UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-41176
Summary Calendar

ANTHONY O. ONYEBUCHI,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of and Order of the
Immigration and Naturalization Service
(A28-583-665)

(July 19, 1995)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:[1]

Anthony Onyebuchi petitions for review of a decision by the Board of Immigration Appeals affirming an immigration judge's order of deportation and denial of his applications for adjustment of status and waiver of inadmissibility. Onyebuchi contends that the Board erred in not finding "extreme hardship" to his family and in denying his motion to reopen. Finding no error, we dismiss the petition for review.

I.

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[1] Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

To qualify for a § 212(h) adjustment of status or waiver of inadmissibility, 8 U.S.C. § 1182(h), an alien must show that his exclusion would result in "extreme hardship" to a qualifying family member. Petitioner had a U.S. citizen wife and son (born in 1990) at the time of the Immigration Judge's and Board's decisions. The Board noted that to establish "extreme hardship" an alien must show extenuating circumstances consistent with the "exceptional nature of the relief." The Board noted that "unless other factors such as advanced age, severe illness, and family ties combine with economic detriment to make deportation extremely hard on the alien or the citizen or permanent resident members of his family, a grant of relief would not be justified." The Board found that some hardship would result to Petitioner's spouse and son but did not find the hardship extreme as required by § 212(h).

Judicial review of a "no extreme hardship" determination is quite limited. Hernandez-Cordero v. INS, 819 F.2d 558, 561 (5th Cir. 1987). The Board has broad discretion to define extreme hardship narrowly. Id.; see also INS v. Wang, 450 U.S. 139, 144-45 (1981). The Board did not abuse its discretion in denying Petitioner's § 212(h) application. Petitioner was required to demonstrate extreme hardship, and the Board explained that financial difficulty and emotional hardship were insufficient. See Sanchez v. INS, 755 F.2d 1158, 1161 (5th Cir. 1985) (approving interpretation of "extreme hardship" to mean "*at least* hardship substantially different from and more severe than that suffered by the ordinary alien who is deported").

Petitioner complains that the Board misread In re Anderson, 16 I. & N. Dec. 596 (BIA 1978), which would find hardship extreme "only when other factors such as advanced age, severe illness, family ties, etc. combine with economic detriment to make deportation extremely hard" on the qualified family members. Id. at 598. Petitioner complains that the Board erred in reading these conjunctively and as requirements rather than disjunctively and as examples of factors that could show extreme hardship. We find no error. First, we note that "et cetera" means "and others" or "and so forth," and so is conjunctive rather than disjunctive. This does not mean that each one of the factors must be present, however. The phrase "factors such as" denotes that the factors listed are examples. Entirely consistent with Anderson, the Board held that "other factors such as advanced age, severe illness, and family ties" could combine with economic detriment to create extreme hardship.

The Board properly interpreted Anderson and explicitly considered that there would be some hardship to Petitioner's wife and son if he were deported, but concluded that the hardship would not be extreme. No abuse of discretion occurred.

II.

During the pendency of his appeal to the Board, Petitioner moved to reopen for consideration of the hardship based on the birth of a second child, born in 1994, two years after Petitioner was on notice that he might be deported. The Board has considerable discretion in denying motions to reopen. INS v.

Doherty, 502 U.S. 314, 323 (1992). Among other showings, the alien must make out a prima facie case for his requested relief. Wang, 450 U.S. at 141. The Board noted that Petitioner presented only the birth certificate of his newborn. We find no abuse of discretion in the Board's concluding that this certificate does not establish a prima facie case of extreme hardship either to his second son or to his wife. Gonzalez-Cuevas v. INS, 515 F.2d 1222, 1224 (5th Cir. 1975) (recognizing that the birth of a U.S. citizen child does not automatically give an illegal alien favored status). The Board did not abuse its discretion in denying Petitioner's motion to reopen.

The petition for review is

DISMISSED.