



October 21, 2016

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Policy Alert

SUBJECT: Determining Extreme Hardship

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) on determinations of extreme hardship to qualifying relatives as required by certain statutory waiver provisions. This final guidance is adopted after publication of draft guidance for public comment and takes into account the comments received. The guidance clarifies the adjudication of certain waiver requests that require USCIS to determine claims of extreme hardship to qualifying relatives. This guidance becomes effective December 5, 2016.

Background

Admissibility is generally a requirement for admission to the United States, adjustment of status, and other immigration benefits. Several statutory provisions authorize discretionary waivers of particular inadmissibility grounds in cases where an applicant demonstrates that refusal of admission “would result in extreme hardship” to one or more designated relatives (“qualifying relatives”), such as specified U.S. citizen or lawful permanent resident (LPR) family members. The guidance contained in Volume 9, Part B of the Policy Manual is controlling and supersedes any related prior USCIS guidance.

Policy Highlights

- Lists the waivers of inadmissibility adjudicated by USCIS that require a showing of extreme hardship to one or more qualifying relatives.
- Clarifies that an applicant may establish extreme hardship to a qualifying relative who intends to either relocate to the country where the applicant will reside if denied admission or separate from the applicant and remain in the United States, so long as the applicant demonstrates that the relocation or separation would result in extreme hardship.
- Clarifies that for hardship to qualify as extreme, it must involve suffering or loss that is greater than the hardship that usually results from denials of admission.

- Clarifies that extreme hardship is dependent on the individual circumstances of each particular case.
- Provides a non-exhaustive list of factors that USCIS may consider when making extreme hardship determinations.
- Discusses particularly significant factors that often weigh heavily in support of finding extreme hardship to qualifying relatives.
- Clarifies that factors, individually or in the aggregate, may be sufficient to meet the extreme hardship standard.
- Clarifies that hardship to two or more qualifying relatives may rise to the level of “extreme” in the aggregate, even if no single qualifying relative alone suffers hardship that by itself is severe enough to be “extreme.”

Citation

Volume 9: Waivers, Part B, Extreme Hardship [[9 USCIS-PM B](#)].