

STATE DEPARTMENT IMMIGRANT AND TEMPORARY
VISA DECLINES AND REFUSALS IN FY 2019

EXECUTIVE SUMMARY

Due to Trump administration policies, the number of immigrant visas issued at State Department posts declined by 25% between FY 2016 and FY 2019, according to a National Foundation for American Policy (NFAP) analysis of new government [data](#). Most of the decline came from consular officers issuing fewer immigrant visas (for permanent residence) in the Immediate Relatives of U.S. Citizens category (spouses, children and parents of American citizens), which declined by 41% between FY 2016 and FY 2019. The number of spouses, children and parents from Mexico, China, the Dominican Republic and Pakistan sponsored by American citizens declined by approximately 50% from FY 2016 to FY 2019. (The numbers in this report, unless otherwise noted, detail data from the U.S. Department of State, not decisions made by U.S. Citizenship and Immigration Services (USCIS) adjudicators inside the country.)

The new State Department data indicate the public charge rule is likely to have a significant impact on the admission of legal immigrants. Following a change in public charge in the Foreign Affairs Manual in January 2018, the number of potential immigrants refused visas on public charge grounds increased by 1,846% (or nearly 20,000 refusals) between FY 2016 and FY 2019. The Department of Homeland Security's public charge regulation, which the Supreme Court allowed to go into effect while litigation on the rule continues, goes much further than the change in the Foreign Affairs Manual. It allows a consular officer or immigration adjudicator to deny permanent residence to anyone they predict might use certain benefits for 12 months within a future 36-month period and establishes de facto income thresholds.

Reducing the number of immigrants and temporary visa holders admitted to the United States has been an administration goal since Donald Trump became president. The March 6, 2017, presidential memorandum on "[heightened screening and vetting of applications for visas](#)" bears much of the responsibility for the decline in visa issuance. The presidential memorandum stated, "I direct the Secretary of State, the Attorney General, the Secretary of Homeland Security . . . to rigorously enforce all existing grounds of inadmissibility and to ensure subsequent compliance with related laws after admission." The Buy American and Hire American [executive order](#) and the "travel ban" against primarily Muslim-majority countries have been a factor as well.

These and related policies have contributed to an increase of over 600,000 cases in the backlog of pending cases for family-sponsored I-130 petitions at U.S. Citizenship and Immigration Services. Filing an I-130 petition with USCIS is the first stage in the process of sponsoring a family member in the Immediate Relatives of U.S. Citizens category or in one of the family preference categories. USCIS adjudicators have also denied more I-130 petitions. Many family immigration cases may not be reaching U.S. consular officers.

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Overall, State Department consular officers have played a key role in the Trump administration's efforts to reduce legal immigration. Trump administration policies, without any change in the law by Congress, are projected to reduce the annual level of legal immigration to the United States by 30% or more, resulting in 350,000 fewer legal immigrants receiving permanent residence each year compared to the FY 2016 level of 1,183,505, according to a [February 2020 NFAP analysis](#). NFAP projects in the long term that the average annual U.S. labor force growth, a key component of economic growth, will be between 35% and 59% lower in America as a result of Trump administration immigration policies, if the policies remain in place.

Among the key findings in this analysis:

- Between FY 2016 and FY 2019, immigrant visas issued by the State Department declined by 25%, from 617,752 in FY 2016 to 462,422 in FY 2019.
- From FY 2016 and FY 2019, temporary (nonimmigrant) visas issued by the State Department fell by 16%, from 10,381,491 in FY 2016 to 8,742,068 in FY 2019.
- The number of people in the Immediate Relatives of U.S. Citizens category issued immigrant visas declined by 41% between FY 2016 and FY 2019, from 315,352 in FY 2016 to 186,584 in FY 2019. The largest declines were for the spouses, children and parents of U.S. citizens from Mexico (a drop of 30,335 or 48%), the Dominican Republic (a decline of 12,618 or 51%), China (a reduction of 8,511 or 48%), Haiti (a drop of 7,205 or 71%), the Philippines (a decline of 6,003 or 38%) and India (a drop of 5,748 or 39%).
- The number of visa refusals (ineligibility findings) for immigrants on public charge grounds went from 1,076 in FY 2016 to 20,941 in FY 2019, an increase of 19,865 or 1,846%.
- The total number of ineligibility findings for immigrants increased from 363,724 in FY 2016 to 433,137 in FY 2019, an increase of 69,413 or 19%.
- The total number of ineligibility findings for temporary (nonimmigrant) visas increased from 3,683,812 in FY 2016 to 3,804,717 in FY 2019, an increase of 120,905 or 3%.
- The number of determinations of visa ineligibility based on 221(g) grounds ("Application does not comply with provisions of the INA [Immigration and Nationality Act] or regulations issued pursuant thereto") increased for immigrants from 287,802 in FY 2016 to 334,542 in FY 2019, a rise of 16% or 46,740. The total number of ineligibility findings for temporary (nonimmigrant) visas based on 221(g) grounds increased

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from 805,668 in FY 2016 to 916,626 in FY 2019, an increase of 14% or 110,958. 221(g) is an increasingly common grounds of refusal used to request more evidence or place a case in “administrative processing,” which could delay a case for an extended period.

- B1/B2 Visas for Business and Tourism declined from 6,881,797 in FY 2016 to 5,297,439 in FY 2019, a drop of 1,584,358 or 23%.
- F-1 visas for international students fell from 471,728 issued in FY 2016 to 364,204 in FY 2019, a decline of 23% or 107,524.

THE DECLINE IN IMMIGRANT AND TEMPORARY VISAS

State Department data, contained in the [Report of the Visa Office 2019](#), show policy changes by the Trump administration have resulted in fewer immigrant and temporary visas issued by U.S. consular officers.¹ The policies include the March 6, 2017, presidential memorandum on “[heightened screening and vetting of applications for visas](#),” the Buy American and Hire American [executive order](#) and the change in the Foreign Affairs Manual on public charge in January 2018. In addition, the White House has sent a political signal to consular officers that the administration favors restrictive visa approval policies.

Table 1
Visas Issued to Immigrants and Temporary Visa Holders: FY 2016 to FY 2019

	FY 2016	FY 2019	Decline FY 2016 to FY 2019
Immigrant Visas Issued	617,752	462,422	-155,330 (-25%)
Temporary (Nonimmigrant) Visas Issued	10,381,491	8,742,068	-1,639,423 (-16%)

Source: U.S. Department of State, National Foundation for American Policy.

Between FY 2016 and FY 2019, immigrant visas issued by the State Department declined by 25%, from 617,752 in FY 2016 to 462,422 in FY 2019. From FY 2016 and FY 2019, the number of temporary (nonimmigrant) visas issued by the State Department fell by 16%, from 10,381,491 in FY 2016 to 8,742,068 in FY 2019.

“The newly released statistics document how the Trump administration has succeeded in putting barriers up to getting immigrant visas approved,” said Jeffrey Gorsky, senior counsel at Berry Appleman & Leiden LLP and former Chief of the Legal Advisory Opinion section of the Visa Office in the U.S. Department of State.² Gorsky points out there is no evidence the demand has fallen for immigrant visas. There are large backlogs, including for processing, in family-sponsored preference categories. Those backlogs indicate the reason for the decline in immigrant visas is due to changes in administration policies, not a recent lack of interest among Americans to sponsor a spouse, child or parent for immigration.

Since employment-based immigrants typically gain permanent residence (a green card) while adjusting from a temporary status (such as H-1B) inside the United States, most of the immigrant visas processed outside the United States involve family sponsorship.

¹ State Department data referred to in this analysis are derived from *Report of the Visa Office 2019*, which can be found at: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/annual-reports/report-of-the-visa-office-2019.html>. Comparisons to data in earlier years were done by reviewing the “Report of the Visa Office” for those years.

² Interview with Jeffrey Gorsky.

THE DECLINE IN IMMIGRANT VISAS FOR IMMEDIATE RELATIVES

Much of the decline in legal immigration in recent years is because U.S. consular officers have issued far fewer immigrant visas (for permanent residence) for the spouses, children and parents of American citizens since Donald Trump became president. The number of people issued immigrant visas in the Immediate Relatives of U.S. Citizens category declined by 41% between FY 2016 and FY 2019, from 315,352 in FY 2016 to 186,584 in FY 2019.

One reason is that due to administration policies the backlog of pending cases for family-sponsored I-130 petitions at U.S. Citizenship and Immigration Services has ballooned from an already high 938,577 at the end of FY 2016 to 1,564,880 at the conclusion of FY 2019.³ Filing an I-130 petition with USCIS is the first stage in the process of sponsoring a family member in the Immediate Relatives of U.S. Citizens category or in one of the family preference categories, such as an adult child or sibling of a U.S. citizen.

The increase in the backlog of pending cases is due to the March 6, 2017, presidential memorandum on “heightened screening and vetting of applications for visas” and associated scrutiny of applications, the Buy American and Hire American executive order, USCIS diverting resources for in-person interviews for employment-based adjustment of status interviews and other factors. USCIS adjudicators have also denied more I-130 petitions. Many family immigration cases may not be reaching U.S. consular officers.

Table 2
Visas Issued to Immediate Relatives of U.S. Citizens: FY 2016 to FY 2019

	FY 2016	FY 2019	Decline FY 2016 to FY 2019
Immediate Relatives	315,352	186,584	-128,768 (-41%)

Source: U.S. Department of State, National Foundation for American Policy.

Table 3 shows the most significant impact of Trump administration immigration policies has been on American citizens who wish to live in the United States with a spouse, child or parent. Between FY 2016 and FY 2019, the number of people issued immigrant visas in the Immediate Relatives of U.S. Citizens category declined sharply from Mexico (down 30,335 or 48%), the Dominican Republic (a decline of 12,618 or 51%), China (down 8,511 or 48%), Haiti (a drop of 7,205 or 71%), the Philippines (a decline of 6,003 or 38%), India (down 5,748 or 39%), Yemen (a drop of 5,639 or 67%), Jamaica (a decline of 4,856 or 50%), Vietnam (a reduction of 4,248 or 35%) and Pakistan (a decline of 3,714 or 50%).

³ See “Number of Service-wide Forms by Fiscal Year To- Date, Quarter, and Form Status Fiscal Year” for FY 2016 and FY 2019, USCIS.

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Table 3
Top 10 Largest Declines by Country for Visas Issued to Immediate Relatives of U.S. Citizens
FY 2016 to FY 2019

COUNTRY	FY 2016	FY 2019	Decline FY 2016 to FY2019
Mexico	63,764	33,429	-30,335 (-48%)
Dominican Republic	24,869	12,251	-12,618 (-51%)
China	17,807	9,296	-8,511 (-48%)
Haiti	10,217	3,012	-7,205 (-71%)
Philippines	15,875	9,872	-6,003 (-38%)
India	14,815	9,067	-5,748 (-39%)
Yemen	8,447	2,808	-5,639 (-67%)
Jamaica	9,629	4,773	-4,856 (-50%)
Vietnam	12,083	7,835	-4,248 (-35%)
Pakistan	7,440	3,726	-3,714 (-50%)

Source: U.S. Department of State, National Foundation for American Policy. Report of the Visa Office 2019, Table XII: Immediate Relative Visas Issued at Foreign Service Posts (by Applicant’s Area of Birth), Fiscal Years 2010-2019.

Yemen is subject to the travel ban issued in 2017 and later upheld by the Supreme Court. In FY 2019, there were 12,645 ineligibility findings for immigrants and 7,091 for nonimmigrants (temporary visa holders) “subject to 2017 executive order on immigration.” According to the data, 6,785 overcame the ineligibility finding among immigrants and 1,296 among nonimmigrants.⁴

INCREASE IN IMMIGRANT VISA REFUSALS ON PUBLIC CHARGE GROUNDS

The number of visa refusals (ineligibility findings) for immigrants on public charge grounds went from 1,076 in FY 2016 to 20,941 in FY 2019, an increase of 19,865, or 1,846%. That dramatic increase followed a change in public charge in the Foreign Affairs Manual in January 2018.

Table 4
Visa Refusals (Ineligibility Findings) for Immigrants on Public Charge Grounds: FY 2016 to FY 2019

	FY 2016	FY 2017	FY 2018	FY 2019	Increase FY 2016 to FY 2019
Ineligibility Findings for Immigrants on Public Charge Grounds	1,076	3,237	13,450	20,941	+19,865 (+1,846%)

Source: U.S. Department of State, National Foundation for American Policy. The number of ineligibility findings on public charge grounds overcome were FY 2016: 912, FY 2017: 2,016, FY 2018: 7,932, FY 2019: 9,622. Ineligibility findings are not necessarily overcome in the same fiscal year a finding was issued.

⁴ The State Department notes the data in Table XX, where the ineligibility findings are found, “are not directly comparable to refusal counts provided in the Department of State’s Quarterly Report of Implementation of Presidential Proclamation (P.P.) 9645.” Ineligibility findings are not necessarily overcome in the same fiscal year a finding was issued.

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That change in the Foreign Affairs Manual used by consular officers was less restrictive than the public charge rule issued by the Department of Homeland Security in 2019 and which the Supreme Court allowed to go into effect while litigation on the rule continues. The public charge rule allows a consular officer or immigration adjudicator to deny permanent residence to anyone they predict might use certain benefits for 12 months within a future 36-month period.

“The refusal statistics for FY 2019 show the enormous impact the relatively little-noticed change to the State Department Foreign Affairs Manual on how to process the ‘public charge’ visa ineligibility had on blocking immigrant visa applications,” said Gorsky. “This change, which eliminated the prior legal presumption that able-bodied persons were not likely to receive public benefits and shifted the burden of proof to applicants, resulted in a ten-fold increase in visa denials on this basis. Few of the people being denied actually receive public benefits – instead these changes target family members of mainly low-income sponsors. This increase pre-dates the new, even more restrictive, public charge regulation, which the State Department only started to implement in February of 2020.”⁵

It is possible for foreign nationals denied visas to “overcome” the grounds of ineligibility by submitting additional information or due to changed circumstances. The number of immigrants who overcame ineligibility on public charge grounds in FY 2019 was 9,622. The State Department notes, someone may overcome an ineligibility in a different year than the grounds of ineligibility were issued.

The number of potential immigrants denied visas on public charge grounds likely will be higher in FY 2020 and will remain high for as long as the new public charge rule is in effect. The new instructions in the Foreign Affairs Manual instructs consular officers to consider the following “heavily weighted positive factors” for immigrant applicants:

The following factors will weigh heavily in favor of a finding that an applicant is not likely to become a public charge:

(a) (U) The applicant's household has income, assets, or resources, or support from a sponsor, of at least 250 percent of the FPG [Federal Poverty Guidelines] for the applicant's household size;

(b) (U) The applicant is authorized to work and is currently employed or is expected to be employed in the United States with an annual income of at least 250 percent of the FPG [Federal Poverty Guidelines] for the applicant's household size; or

*(c) (U) The applicant has private health insurance for use in the United States covering the period the applicant is expected to remain in the United States.*⁶

⁵ Jeffrey Gorsky.

⁶ See https://fam.state.gov/fam/09FAM/09FAM030208.html#M302_8.

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Among the most controversial aspects of the public charge rule is imposing thresholds of “250 percent” of the Federal Poverty Guidelines that do not appear in U.S. immigration law.

INELIGIBILITY FINDINGS FOR VISA REFUSALS IN FY 2019

When a consular officer declines to issue a visa, he or she cites one or more grounds of ineligibility. It is best to compare the data from year to year, rather than use the data on grounds of ineligibility in comparison to the number of applications within the same year. That is because an applicant may be found ineligible on more than one grounds, according to the State Department.

Table 5
Visa Refusals (Ineligibility Findings) for Immigrants and Temporary Visas: FY 2016 to FY 2019

	FY 2016	FY 2019	Increase FY 2016 to FY 2019
Total Number of Ineligibility Findings for Immigrants	363,724	433,137	+69,413 (+19%)
Total Number of Ineligibility Findings for Temporary Visas (Nonimmigrants)	3,683,812	3,804,717	+120,905 (+3%)

Source: U.S. Department of State, National Foundation for American Policy. Note: An applicant “may be found ineligible under more than one section of the Immigration and Nationality Act,” according to the State Department, which means the number of ineligibility findings may not match up with the number of applications within a single year.

The total number of ineligibility findings for immigrants increased from 363,724 in FY 2016 to 433,137 in FY 2019, an increase of 69,413 or 19%. The total number of ineligibility findings for temporary (nonimmigrant) visas increased from 3,683,812 in FY 2016 to 3,804,717 in FY 2019, an increase of 120,905 or 3%.⁷

Table 6
Visa Refusals (Ineligibility Findings) for Immigrants on 221(g) Grounds: FY 2016 to FY 2019

Grounds for Refusal	FY 2016	FY 2019	Increase FY 2016 to FY 2019
Application Does Not Comply with INA (Immigrant), 221(g)	287,802	334,542	+46,740 (+16%)

Source: U.S. Department of State, National Foundation for American Policy.

⁷ The State Department changed its methodology in FY 2019 on counting the total number of ineligibility findings and applications but it describes the differences as minor: “Although there can be other instances where the two methodologies provide different counts for visa data, the discrepancies between the methodologies are minor.” https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2019AnnualReport/Visa_counts_methods_differences_v F.pdf.

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The number of determinations of visa ineligibility based on 221(g) grounds (“Application does not comply with provisions of the INA [Immigration and Nationality Act] or regulations issued pursuant thereto”) increased for immigrants from 287,802 in FY 2016 to 334,542 in FY 2019, a rise of 16% or 46,740.

Table 7
Visa Refusals (Ineligibility Findings) for Nonimmigrants on (221(g) Grounds: FY 2016 to FY 2019

Grounds for Refusal	FY 2016	FY 2019	Increase FY 2016 to FY 2019
Application Does Not Comply with INA (Nonimmigrant), 221(g)	805,668	916,626	+110,958 (+14%)

Source: U.S. Department of State, National Foundation for American Policy. Nonimmigrants are temporary visa holders.

The total number of ineligibility findings for temporary (nonimmigrant) visas based on 221(g) grounds increased from 805,668 in FY 2016 to 916,626 in FY 2019, an increase of 14% or 110,958.

“This ground of law is used to suspend processing of visa cases before a final decision is made on the case,” according to Gorsky. “It is most commonly used either when there is a request by the consular officer for further evidence, or when the consular officer puts the case into ‘administrative processing.’ Administrative processing is just a term the State Department uses when they do not want to tell the applicant the reason for the denial. It normally means either the case is being investigated due to concerns over visa eligibility or fraud; or that the case is being submitted to Washington agencies for clearance based on security or criminal ineligibility concerns. Most cases submitted for clearance, often due to lookout hits for persons with similar names, are eventually cleared.”⁸ In FY 2019, 147,806 immigrants and 794,229 nonimmigrants overcame ineligibility findings based on 221(g) grounds.⁹

B1/B2 VISA: REFUSAL RATE INCREASES AND VISAS DECLINE

B1/B2 temporary visitor visas for business and pleasure issued by consular officers declined from 6,881,797 in FY 2016 to 5,297,439 in FY 2019, a drop of 1,584,358 or 23%. Some portion of the decline can be explained by the United States in 2014 increasing the length of a B1/B2 visa for China from 1 year up to 10 years, based on reciprocity with China. That meant Chinese visitors making multiple visits to the United States needed to obtain new visas less frequently.¹⁰ Still, this is a significant decline in B1/B2 temporary visas.

⁸ Jeffrey Gorsky.

⁹ Ineligibility findings are not necessarily overcome in the same fiscal year an ineligibility finding was first issued.

¹⁰ <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/us-china-agree-to-extend-visas.html>.

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Table 8
B1/B2 Visas for Business and Tourism: FY 2016 to FY 2019

	FY 2016	FY 2019	Decline FY 2016 to FY 2019
B1/B2 Visas	6,881,797	5,297,439	-1,584,358 (-23%)

Source: U.S. Department of State, National Foundation for American Policy.

Increased refusal rates by U.S. consular officers have played a role in fewer B1/B2 visas issued. Table 9 shows the refusal rates for B1/B2 visas for applicants from China increased from 12.4% in FY 2016 to 18.2% in FY 2019, a nearly 50% increase in the denial rate.

Table 9
Refusal Rates for B1/B2 Visas for Business and Tourism for China

	FY 2016	FY 2017	FY 2018	FY 2019
Refusal Rate for B1/B2 Visas for China	12.4%	14.6%	17%	18.2%

Source: U.S. Department of State, National Foundation for American Policy.

THE NUMBER OF STUDENT VISAS ISSUED DECLINED

The number of F-1 visas for international students declined from 471,728 issued in FY 2016 to 364,204 in FY 2019, a fall of 23% or 107,524. The number of F student visas issued to India fell by 19,236 or 29% between FY 2016 and FY 2019.¹¹ (See Tables 10 and 11.)

Table 10
International Student Visas Issued: FY 2016 to FY 2019

	FY 2016	FY 2019	Decline FY 2016 to FY 2019
F-1 Student Visas	471,728	364,204	-107,524 (-23%)

Source: U.S. Department of State, National Foundation for American Policy.

¹¹ State Department data for India for FY 2016 and FY 2019 include F-2 spouses and children.

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Table 11
International Student Visas Issued to Indians: FY 2016 to FY 2018

	FY 2016	FY 2019	Decline FY 2016 to FY 2019
F Student Visas for Indians	65,257	46,021	-19,236 (-29%)

Source: U.S. Department of State, National Foundation for American Policy.

CONCLUSION

State Department consular officers have played a pivotal role in the Trump administration's efforts to reduce legal immigration. The impact has been felt: Fewer people have the opportunity to live and work in the United States and many American citizens have not be allowed to live in America with their spouse, child or parent. Trump administration policies are projected to reduce the annual level of legal immigration to the United States by 30% or more, resulting in 350,000 fewer legal immigrants receiving permanent residence each year compared to the FY 2016 level of 1,183,505. NFAP projects in the long term that the average annual U.S. labor force growth, a key component of economic growth, will be between 35% and 59% lower in America as a result of Trump administration immigration policies. State Department policies and actions will remain an important part of the immigration policy landscape.

ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

Established in 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) non-profit, non-partisan public policy research organization based in Arlington, Virginia, focusing on trade, immigration and related issues. Advisory Board members include Columbia University economist Jagdish Bhagwati, Cornell Law School professor Stephen W. Yale-Loehr, Ohio University economist Richard Vedder and former INS Commissioner James Ziglar. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post*, and other major media outlets. The organization's reports can be found at www.nfap.com.

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