



## **Reinstatement to F-1 Status**

Filing a reinstatement application is an opportunity for a student who has violated the terms of F-1 status to regain legal status. The petition is reviewed and a decision rendered by the U.S. Citizenship and Immigration Service. A reinstatement application is not appropriate in all cases. Students must work with the International Student Advisor for advice and assistance with the reinstatement process.

### **USCIS considerations for approval:**

- Must not have engaged in unauthorized employment
- Must be currently pursuing or intending to pursue in the next available term, a full course of study as listed on the form I-20
- Application filed within five months of the circumstance that caused student to lose status unless it can be shown that there were exceptional circumstances that prevented the application from being made sooner
- Student should not have a record of repeated violations
- Student should not be deportable on any grounds other than the status violation which caused the need for a reinstatement request
- Must be able to show that the violation resulted from either:
  - circumstances beyond the student's control such as serious injury, natural disaster, or inadvertence, oversight, or neglect on the part of the designated school official or
  - the violation is the result of a reduction in courseload that would have been approvable and that failure to receive reinstatement would result in extreme hardship to the student

### **Application Process**

- Provide necessary documents for issuance of a new I-20
  - Financial support documents
  - Admission letter if there has been a break in study
- Sign the I-20 for reinstatement and bring the following supporting documents to the Office of International Programs
  - Completed I-539 form (available from <http://www.uscis.gov/portal/site/uscis>)
  - Check or money order for the \$290 filing fee made payable to U.S. Department of Homeland Security
  - Letter of explanation stating the circumstances, enrollment status, request for reinstatement and explaining the effects on the student should reinstatement not be granted
  - Copies of all previous I-20s
  - Copies of passport information and visa pages
  - I-94 card
  - Any other materials that would help support approval of the case

### **While the application is Pending**

- Student may enroll and attend classes
- Student may not work or have any of the benefits of F-1 status unless and until a favorable decision is received.



**Post-filing Outcomes**

- You will receive a receipt notice with your case number and instructions for checking the case status online. Reinstatement processing typically takes several months and varies depending on the circumstances. Some applications have taken as long as six months. Most receive decisions in 3-4 months.
- Once a decision is made, the school will receive an email notice and the official paper notice will be sent to the address on the form I-539.
- If approved, student must enroll full time, may begin on-campus employment and may apply for F-1 benefits such as curricular and optional practical training if otherwise eligible.

**Consequences of a Reinstatement Application Denial**

- Visa that was used for entry is cancelled
- Student is limited to applying for future visas in his/her country of citizenship or permanent residence
- Student begins accruing days of unlawful presence. Accrual of more than 180 days of unlawful presence makes one subject to a three year bar from entry to the U.S. and one year or more of unlawful presence bars future entry to the U.S. for ten years.
- Appeal is not possible, however a motion to reopen or reconsider is possible in some cases.

For questions and information about alternatives to the reinstatement process please contact the International Student Advisor.