454879

Date: SEPT. 1, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

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

The Applicant, a native and citizen of the Philippines, seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i), to adjust status to that of a lawful permanent resident. 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.

USCIS denied the waiver, concluding that the record did not establish that the Applicant's U.S. citizen spouse, her only qualifying relative, would experience extreme hardship if the waiver is not granted. 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.

I. LAW

Any alien 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, 8 U.S.C. § 1182(a)(6)(C)(i). There is a discretionary 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 alien. Section 212(i) of the Act.

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). 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).

II. ANALYSIS

USCIS determined that the Applicant is inadmissible to the United States for fraud or misrepresentation. In 2017 when the Applicant was 17 years old, she applied for a nonimmigrant visitor's visa and indicated that she had no family members living in the United States although her mother resided in California. She entered the United States with the fraudulently obtained visa in 2017. The Applicant does not contest the inadmissibility determination. The issues on appeal are whether the Applicant has established extreme hardship to her qualifying relative and, if so, whether she merits a waiver as a matter of discretion.

The Applicant must demonstrate that denial of the application would result in extreme hardship to a qualifying relative or relatives, in this case her U.S. citizen spouse. An applicant may show extreme hardship in two scenarios: 1) if the qualifying relative remains in the United States separated from the applicant and 2) if the qualifying relative relocates overseas with the applicant. *See generally* 9 USCIS Policy Manual B.4(B), <https://www.uscis.gov/policy-manual> (providing guidance on the scenarios to consider in making extreme hardship determinations). Demonstrating extreme hardship under both of these scenarios is not required if an applicant's evidence establishes that one of these scenarios would result from the denial of the waiver. *See id.* (citing to *Matter of Calderon-Hernandez*, 25 I&N Dec. 885 (BIA 2012) and *Matter of Gonzalez Recinas*, 23 I&N Dec. 467 (BIA 2002)). The applicant may meet this burden by submitting a statement from the qualifying relative or relatives certifying under penalty of perjury that the qualifying relative or relatives would relocate with the applicant, or would remain in the United States, if the applicant is denied admission. *See id.* In the present case, the record does not contain a clear statement from the Applicant's spouse indicating whether he intends to remain in the United States or relocate to the Philippines if the Applicant's waiver application is denied. The Applicant must therefore establish that if she is denied admission, her spouse would experience extreme hardship both upon separation and relocation.

With the waiver application, the Applicant submitted declarations for herself and spouse, friends and family, a psychosocial evaluation, financial documents, photographs and country condition documents. The declarations indicate that the Applicant and her spouse met in 2022, were married in [REDACTED] 2025, and that they have a close and loving relationship. USCIS, however, determined that the evidence both individually and cumulatively was insufficient to establish that the Applicant's spouse would experience extreme hardship upon denial of the waiver application. On appeal, the Applicant contends that USCIS failed to properly evaluate the hardship claims and did not consider the claims cumulatively. She maintains that her spouse would experience financial, medical, psychological and emotional hardships upon separation. Specifically, the Applicant asserts that her spouse needs her earnings to meet their household expenses, pay their loans and enable him to attend college to obtain a degree in radiologic technology. The Applicant also contends that her spouse suffers from a leg injury and anxiety and that she has an important role in assisting with his care.

Regarding medical and psychological hardship, the Applicant's spouse states in the declaration submitted with the waiver that he suffers from chronic anxiety and has pain from a leg injury. He explains that the Applicant is able to recognize when he is having an anxiety attack because he has

difficulty breathing, shortness of breath and dizziness and the Applicant helps him to identify the symptoms and assist with the anxiety. He states that his anxiety goes through the roof when he is working sometimes, and that her encouragement offers reassurance. As supporting evidence, the Applicant resubmits on appeal a psychosocial evaluation detailing her spouse's mental health conditions. The psychologist met with the Applicant's spouse for six hours over several appointments and performed psychological testing indicating that the spouse had scores in the range of "severe depression" and "severe anxiety" showing that he is experiencing a significant degree of depression and anxiety, but that the tests and scales in themselves do not unequivocally point to any clinical conclusions. In explaining how the separation would affect the Applicant's spouse, the psychologist states, "an involuntary separation from his wife – potentially permanent, i.e., a loss – would cause him serious negative emotions (sadness, despair, sorrow, etc.)." The psychologist recommends that the Applicant's spouse undergo psychotherapy. However, the record lacks information on whether the Applicant's spouse has received any recommended psychotherapy treatment. While the record shows that the Applicant's spouse receives emotional support from the Applicant, loss of companionship and emotional support are expected results of separation from a loved one, and the Applicant has not shown that her spouse would suffer more than would be expected upon separation from a loved one. Concerning the medical difficulties the Applicant's spouse would incur upon separation, the spouse describes the pain he experiences in his leg because of a motorcycle accident approximately six years ago. He explains that the pain in his leg interferes with his ability to work, and that the Applicant massages his leg to ease the pain. In a letter submitted on appeal, his employer states that he gets frequent breaks so that he can rest his leg. We recognize the Applicant's spouse has some physical limitations and must take breaks during work, but there is no evidence to indicate that the Applicant is unable to work and continue with his usual activities. Further, the record lacks information regarding the future prognosis for this injury and the long-term outcome. The Applicant has not submitted evidence to establish that her spouse would endure medical hardships rising to the level of extreme.

With regard to the financial hardship, the Applicant explains she and her spouse have incurred debt, and her spouse needs her financial assistance to pay off the debt and also pay for him to attend college so that he can transition into a higher paying career. The Applicant submitted taxes, pay stubs, bank statements and bills with the waiver application. On appeal, she submitted a recent savings account statement, her spouse's recent paystubs and a statement regarding the abuse she suffered at the hands of her father detailing why she cannot live with him in the Philippines. She states that because she cannot live with her father due to the abuse, it would be a financial strain to live in the Philippines. The country condition documents submitted on appeal, including the Labor Force Survey, indicate that unemployment in November 2025 in the Philippines was less than five percent and that 95% of the population is employed. Thus, the Applicant's claim that it would cause her financial hardships to live in the Philippines are not supported by the evidence. While the record contains evidence of income and limited information on the expenses for the Applicant's household, the record lacks a detailed breakdown of expenses. Although the financial evidence is limited, we recognize the loss of income from the Applicant would most likely create financial hardships, but we note that the inability to maintain one's present standard of living is a common result of removal and does not amount to extreme hardship. *See Matter of Pilch*, 21 I&N Dec. 627, 631 (BIA 1996).

The waiver application contains statements from the Applicant's family attesting to her character and connections to family. But the loss of close family and community ties are the unfortunate result of

removal, and without more are not sufficient to establish extreme hardship. We acknowledge and are sympathetic to the fact that the Applicant's spouse may experience difficulties were he to remain in the United States while the Applicant relocates abroad, but the totality of the evidence in the record is insufficient to establish that the Applicant's spouse's hardships, considered individually and cumulatively, would go beyond the common results of inadmissibility or removal and rise to the level of extreme hardship due to separation from the Applicant.

The Applicant must establish that denial of the waiver application would result in extreme hardship to a qualifying relative upon both separation and relocation. As the Applicant has not established extreme hardship to her qualifying relative in the event of separation, we cannot conclude she has met this requirement. As such, no purpose would be served in determining whether the Applicant merits a waiver as a matter of discretion.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.