

# Calculation of the Adjusted Visa Refusal Rate for Tourist and Business travelers under the Guidelines of the Visa Waiver Program

1. What is the Visa Waiver Program?
2. What is a visa refusal?
3. What is a refusal overcome?
4. What is a waiver of ineligibility?
5. How is the Visa Waiver Program adjusted visa refusal rate calculated?
6. Other considerations regarding the Visa Waiver Program adjusted refusal rate.
7. Current visa waiver program refusal rate data.

## 1. What is the Visa Waiver Program?

The Visa Waiver Program enables nationals of certain countries to travel without a visa to the U.S., when the intended travel is for "B" visa purposes (tourism or business) for stays of 90 days or less, if the traveler meets certain requirements. For more information, see [http://travel.state.gov/visa/temp/without/without\\_1990.html](http://travel.state.gov/visa/temp/without/without_1990.html). The Visa Waiver Program is administered by the Department of Homeland Security.

## 2. What is a Visa Refusal?

Under U.S. immigration law, a visa must be denied if the applicant cannot establish his or her eligibility, either because the application does not meet the requirements of an established visa category, or because there are grounds for ineligibility based on other aspects of the visa case. A visa refusal is the formal denial of a nonimmigrant visa application by a U.S. consular officer acting pursuant to the Immigration and Nationality Act. (More about visa refusals may be found at [http://travel.state.gov/visa/frvi/ineligibilities/ineligibilities\\_1364.html](http://travel.state.gov/visa/frvi/ineligibilities/ineligibilities_1364.html)).

## 3. What is a Refusal Overcome?

Some visa refusals can be overcome by the presentation of additional information. "Overcomes" are cases in which an initial decision to deny a visa or suspend processing in a visa case is overcome by the new information or changed circumstances that establishes an applicant's eligibility for the visa (and the visa is then issued).

## 4. What is a Waiver of Ineligibility?

Some visa refusals require a waiver of ineligibility which must be approved by the Department of Homeland Security before a visa may be issued.

## 5. How is the Visa Waiver Program Adjusted Visa Refusal Rate Calculated?

The Visa Waiver Program nonimmigrant visa refusal rate is based on the number of visitor ("B") visa applications submitted, worldwide, by nationals of that country. (B visas are issued for short-term business or pleasure travel to the United States. For information about qualifying for a "B" visa for business or tourism, please see [http://travel.state.gov/visa/temp/types/types\\_1265.html](http://travel.state.gov/visa/temp/types/types_1265.html))

The adjusted refusal rate equals: [Refusals minus Overcomes] divided by [Issuances plus Refusals minus Overcomes].

Example: Determination of "B" Visa Adjusted Refusal Rate for Country X:

"B" visa applicants from Country X, applying for their visas worldwide, had 305,024 issuances; 20,548 refusals; and 8,880 refusals overcome.

Refusals minus Overcomes = 20,548 - 8,880 = 11,668 Issuances plus Refusals minus Overcomes = 305,024 + 20,548 - 8,880 = 316,692 11,668 divided by 316,692 = 3.7% (Adjusted Refusal Rate)

The number of visa applicants who receive waivers of ineligibility is not considered when calculating Visa Waiver Program adjusted refusal rates.

This is because a visa applicant requiring a waiver of ineligibility must apply for that waiver and receive approval before obtaining a visa with the waiver annotated. Therefore, applicants requiring such a determination would not be eligible to participate in the Visa Waiver Program, because the decision regarding the application for waiver of ineligibility could not be made at a port of entry.

#### **6. Other Considerations Regarding the Visa Waiver Program Adjusted Refusal Rate.**

A country's visa refusal rate is just one of the criteria considered when determining a country's eligibility for Visa Waiver Program status. For more information, see "How a Country Qualifies for the Visa Waiver Program," at

[http://www.travel.state.gov/visa/temp/without/without\\_1255.html](http://www.travel.state.gov/visa/temp/without/without_1255.html). It is important to note that the Visa Waiver Program is administered by the Department of Homeland Security.

Adjusted visa refusal rates for nationals of Visa Waiver Program countries reflect only visa applications submitted at U.S. embassies and consulates abroad. They do not take into account persons who, under the Visa Waiver Program, travel to the U.S. without visas. Visa Waiver Program country refusal rates therefore tend to be higher than they would be if the Visa Waiver Program travelers were included in the calculation, since such travelers would in all likelihood have been issued visas had they applied.

#### **7. Current visa waiver program refusal rate data.**

[FY2008 NIV B Adjusted Refusals by Nationality](#)

[FY2007 NIV B Adjusted Refusals by Nationality](#)

[FY2006 NIV B Adjusted Refusals by Nationality](#)