Reinstatement

The U.S. Citizenship and Immigration Services (USCIS) permit students who have violated their F-1 status to apply for reinstatement. The decision to reinstate a student is based on the information supplied by the applicant and immigration law. The process may take a few weeks to several months depending on the how complicated the case is and how busy USCIS is. There is no guarantee that your application for reinstatement will be approved. The following checklist will offer guidance in your application for reinstatement.

Reinstatement can be processed by traveling outside the U.S with a new I-20 and attempting re-entry/applying for a new visa, or by applying for reinstatement within the U.S through USCIS. Both options have some level of risk involved and none guarantee approval.

Checklist:

Eligibility Requirements:
You must:

- not have been out of status for more than 5 months unless you can demonstrate exceptional circumstances.
- be pursuing, or will in the next available term be pursuing, a full course of study.
- not have engaged in unauthorized employment.
- be able to demonstrate that the violation of status resulted from circumstances beyond your control.

Submit paperwork to International Student and Scholar Services:

- Legible copies of:
  - passport ID pages
  - latest Admission Stamp (red stamp inside passport)
  - latest Visa
  - front page and signature page of all previous I-20s from all schools
  - any previously-issued Employment Authorization Documents
- Original I-94 card
- $300 Fee: check or money order payable to Department of Homeland Security
- Affidavit of Support
- Letter of Explanation stating:
  - why you are out of status (specify the violation)
  - the reason for the status violation
o the effect on you if the reinstatement is denied
o a statement that you are pursuing or intending to pursue a full course of study
o a specific request that the USCIS reinstate you to F-1 student status
o The letter should establish convincingly that the violation resulted from circumstances beyond your control.

☐ Any other documentation in support of your application
☐ New I-20 issued by the International Student and Scholar Services for reinstatement
☐ Letter from the DSO recommending reinstatement
☐ Proof of SEVIS Fee payment (for those applying for reinstatement after being out of status for more than 5 months)\(^1\)

**Process:**

- Please submit your documents to the Front Desk in the CIE for processing.
- You will be contacted within 2 weeks for a signature on your new I-20 to be submitted as part of your application for reinstatement to USCIS.

During the processing time:
- you are ineligible for any F-1 benefits such as work authorization, transfer, or travel outside the U.S.
- it is recommended that you maintain a full course of study.

- If your application for reinstatement is approved, you will receive your I-94 card and your Form I-20 back from USCIS with red approval stamp. Congratulations!
- If your application for reinstatement is denied:
  - Your F-1 student visa is automatically cancelled.
  - You are required to leave the U.S. within 15 days unless you wish to work with an attorney to file a “motion to re-open” your case by presenting new and different information (within 30 days).
  - You will be permanently limited to applying for nonimmigrant visas in the future only in your home country of citizenship or permanent residence.
  - You will begin accumulating days of “unlawful presence”. If you remain in the U.S. after the denial for over 180 days, you will be barred from returning to the U.S. for 3 years; if you remain for one year or more, you will be barred for 10 years.
  - There is an official record of the violation of status in DHS files, which can have future impact on eligibility for immigration benefits.

**Alternative Process**

- A student may depart the U.S., apply for a new visa and attempt re-entry with a new I-20. Consular officers may ask questions about prior time in the U.S. and can deny a new visa and/or re-entry.

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\(^1\) Specific information is required from the new Form I-20 for the SEVIS fee payment. You must first submit an Affidavit of Support for the Form I-20 to be created. You will then be given the appropriate information to pay your SEVIS fee. Please request a SEVIS Fee Info Sheet for more information about the fee.