

April 26, 2021

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
P.O. Box 82521  
Lincoln, NE 68501-2521



U.S. Citizenship  
and Immigration  
Services

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PUYANG AND ASSOCIATES LLC  
5602 BALTIMORE NATL PIKE STE 208  
BALTIMORE, MD 21228

[REDACTED]

[REDACTED] 0415

[REDACTED]

RE: [REDACTED]  
I-601A, Application for Provisional Unlawful Presence  
Waiver

A [REDACTED]

**REQUEST FOR EVIDENCE**

**IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THE ORIGINAL NOTICE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.**

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested below.

**Your response must be received in this office by May 29, 2021.**

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. 8 Code of Federal Regulations (8CFR) 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. See 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.**

Processing of your I-601A will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS Contact Center at **1-800-375-5283**. If you are hearing impaired, please call the USCIS Contact Center TDD at **1-800-767-1833**.

You have requested a provisional waiver of the unlawful presence ground of inadmissibility prior to

departing the United States for your immigrant visa interview. To be eligible for a provisional unlawful presence waiver, you must show that:

- You have a case pending with the Department of State, based on:
  - An approved immigrant visa petition, for which the Department of State immigrant visa processing fee has been paid; or
  - Selection by the Department of State to participate in the Diversity Visa Program under section 203(c) of the Act for the fiscal year for which the alien registered;
- Your qualifying U.S. citizen or Lawful Permanent Resident spouse or parent would experience extreme hardship because of your ineligibility to immigrate to the United States; and
- You warrant a favorable exercise of discretion and, as a matter of discretion, USCIS should waive the unlawful presence ground of inadmissibility because the favorable factors outweigh the unfavorable factors in your case.

Our office has reviewed your request and found that additional information is required to process your Form I-601A and determine your eligibility.

### **EXTREME HARDSHIP DETERMINATIONS**

When making the extreme hardship determination, USCIS focuses on how the qualifying relative(s) would be affected if you were denied admission, and therefore, unable to immigrate to the United States. An applicant has established extreme hardship if he or she can demonstrate that the impact of the separation or relocation is greater than the common consequences that result from denial of admission to the United States.

Common consequences generally include family separation; economic detriment; difficulties readjusting to life in the new country; possible lesser quality and availability of educational opportunities abroad; inferior quality of medical services and facilities; or limits on the qualifying relative's ability to pursue a chosen employment abroad.

We encourage you to go to the USCIS Policy Manual, Volume 9, Part B, Chapter 5, Extreme Hardship Considerations and Factors (available at [www.uscis.gov/policymanual](http://www.uscis.gov/policymanual)) which outlines in detail common consequences and factors considered in making an extreme hardship determination.

As part of this determination, you must show that your qualifying relative would experience extreme hardship in one of the following scenarios (See the Attachment below for further explanation):

A. Separation (he or she intends to remain in the United States without you); OR

B. Relocation (he or she intends to relocate abroad to live with you)

USCIS may only consider claims or evidence of extreme hardship to a qualifying relative or relatives. If you describe hardship to yourself or somebody else who is not a qualifying relative, you must also show how this hardship will cause extreme hardship to your qualifying relative(s).

### **DEFICIENCIES IN EXTREME HARDSHIP**

USCIS has determined that your request for a provisional unlawful presence waiver does not include sufficient evidence that your qualifying relative(s) would experience extreme hardship if you were denied admission to the United States and, therefore, be unable to immigrate to the United States.

**No Clear Intention to Separate or Relocate**

After a review of your application, USCIS is unable to determine whether your qualifying relative, [REDACTED] intends to separate from you and remain in the United States or relocate with you. Provide evidence to show which scenario your qualifying relative plans to choose (see scenario A and B above). Such evidence may include a statement made under the penalty of perjury from the qualifying relative. You gave examples of the potential extreme hardship your spouse may endure if she relocates with you or separates from you and remains in the United States, however, you did not indicate which scenario she would most likely choose.

**Extreme Hardship Deficiencies**

A review of your application shows that you have not demonstrated that your qualifying relative will experience extreme hardship if you were to separate and/or relocate.

**SEPARATION**

Regarding the scenario of separation (your qualifying relative remains in the United States while you reside abroad), you claim your qualifying relative (or relatives) will experience the following extreme hardship(s) if you are unable to reside in the United States with her.

**Health:**

You claim that your wife will suffer emotional distress if you separate from her. You did not submit evidence to support this claim. USCIS is not able to make an extreme hardship determination based on claims only. You have the burden of proof to submit evidence to establish your claims and demonstrate that your spouse may be impacted to the level of extreme hardship. Simply stating that your spouse will suffer emotional distress without documentary evidence does not establish extreme hardship. Please clarify your claims and submit evidence to support your claims.

**Financial Considerations:**

You claim that your wife will suffer financial distress if you separate from her. Your wife claims that she will not be able to afford to travel to [REDACTED] to visit you. She further explained that you both do not have the wealth to maintain two separate household's. To support this claim you submitted a lease agreement, a 2018 tax return, W2s, bank statements, an insurance bill and vehicle registration.

USCIS is not able to make an extreme hardship determination based on the claims and evidence submitted. You did not provide a clear current picture of your entire household's income and expenses. You did not provide clear evidence of your wife's income for USCIS to determine the financial impact your separation may have on her. Without a more complete picture of your household finances, a determination of extreme hardship due to separation cannot be made. Please submit additional evidence of your household finances, such as evidence of your total household income (recent federal tax return with W-2s, 1099s, current employment letter(s), pay stubs, etc.) and your household expenses (mortgage statement with payment amount, lease/rental agreement to identify the landlord and the person responsible for the lease, utility bills, car payments, loans, credit card bills, medical expense debt, etc.).

If you submit a letter from employers, please provide as much information about the terms of employment as possible, such as date of hire, rate of pay, number of hours worked per pay period, and any other information that would assist USCIS in determining you and/or your wife's financial

contribution to the household.

If you submit bank statements as evidence, please highlight transactions you wish to be considered as income or regular expenses and annotate what each highlighted transaction is (payroll deposit, electric bill, etc.)

### **RELOCATION**

Regarding the scenario of relocation (your qualifying relative relocates to reside with you abroad), you claim your qualifying relative (or relatives) will experience the following extreme hardship(s) if she relocates with you to [REDACTED]

#### **Financial Considerations:**

You claim that you and your wife will not be able to have a comparable financial income if you relocate to [REDACTED]. You claim that your wife will not be able to find a job since she does not speak Spanish and it will be difficult for you to find a job. You also state that you will not be able to earn a commensurate life style if you relocate. To support this claim you submitted the previously stated financial documents and a [REDACTED] trip advisory article.

USCIS is not able to make an extreme hardship determination based on the claims and evidence submitted. A decline in one's standard of living, loss of employment, problems readjusting to a new culture and social institutions, and emotional hardship caused by severing family and community ties are common consequences of relocation.

#### **Special Factors:**

You claim that [REDACTED] is not a safe country and your wife cannot imagine living there. To support this statement you submitted the [REDACTED] trip advisory article. USCIS is not able to make an extreme hardship determination based on the claims and evidence submitted. USCIS recognizes that many areas of the world are prone to greater levels of crime, violence, and instability than the United States. However, you have not provided any evidence that you and your family would be exposed to a greater level of risk than the average resident of the area in which you intend to reside. Please submit a statement explaining in detail the hardships your qualifying relative(s) would experience if they were to relocate to [REDACTED]. Your statement should also be supported by documentary evidence; merely stating that your qualifying relative would suffer extreme hardships is insufficient. If you are unable to submit documentary evidence to support your claim of extreme hardship, you should explain why such evidence is unavailable.

### **NO EXTREME HARDSHIP DETERMINED**

USCIS considered each of the hardship claims related to separation and/or relocation individually and collectively. Based on the evidence you provided, USCIS is unable to determine that the overall hardship to your qualifying relative (or relatives) due to the cumulative effect of these hardships would rise to the level of extreme if she were to separate from you and remain in the United States while you reside abroad OR relocate with you to [REDACTED]

To be eligible for a provisional unlawful presence waiver you must submit additional evidence to establish that your qualifying relative (or relatives) would experience extreme hardship based on the designated scenario of either separation or relocation, or, alternatively, you may submit additional evidence establishing that your qualifying relative(s) will experience extreme hardship under both

scenarios of separation and relocation.

**PLACE THIS ENTIRE LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL. PLEASE USE THE ENCLOSED ENVELOPE TO MAIL THE ADDITIONAL EVIDENCE REQUESTED BACK TO THIS OFFICE.**

Sincerely,



L. Miller  
Director  
Officer: 0648



## ATTACHMENT

### EXTREME HARDSHIP DETERMINATIONS

When adjudicating your application, USCIS must assess whether denial of admission would result in extreme hardship to your qualifying relative(s). If USCIS does not determine that your qualifying relative(s) would experience extreme hardship under both separation and relocation, then USCIS will assess which scenario (separation or relocation) would most likely result if you were denied admission. All evidence submitted with the application, including statements submitted under penalty of perjury, will be reviewed in order to determine which scenario your qualifying relative(s) is most likely to choose if you were unable to immigrate to the United States.

After USCIS has determined which scenario your qualifying relative(s) would most likely pursue, USCIS will review the claims of hardship and evidence submitted for the determine scenario. USCIS will assess whether the claimed hardships rise to the level of extreme hardship under the totality of the circumstances.

If you choose to claim that your qualifying relative(s) will suffer extreme hardship through BOTH separation AND relocation, then you must provide evidence to establish extreme hardship claim in both scenarios.

If none of the hardships to a single qualifying relative rise to the level of extreme, then you can establish extreme hardship if the combined hardships of all qualifying relatives amount to extreme hardship.

### EXTREME HARDSHIP FACTORS

Factors USCIS considers when determining extreme hardship include but are not limited to:

- **Family Ties and Impact** – *For example: Qualifying relative's ties to family members living in the United States, including age, status, and length of residence of any children; responsibility for the care of any family members in the United States, particularly children, elderly adults, and disabled adults; the qualifying relative's ties, including family ties, to the country of relocation, if any; Qualifying relative's age.*
- **Social and Cultural Impact** – *For example: Fear of persecution or societal discrimination; access or lack of access to social institutions and structures (official and unofficial) for support, guidance, or protection; qualifying relative's community ties in the United States and in the country of relocation; [extent to which the qualifying relative would have difficulty integrating into the country of relocation, including understanding and adopting social norms and established customs, including gender roles and ethical or moral codes]; difficulty and expense of travel/communication to maintain ties between qualifying relative and applicant, if the qualifying relative does not relocate; qualifying relative's present inability to communicate in the language of the country of relocation, as well as the time and difficulty that learning that language would entail; availability and quality of educational opportunities for qualifying relative (and children, if any) in the country of relocation.*
- **Economic Impact** – *For example: Economic impact of applicant's departure on the qualifying relative, including the applicant's or qualifying relative's ability to obtain employment in the country of relocation; economic impact resulting from the sale of a home,*

*business, or other asset; decline in the standard of living, including due to significant unemployment, underemployment, or other lack of economic opportunity in the country of relocation; cost of extraordinary needs, such as special education or training for children; cost of care for family members, including children and elderly, sick, or disabled parents.*

• **Health Conditions & Care** - *For example: Health conditions and the availability and quality of any required medical treatment in the country to which the applicant would be returned, including length and cost of treatment; psychological impact on the qualifying relative due to either separation from the applicant or departure from the United States, including separation from other family members living in the United States; psychological impact on the qualifying relative due to the suffering of the applicant.*

• **Country Conditions** - *For example: Conditions in the country of relocation, including civil unrest or generalized levels of violence, current U.S. military operations in the country, active U.S. economic sanctions against the country, ability of country to address significant crime, environmental catastrophes like flooding or earthquakes, and other socio-economic or political conditions that jeopardize safe repatriation or lead to reasonable fear of physical harm; Temporary Protected Status (TPS) designation; DOS Travel Warnings or Alerts, whether or not they constitute a particularly significant factor.*

• **Particularly Significant Factors** - *The qualifying relative was previously granted Asylum, Refugee status, Iraqi or Afghan Special Immigrant Status, or T Nonimmigrant Status from the country of your relocation; the disability of a qualifying relative or a qualifying relative's family member who depends on the qualifying relative for care; the qualifying relative's Military Service; a DOS travel warning; or the substantial displacement of care of your children. To establish any of these factors, you must meet multiple requirements. If all requirements of a given factor are met, the factor and the hardships that result from the factor may often weigh heavily in favor of a finding of extreme hardship. To obtain information about the factors, please see Volume 9, Part B, Chapter 5, Section E of the USCIS Policy Manual available at [www.uscis.gov/policymanual](http://www.uscis.gov/policymanual).*

For a complete list of the factors, see USCIS Policy Manual, Volume 9, Part B, Chapter 5, available at [www.uscis.gov/policymanual](http://www.uscis.gov/policymanual).

Statements and explanations should be supported by evidence. Merely stating that your qualifying relative (or relatives) would suffer extreme hardship is not enough to meet your burden of proof. For example, if you claim hardship due to medical or health concerns, you should support your claim by submitting a medical or healthcare professional's statement and other evidence in support of your claim. Or, if you claim hardship due to financial concerns, you should support your claims with financial documents, records, or any other evidence. If you cannot submit evidence for a particular claim you set forth, you must also explain why the evidence that supports your claim is not available.

Please submit any additional evidence to support your claims, as outlined above. If you choose to submit additional claims of hardship related to the scenario of separation or relocation (or both), each claim must be supported by documentary evidence.

Such evidence may include but is not limited to:

- Evidence of employment or business ties, such as payroll records or tax statements;
- Evidence of monthly expenditures such as mortgage, rental agreement, bills and invoices, etc.;
- Other financial records supporting any claimed financial hardships;

- Medical documentation and/or evaluations by medical professionals supporting any claimed medical or health concerns;
- Expert opinion letters;
- Records of membership in community organizations, volunteer confirmation, and evidence of cultural affiliations;
- Birth/marriage/adoption certificates supporting any claimed family ties;
- Country condition reports;
- Affidavits or statements signed under the penalty of perjury (as permitted by 28 USC 1746), or letters from the qualifying relative or other individuals with personal knowledge of the claimed hardships;
- Any other evidence you believe supports the claimed hardships.

Once USCIS determines the intent of the qualifying relative to stay in the United States (separate) or to relocate, it considers each hardship claim related to the intent (separation or relocation, or both) individually and collectively. Then, USCIS considers all of the factors together to determine whether the overall hardship to your qualifying relative (or relatives) due to the cumulative effect of these hardships would rise to the level of extreme.

Your statement(s) or evidence should explain why the hardships your qualifying relative (or relatives) will experience meet the extreme hardship standard.

To be eligible for the waiver, you must establish extreme hardship to one or more qualifying relatives. If you have more than one qualifying relative, USCIS considers each hardship claim related to the qualifying relatives individually and collectively. Your statement(s) or evidence should explain why the hardships of all qualifying relatives combined will meet the extreme hardship standard.

If you require additional explanation about the extreme hardship determination, we encourage you to go to the USCIS Policy Manual, Volume 9, Part B, Extreme Hardship, available at [www.uscis.gov/policymanual](http://www.uscis.gov/policymanual), which outlines in detail how USCIS makes the extreme hardship assessment.

You can also find additional information in the Form I-601A Instructions, available at [www.uscis.gov/i-601a](http://www.uscis.gov/i-601a).