Reinstatement

Students who have a terminated or completed I-20 are considered out of F-1 status and must be reinstated to continue to enroll and apply for F-1 visa benefits. Students have two options to regain legal F-1 status:

- Leave and re-enter the US on a new I-20 record (must pay the SEVIS I-901 fee again)
- Apply for reinstatement to USCIS while remaining inside the US

The first option could mean high travel costs and losing time accrued for OPT and CPT eligibility. The second is only an option if a student can make a legitimate case that they fell out of status due to circumstances beyond their control or some significant hardship. While a reinstatement application is pending, a student must maintain full time enrollment, but cannot work on or off campus while the application is pending. In most cases, it could take up to 6-9 months or longer for USCIS to make a final decision on a reinstatement case.

To qualify for reinstatement a student must meet the following criteria:

- Have not been out of status more than five months
  - Students who have been out of status longer than 5 months must have evidence of exceptional circumstances that prevented them from regaining legal status in a timely manner.
- Currently pursuing a full course of study towards a degree
- Do not have a history of willful violations
- Have not engaged in unauthorized employment
- Are not deportable on any other grounds

Students should act quickly if they fall out of status to avoid accruing too much time of unlawful presence. Accumulating 180 days or more could mean being barred from entering the US for up to three years or more. Applying for reinstatement or leaving and re-entering on a new I-20 record will stop the unlawful presence ‘clock’.

Students should make an appointment with ISSS to discuss reinstatement options.

Checklist for a Reinstatement Application:

- Completed and signed I-539 (check box 1c ‘Reinstatement to Student Status’)
- $370 check or money order for I-539 application fee
- Reinstatement I-20 from ISSS
- Letter from student outlining the circumstances of how they fell out status and any evidence to support argument
  - The letter should discuss how the violation resulted from circumstances outside the student’s control (i.e. financial hardship, illness, misadvised by DSO)
• A support letter from ISSS confirming the student's situation and recommending reinstatement
• Copies of financial documents showing funding for at least one year of study (must be equal to or greater than cost of attendance amount on I-20)
• Copies of most recent I-94, F1 visa page, and passport biographical page (including dependents if applicable)
• Transcript copies showing current full time enrollment
• Proof of I-901 fee for original I-20

Reinstatement applications that are denied cannot be appealed. The student will have to leave the United States as soon as possible and re-enter on a new I-20 record and F-1 visa if they wish to continue their academic program. The visa the student originally used to enter the US will be invalid.