

BOARD OF IMMIGRATION APPEALS

Matter of Rasheen Stefan Best

29 I&N Dec. 723 (BIA 2026) (Interim Decision #4211) · No. Interim Decision #4211 · Decided May 7, 2026

SUMMARY

The Board of Immigration Appeals sustained the Department of Homeland Security’s appeal, vacated the Immigration Judge’s decision, and denied the respondent’s applications for a waiver of inadmissibility under INA section 212(h) and adjustment of status. The Board held that the respondent had not established extreme hardship to qualifying relatives and that his family and community equities did not outweigh his serious and lengthy criminal history and lack of persuasive evidence of rehabilitation. The respondent was ordered removed to Barbados.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	MCCLOSKEY, Temporary Appellate Immigration Judge; GORMAN, Deputy Chief Appellate Immigration Judge; VOLKERT, Appellate Immigration Judge
JURISDICTION	Board of Immigration Appeals
DECIDED	May 7, 2026
DOCKET	Interim Decision #4211
DISPOSITION	vacated
PROCEDURAL POSTURE	The Department of Homeland Security appealed the Immigration Judge's decision granting the respondent's application for a section 212(h) waiver of inadmissibility and adjustment of status.
STANDARD OF REVIEW	The Board reviewed the Immigration Judge's determinations regarding extreme hardship and discretionary eligibility for waiver and adjustment of status, reversing those determinations based on the record and applicable discretionary standards.
PRECEDENTIAL VALUE	Published BIA precedent; designated as precedent by the Acting Attorney General under 8 C.F.R. § 1003.1(g)(3).
PARTIES	Department of Homeland Security v. Rasheen Stefan Best

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QUESTIONS PRESENTED

1. Whether the respondent established that his removal would result in extreme hardship to qualifying relatives sufficient for a waiver under section 212(h) of the INA.
2. Whether the respondent was eligible for a section 212(h) waiver and adjustment of status as a matter of discretion in light of his criminal history, arrests, equities, and lack of persuasive evidence of rehabilitation.
3. Whether criminal conduct that did not result in a final conviction may be considered as a factor in a discretionary immigration determination.

HOLDINGS

1. The respondent did not establish the extreme hardship required for section 212(h) relief because the emotional and financial difficulties his wife, children, and mother would experience from his removal fell short of the statutory extreme-hardship standard.
2. The respondent was not eligible for a section 212(h) waiver or adjustment of status as a matter of discretion because his serious and lengthy criminal history outweighed his family and community equities, length of residence, career plans, and potential family hardship, particularly in the absence of persuasive evidence of rehabilitation.
3. Criminal conduct that has not culminated in a final conviction for purposes of the INA remains an appropriate factor to consider in a discretionary immigration determination.

KEY QUOTATIONS

“criminal conduct which has not culminated in a final conviction for the purposes of the INA remain an appropriate factor to consider in a discretionary determination.” (724)

“in the absence of persuasive evidence of rehabilitation, we conclude that the respondent’s equities, such as his family and community ties, length of residence in the United States, plans to establish a career in fashion, and the potential hardship to his wife, children, and mother, do not outweigh his serious and lengthy criminal history, which is a significant adverse factor.” (724)

FACTUAL BACKGROUND

The respondent, a native and citizen of Barbados, sought a section 212(h) waiver and adjustment of status. His qualifying relatives included his United States citizen wife and two children and his lawful permanent resident mother; the evidence showed that his family would experience emotional and some financial difficulties if he were removed. The respondent had two 2017 convictions for crimes involving moral turpitude, additional convictions for resisting arrest, unlicensed operation of a motor vehicle, and disorderly conduct, numerous

arrests, and a 2023 domestic-violence-related arrest. The Board found no persuasive evidence of rehabilitation sufficient to outweigh his serious and lengthy criminal history.

PROCEDURAL HISTORY

The Immigration Judge granted the respondent's request for a waiver of inadmissibility and his application for adjustment of status on July 2, 2025. DHS appealed to the Board of Immigration Appeals. The Board sustained the appeal, vacated the Immigration Judge's decision, denied the waiver and adjustment applications, and ordered the respondent removed to Barbados.

DISPOSITION

vacated

CASES CITED

- Matter of Ngai, 19 I&N Dec. 245, 246-47 (Comm'r 1984)
- Matter of Mendez, 21 I&N Dec. 296, 300, 305 (BIA 1996)
- Matter of Arai, 13 I&N Dec. 494, 495-96 (BIA 1970)
- Matter of Thomas, 21 I&N Dec. 20, 23 (BIA 1995)