

Reinstatement to F-1 Status

As a student in F-1 status, you are expected to comply with immigration regulations. If you fail to comply with these regulations, you will be "out of status". When you are out of status, you are no longer eligible for on-campus employment, practical training, and recertification of your I-20 for re-entry to the US, or any other benefits of F-1 status.

Some examples of violating of your F-1 status are the following:

- *Failure to extend I-20 before the expiration deadline*
- *Failure to complete the F-1 transfer procedure in a timely manner*
- *Failure to take less than a full course of study without prior written authorization from the college's DSO for an excusable academic or medical reason under USCIS regulations (no later than the college's published registration period)*

Reinstatement allows you the opportunity to regain valid F-1 status and have the mistakes you made corrected by USCIS. You will only be considered for reinstatement as an F-1 student if you establish the following:

- *That the violation of status was due solely to circumstances beyond your control or that failure to reinstate you would result in extreme hardship*
- *You are pursuing or will pursue a full course of study*
- *You have not been employed without authorization*
- *You are not in removal proceedings*
- *You have not been out of status for more than 5 months*
- *Can document sufficient financial resources to pursue a full-time course load*
- *Do not have a history of repeated violations*

Procedure: The application for reinstatement is made by you directly to USCIS. The DSO does not have a role in approving your application. Only USCIS can reinstate your status.

Your reinstatement application must include the following documents:

1. *A request for reinstatement, written by you, explaining why you fell out of status and why the circumstances were beyond your control*
2. *A new SEVIS I-20 issued by the DSO for purposes of reinstatement (signed by you and the DSO)*
3. *A completed Form I-539, available on the USCIS web site at: <http://www.uscis.gov/forms>. **Note:** Write "REINSTATEMENT" in red ink at the top of the Form I-539. In Part 2, question 1, check "C." In Part 3, question 1, write "D/S" (duration of status). In part 4, question 3e, check "yes".*
4. *A photocopy of your financial support documents to show evidence of continued funding—documents should be recent (no more than 12 months old)*
5. *Copies of your passport and visa*
6. *Your original I-94 card*
7. *A photocopy of your previous I-20 form(s)*
8. *Transcripts*
9. *A personal check or money order of *\$410 payable to "US Department of Homeland Security" (A check is preferable because, if necessary, you can determine if and when it is cashed.)*

If you have dependents in the US, you must also include them in the application since a violation of your F-1 status affects your dependent family members as well.

Copy your entire application for your records (including both sides of your I-94 card) and mail original to the *USCIS Vermont Service Center*. Be sure to address the envelope with a reference to *F-1 Reinstatement*. Send the application by certified mail, return receipt requested to:

USCIS Vermont Service Center ATTN: I-539 75 Lower Welden Street, St. Albans, VT 05479

If your request for reinstatement is approved, the USCIS officer will stamp your I-20 to indicate that you have been reinstated and return it. Once the reinstatement is approved, you are once again eligible for the benefits of F-1 status. Contact the DSO when you receive information from USCIS. Bring the reinstated I-20 to the DSO's office. (F-2 dependent status is automatically reinstated with the reinstatement of the F-1 student.) If the application is denied, you will be notified and required to leave the US.

Final Considerations

- *Processing times at USCIS vary greatly. Expect to wait 2-4 months before receiving a response. **You must continue to be a registered full-time student while you wait.***
- *You are NOT eligible for any F-1 student benefits, such as practical training employment authorization or working on campus, unless the USCIS reinstates you to F-1 student status.*
- *Travel outside the US while a reinstatement application is pending may be considered an abandonment of the application. If you need to leave the US while your application is pending, you must meet with the DSO prior to travel.*

Alternative to Reinstatement; Travel and Re-entry

You also have the option of traveling to regain status instead of applying for reinstatement. When you travel to regain status, you are issued a new I-20 for "Initial attendance" with a new SEVIS ID number. You then leave the US and re-enter using the new I-20. When you enter the US and receive an I-94 marked "F-1 D/S", you will once again be in valid F-1 status. However, if you choose to travel to regain status, you will forfeit any time you have accrued toward practical training eligibility. You will need to be registered for one academic year in order to qualify for practical training.

Reinstatement vs. Travel and Re-entry: Frequently Asked Questions

What is the major difference between the two options? Students who are reinstated continue in their previous F-1 status. Students who choose travel and re-entry are considered initial status students. This is most important when considering eligibility for Optional or Curricular Practical Training. Students who re-enter using a new I-20 will be required to complete one academic year before becoming eligible to apply for off-campus employment.

What are the costs associated with each option? Reinstatement costs *\$410. Travel and re-entry costs *\$200 for F-1 students (SEVIS fee), plus any expenses incurred for travel and visa applications.

Which option is the least risky? Each option has its risks. If your application for reinstatement is denied, you will be required to depart the U.S. immediately. If you are denied re-entry at the border, you may be required to return home immediately from the port of entry.

(*Fees may change without advance notice. Visit www.uscis.gov for current fees.)