

REINSTATEMENT TO F-1 STATUS

As you know, F-1 students are required to abide by all immigration regulations relating to F-1 status. Occasionally, students do not follow these regulations and fall out of status. Fortunately, the US Citizenship and Immigration Service gives F-1 students the opportunity to regain their status. There are two ways that you can regain your status. The first is a process called reinstatement. The second is through traveling to regain your status.

This packet gives you the details for both methods of regaining your status. It is important that you meet with an advisor to discuss the most appropriate method to regain your status as soon as you learn that you are in violation of your status. There are time limits on when you can apply for reinstatement and other time-sensitive issues that should be discussed. Remember that if you do fall out of status, the advisors are here to help you. They cannot undo or disregard the violation; however, they will work with you so you can regain your status and complete your studies in valid F-1 status.

Violations of F-1 Status:

Any violation of a term or condition of F-1 status will make a student (and/or his or her dependents) out of status with the USCIS. Some common violations include:

- Enrolling in less than a full course of study without prior approval from an advisor
- Attending a school other than the one you are authorized to attend on your I-20 without properly following the school transfer procedures
- Failure to apply for a timely transfer, program extension, or change in program level
- Unauthorized employment, including working on campus more than 20 hours per week while school is in session

Under the new regulations, advisors are required to report any violation of status to the USCIS. It is extremely important that you discuss your options to regain status with an advisor as soon as you become aware of the violation in order to comply with the requirements for reinstatement.

Eligibility for Reinstatement:

A student who has violated status may be reinstated to lawful F-1 status at the discretion of a USCIS District Director, but only under the limited conditions as follow:

- (A) The student has not been out of status for more than five months;
- (B) The violation of status resulted from circumstances beyond the student's control or that failure to receive reinstatement to lawful F-1 status would result in extreme hardship to the student;
- (C) The student is currently pursuing, or intending to pursue, a full course of study at the school that issued the I-20;
- (D) The student has not engaged in unauthorized employment; and
- (E) The student is not deportable on any ground other than failing to maintain status.

Procedures for applying for reinstatement:

Reinstatement applications are prepared by the student and the International Student Advisor. After meeting with an advisor, the student will be responsible for mailing the application to the New York (or Newark depending on your state of residency) USCIS District Office. A Schools Officer at the District Office will review your application and made a decision whether to reinstate your student status. The USCIS will notify you and the advisor about the decision on your reinstatement.

Please see the attached page detailing the documents required for the reinstatement application.

Alternative to reinstatement: Travel to regain status

The alternative to filing for reinstatement is to travel outside the United States and re-enter the country. The student will receive a new I-20 created specifically to travel and regain status prior to leaving and receive a new I-94 upon re-entering the country. In order to successfully travel and regain status, the student must have a new I-20, as well as a valid passport and F-1 visa. Students who received a change of status in the U.S. or whose visas have expired would be required to obtain a new visa at the U.S. embassy or consulate.

Re-entry can put the student back to F-1 status. However, re-entry to the U.S. after a status violation is viewed by USCIS as a new entry in F-1 status. This means that you will be bound by the regulations for students arriving for the first time to the United States. Most significantly, this will affect your eligibility for practical training. If you travel to regain status, you will have to wait one full academic year before you will be eligible for practical training (CPT, OPT) or economic hardship employment authorizations.

Reinstatement Filing List

- _____ Completed I-539, Application to Extend/Change Nonimmigrant Status
- _____ Letter of explanation, written by you, explaining why you fell out of status, the effect on you if you are not reinstated, statement that you are currently pursuing or intending to pursue a full course of study, and a specific request that the USCIS reinstate you to F-1 status.
- _____ New financial documents and affidavit of support (if necessary) to receive new I-20 for presentation to USCIS.
- _____ Unofficial transcript and current registration, obtainable from the Office of Student Assistance (OSA) registrar.
- _____ Copy of passport, including expiration date and visa pages of passport.
- _____ Copy of OPT card if any.
- _____ Original Form I-94.
- _____ \$370 fee, payable by check or money order to Department of Homeland Security.
- _____ Copies of all previously issued I-20s.
- _____ New I-20, created by the ISSO for reinstatement.
- _____ Support documentations if any, such as doctor's notes
- _____ Cover letter from ISSO.

Mailing:

The student is responsible for mailing all the prepared documents to the US Immigration and Naturalization Services at Vermont Service Center:

USCIS Vermont Service Center

75 Lower Welden Street

St. Albans, VT 05479

ATTN: I-539 (Reinstatement to F-1)

It is strongly recommended that you use express mail. Keep mail tracking number in a safe place until you receive an official receipt from USCIS.