

**Table XX**  
**Immigrant and Nonimmigrant Visa Ineligibilities**  
**(by Grounds for Refusal Under the Immigration and Nationality Act)**  
**Fiscal Year 2012**

| Grounds for Refusal Under the Immigration and Nationality Act |  | Immigrant                          |                                     | Nonimmigrant                       |                                     |
|---|--|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|
|   |  | Ineligibility Finding <sup>1</sup> | Ineligibility Overcome <sup>2</sup> | Ineligibility Finding <sup>1</sup> | Ineligibility Overcome <sup>2</sup> |
| 212(a)(1)(A)(i)   | Communicable Disease   | 421                                | 507                                 | 14                                 | 3                                   |
| 212(a)(1)(A)(ii)  | Immigrant lacking required vaccinations  | 1,566                              | 1,519                               | -                                  | -                                   |
| 212(a)(1)(A)(iii)   | Physical or mental disorder  | 186                                | 73                                  | 417                                | 55                                  |
| 212(a)(1)(A)(iv)  | Drug Abuser or Addict  | 1,523                              | 0                                   | 112                                | 13                                  |
| 212(a)(2)(A)(i)(I)  | Crime Involving Moral Turpitude  | 1,331                              | 328                                 | 6,647                              | 2,580                               |
| 212(a)(2)(A)(i)(II)   | Controlled Substance Violators   | 557                                | 78                                  | 4,155                              | 1,619                               |
| 212(a)(2)(B)  | Multiple Criminal Convictions  | 85                                 | 5                                   | 376                                | 107                                 |
| 212(a)(2)(C)(i)   | Illicit Trafficker in Any Controlled Substance                                   | 432                                | 0                                   | 2,833                              | 585                                 |
| 212(a)(2)(C)(ii)  | Spouse, Son, or Daughter Who Benefited from Illicit Activities of Trafficker     | 23                                 | 1                                   | 658                                | 42                                  |
| 212(a)(2)(D)(i)   | Prostitution (within 10 years)   | 20                                 | 17                                  | 35                                 | 3                                   |
| 212(a)(2)(D)(ii)  | Procuring (within 10 years)  | 4                                  | 2                                   | 35                                 | 8                                   |
| 212(a)(2)(D)(iii)   | Unlawful Commercialized Vice   | 0                                  | 0                                   | 5                                  | 1                                   |
| 212(a)(2)(E)  | Asserted immunity to avoid prosecution   | 0                                  | 0                                   | 1                                  | 0                                   |
| 212(a)(2)(G)  | Foreign government officials who have engaged in violations of religious freedom | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(2)(H)  | Significant traffickers in persons   | 1                                  | 0                                   | 4                                  | 0                                   |
| 212(a)(2)(I)  | Money Laundering   | 1                                  | 0                                   | 20                                 | 7                                   |
| 212(a)(3)(A)(i)   | Espionage, sabotage, technology transfer, etc.                                   | 11                                 | 0                                   | 249                                | 8                                   |
| 212(a)(3)(A)(ii)  | Other Unlawful Activity  | 223                                | 0                                   | 73                                 | 7                                   |
| 212(a)(3)(A)(iii)   | Act to Overthrow U.S. Government   | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(3)(B)  | Terrorist Activities   | 76                                 | 0                                   | 814                                | 470                                 |
| 212(a)(3)(C)  | Foreign Policy   | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(3)(D)  | Immigrant Membership in Totalitarian Party                                       | 19                                 | 8                                   | -                                  | -                                   |
| 212(a)(3)(E)(i)   | Participants in Nazi Persecutions  | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(3)(E)(ii)  | Participants in Genocide   | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(3)(E)(iii)   | Commission of Acts of Torture or Extrajudicial Killings                          | 0                                  | 0                                   | 6                                  | 2                                   |
| 212(a)(3)(F)  | Association with Terrorist Organizations   | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(3)(G)  | Recruitment of Use of Child Soldiers   | 0                                  | 0                                   | 5                                  | 2                                   |
| 212(a)(4)   | Public Charge  | 4,901                              | 5,218                               | 261                                | 19                                  |
| 212(a)(5)(A)  | Labor Certification (immigrants only)  | 11,386                             | 1,386                               | -                                  | -                                   |
| 212(a)(5)(B)  | Unqualified Physician (immigrants only)  | 0                                  | 0                                   | -                                  | -                                   |
| 212(a)(5)(C)  | Uncertified foreign health-care workers  | 2                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(6)(B)  | Failure to attend removal proceedings  | 172                                | 0                                   | 10                                 | 2                                   |
| 212(a)(6)(C)(i)   | Misrepresentation  | 7,436                              | 1,737                               | 12,754                             | 3,390                               |
| 212(a)(6)(C)(ii)  | Falsely claiming citizenship   | 687                                | 0                                   | 1,592                              | 386                                 |
| 212(a)(6)(E)  | Smugglers  | 3,634                              | 1,424                               | 3,052                              | 856                                 |
| 212(a)(6)(F)  | Subject of civil penalty (under INA 274C)  | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(6)(G)  | Student visa abusers   | 1                                  | 0                                   | 10                                 | 4                                   |
| 212(a)(7)(B)  | Documentation requirement for nonimmigrants                                      | -                                  | -                                   | 63                                 | 46                                  |
| 212(a)(8)(A)  | Immigrant permanently ineligible for citizenship                                 | 0                                  | 0                                   | -                                  | -                                   |
| 212(a)(8)(B)  | Draft evader   | 1                                  | 0                                   | 13                                 | 8                                   |
| 212(a)(9)(A)(i)   | Ordered removed upon arrival   | 903                                | 326                                 | 668                                | 66                                  |

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|---|--|------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|
|   |  | Ineligibility Finding <sup>1</sup> | Ineligibility Overcome <sup>2</sup> | Ineligibility Finding <sup>1</sup> | Ineligibility Overcome <sup>2</sup> |
| 212(a)(9)(A)(i)   | Ordered removed upon arrival - multiple removals   | 103                                | 16                                  | 39                                 | 9                                   |
| 212(a)(9)(A)(i)   | Ordered removed upon arrival - convicted aggravated felony   | 20                                 | 0                                   | 17                                 | 5                                   |
| 212(a)(9)(A)(ii)  | Ordered removed or departed while removal order outstanding  | 1,631                              | 700                                 | 594                                | 107                                 |
| 212(a)(9)(A)(ii)  | Ordered removed or departed while removal order outstanding - multiple removals                        | 188                                | 35                                  | 95                                 | 18                                  |
| 212(a)(9)(A)(ii)  | Ordered removed or departed while removal order outstanding - convicted aggravated felony              | 96                                 | 5                                   | 71                                 | 13                                  |
| 212(a)(9)(B)(i)(I)  | Unlawfully present 181-364 days (within 3 years)   | 440                                | 285                                 | 778                                | 99                                  |
| 212(a)(9)(B)(i)(II)   | Unlawfully present 365 or more days (within 10 years)  | 27,524                             | 21,673                              | 13,954                             | 969                                 |
| 212(a)(9)(C)  | Unlawfully present after previous immigration violations   | 2,964                              | 0                                   | 2,653                              | 304                                 |
| 212(a)(10)(A)   | Practicing polygamist (immigrants only)  | 44                                 | 6                                   | -                                  | -                                   |
| 212(a)(10)(C)(i)  | International child abductor   | 0                                  | 0                                   | 5                                  | 1                                   |
| 212(a)(10)(C)(ii)   | Aliens supporting abductors and relatives of abductors   | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(10)(D)   | Unlawful voter   | 1                                  | 0                                   | 0                                  | 0                                   |
| 212(a)(10)(E)   | Former U.S. citizen who renounced citizenship to avoid taxation  | 0                                  | 0                                   | 0                                  | 0                                   |
| 212(e)  | Certain former exchange visitors   | 26                                 | 9                                   | 10                                 | 5                                   |
| 212(f)  | Presidential proclamation  | 2                                  | 0                                   | 70                                 | 5                                   |
| 214(b)  | Failure to establish entitlement to nonimmigrant status  | -                                  | -                                   | 1,308,983                          | 16,563                              |
| 221(g)  | Application does not comply with provisions of INA or regulations issued pursuant thereto              | 303,166                            | 197,489                             | 806,773                            | 724,217                             |
| 222(g)(2)   | Alien in illegal status, required to apply for new nonimmigrant visa in country of alien's nationality | -                                  | -                                   | 106                                | 7                                   |
| Sec. 103 Pub. Law 105-227                                     | Disclosure/trafficking of confidential U.S. business information                                       | 0                                  | 0                                   | 0                                  | 0                                   |
| Sec. 401 Pub. Law 104-114                                     | Helms-Burton refusal   | 0                                  | 0                                   | 0                                  | 0                                   |
| Sec. 402 Pub. Law 104-114                                     | Conversion of confiscated U.S. property for gain   | 0                                  | 0                                   | 1                                  | 0                                   |
| Sec. 306 Pub. Law 107-173                                     | Inadmissible alien from a country that is a state sponsor of terrorism                                 | 0                                  | 0                                   | 155                                | 7                                   |
| <b>Total Grounds of Ineligibility:</b>                        |  | <b>371,807</b>                     | <b>232,847</b>                      | <b>2,169,186</b>                   | <b>752,618</b>                      |
| <b>Number of Applications:<sup>1</sup></b>                    |  | <b>311,835</b>                     | <b>215,321</b>                      | <b>2,132,149</b>                   | <b>749,257</b>                      |

The figures at the end of this table show totals of **applications** refused and refusals overcome. The total of applications refused does not necessarily reflect the number of persons refused during the year. One applicant can apply and be found ineligible more than one time in a fiscal year.

<sup>1</sup> The total grounds of ineligibility may exceed the number of applications refused because one applicant may be found ineligible under more than one section of the Immigration and Nationality Act.

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|--|--|---|--|---|
|  | <b>Ineligibility Finding<sup>1</sup></b> | <b>Ineligibility Overcome<sup>2</sup></b> | <b>Ineligibility Finding<sup>1</sup></b> | <b>Ineligibility Overcome<sup>2</sup></b> |

<sup>2</sup> The total of ineligibilities overcome may not necessarily represent the same visa applicants found ineligible and recorded in the total of ineligibility findings. A visa may be refused in one fiscal year and the refusal overcome in a subsequent fiscal year. Each action will be separately recorded as part of the appropriate statistical report for the year in which it occurred. A refusal can be overcome by evidence that the ineligibility does not apply, by approval of a waiver, or by other relief as provided by law.