

**Table XX**  
**Immigrant and Nonimmigrant Visa Ineligibilities**  
**(by Grounds for Refusal Under the Immigration and Nationality Act)**  
**Fiscal Year 2004**

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	771	202	144	102
212(a)(1)(A)(ii) Immigrant lacking required vaccinations	94	87	-	-
212(a)(1)(A)(iii) Physical or mental disorder	140	44	8	4
212(a)(1)(A)(iv) Drug Abuser or Addict	743	9	46	12
212(a)(2)(A)(i)(I) Crime Involving Moral Turpitude	595	201	2,855	1,687
212(a)(2)(A)(i)(II) Controlled Substance Violators	384	39	1,370	785
212(a)(2)(B) Multiple Criminal Convictions	48	6	154	59
212(a)(2)(C) Controlled Substance Trafficker	169	0	0	22
212(a)(2)(C)(i) Illicit Trafficker in Any Controlled Substance	12	0	850	205
212(a)(2)(C)(ii) Spouse, Son, or Daughter Who Benefited from Illicit Activities of Trafficker	3	0	134	12
212(a)(2)(D)(i) Prostitution (within 10 years)	15	1	25	6
212(a)(2)(D)(ii) Procuring (within 10 years)	3	0	26	6
212(a)(2)(D)(iii) Unlawful Commercialized Vice	1	0	3	1
212(a)(2)(E) Asserted immunity to avoid prosecution	0	0	0	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	0	0	1	0
212(a)(2)(I) Money Laundering	0	0	7	1
212(a)(3)(A)(i) Espionage, sabotage, technology transfer, etc.	6	0	81	12
212(a)(3)(A)(ii) Other Unlawful Activity	2	0	57	7
212(a)(3)(A)(iii) Act to Overthrow U.S. Government	0	0	1	0
212(a)(3)(B) Terrorist Activities	0	0	77	26
212(a)(3)(C) Foreign Policy	0	0	0	0
212(a)(3)(D) Immigrant Membership in Totalitarian Party	66	9	-	-
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)(F) Association with Terrorist Organizations	0	0	0	0
212(a)(4) Public Charge	14,271	14,603	2,302	878
212(a)(5)(A) Labor Certification (immigrants only)	11,557	255	-	-
212(a)(5)(B) Unqualified Physician (immigrants only)	3	1	-	-
212(a)(5)(C) Uncertified foreign health-care workers	1	0	7	3
212(a)(6)(B) Failure to attend removal proceedings	19	0	4	0
212(a)(6)(C)(i) Misrepresentation	3,436	560	6,461	651
212(a)(6)(C)(ii) Falsely claiming citizenship	303	0	479	20
212(a)(6)(E) Smugglers	523	25	1,353	97
212(a)(6)(F) Subject of civil penalty (under INA 274C)	1	0	0	0
212(a)(6)(G) Student visa abusers	0	0	27	3
212(a)(7)(B) Documentation requirement for nonimmigrants	-	-	135	62
212(a)(8)(A) Immigrant permanently ineligible for citizenship	1	0	-	-
212(a)(8)(B) Draft evader	0	0	4	3
212(a)(9)(A)(i) Ordered removed upon arrival	550	108	224	27
212(a)(9)(A)(i) Ordered removed upon arrival - multiple removals	10	5	45	3

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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 - convicted aggravated felony	36	1	8	0
212(a)(9)(A)(ii)	Ordered removed or departed while removal order outstanding	383	84	130	37
212(a)(9)(A)(ii)	Ordered removed or departed while removal order outstanding - multiple removals	51	15	56	7
212(a)(9)(A)(ii)	Ordered removed or departed while removal order outstanding - convicted aggravated felony	79	1	15	4
212(a)(9)(B)(i)(I)	Unlawfully present 181-364 days (within 3 years)	349	169	902	111
212(a)(9)(B)(i)(II)	Unlawfully present 365 or more days (within 10 years)	4,487	1,862	3,022	320
212(a)(9)(C)	Unlawfully present after previous immigration violations	943	1	60	1
212(a)(10)(A)	Practicing polygamist (immigrants only)	10	3	-	-
212(a)(10)(C)(i)	International child abductor	0	2	1	1
212(a)(10)(C)(ii)	Aliens supporting abductors and relatives of abductors	0	0	1	0
212(a)(10)(D)	Unlawful voter	0	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	23	17	35	17
212(f)	Presidential proclamation	5	0	295	6
214(b)	Failure to establish entitlement to nonimmigrant status	-	-	1,500,383	28,642
221(g)	Application does not comply with provisions of INA or regulations issued pursuant thereto	235,706	142,248	489,934	401,783
222(g)(2)	Alien in illegal status, required to apply for new nonimmigrant visa in country of alien's nationality	-	-	215	19
Sec. 306 Pub. Law 107-173	Inadmissible alien from a country that is a state sponsor of terrorism	0	0	2	3
<b>Total Grounds of ineligibility:</b>		<b>275,799</b>	<b>160,558</b>	<b>2,011,939</b>	<b>435,645</b>
<b>Number of Applications<sup>1</sup>:</b>		<b>252,624</b>	<b>150,075</b>	<b>2,004,480</b>	<b>433,218</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.

<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.