

F-1 REINSTATEMENT FACT SHEET

QUALIFICATIONS

A non-immigrant alien with F-1 status who has failed to maintain status may apply for reinstatement for lawful status at the discretion of USCIS (United States Citizenship & Immigration Services), but only under limited conditions specified in Immigration Regulations.

An application for reinstatement may be considered if the following can be proved:

- You have not been out of status for more than 5 months at the time of the request;
- You do not have a record repeated or willful violations of regulations;
- You are pursuing or will in the next available term, a full course of study at the school which issued the Form I-20;
- You are not engaged in unlawful employment;
- You are not deportable on any ground other than the status violation
- The status violation was due to circumstances beyond your control, or failure to timely submit a Reduced Course Load Authorization. Such circumstances might include serious injury, illness, closure of institution, a natural disaster, or inadvertence, oversight or neglect on the part of the DSO.
- Failure to receive reinstatement would result in extreme hardship to you.

WHEN TO APPLY

You must apply to Immigration for reinstatement of F-1 student status if:

- you did not carry a full course of study and did not obtain prior approval from an international student adviser;
- you did not attend school during fall, winter or spring quarter unless you were excused from medical reasons;
- you failed to attend the school you were authorized by the immigration service to attend;
- you did not notify Immigration of a transfer or change of educational levels in a timely manner;
- you remained in the US beyond the time authorized under duration of status and did not apply for extension of stay;
- you violated the immigration regulations in any other manner;

HOW TO APPLY

Please make an appointment with your International Student Adviser and bring the following documents with you to your appointment.

Application Items

- ✓ I-539 “Application to Extend/Change Nonimmigrant Status”
- ✓ Financial documents that were presented to the school showing certified financial support of educational, living and personal expenses for at least one year. *If there is a U.S. sponsor that is covering any or all of the expenses it is highly suggested that an I-134 “Affidavit of Support” be completed and notarized.*
- ✓ Letter from student explaining why student is out of status. Include the following:
 - Why you are out of status (specify the violation)
 - The reason why the violation occurred.
 - Why you want reinstatement and the effect on you if you cannot receive reinstatement.
 - A statement that you are pursuing or intending to pursue a full course of study
- ✓ Official transcripts from all previous schools. (*Must be in sealed envelope*)
- ✓ Copy of all previously issued Form I-20’s
- ✓ Copy of any previous CIS documentation approval
- ✓ \$300.00 check or money order payable to U.S.C.I.S.
- ✓ Proof of payment of \$100 SEVIS I-901 fee. Pay online at www.fmjfee.com
- ✓ Passport and I-94
- ✓ CIS fax confirming student’s appointment date and time.

The International Student Adviser will prepare the following materials to be sent along with the above packet:

- ✓ I-20 issued by PUC
- ✓ Letter from PUC International Student Advisor

The required forms, supporting documents, and payment of \$200.00 must be mailed to the designated United States Citizenship and Immigration District Office. Student mails these forms to:
United States Citizenship and Immigration Services (USCIS)

La Office Location:

Mailing Address:

Laguna Niguel District Office

P.O. Box 10539

Laguna Niguel, CA 92607-1053

IF APPROVED

If the application for reinstatement is approved, student should bring a copy of the approved I-20 to the ISA. It may take the immigration service 60 to 120 days to decide the case. If the application is approved, you are restored to student status with full-credit for previous time spent in status as it relates to eligibility for practical training. The CIS official will stamp page 1 of the I-20. The international student adviser will contact you when your documents are returned.

IF DENIED

There is no formal appeal procedure if reinstatement is denied. You will be issued a notice of voluntary departure and will be expected to leave the United States. However, if the application is denied, you will have 30 days to file a “motion to re-open” presenting new evidence in support of the reinstatement.

WHAT ARE THE CONSEQUENCES OF A REINSTATEMENT DENIAL?

- The visa that the student used to enter the United States is automatically cancelled.
- The student is permanently limited to applying for nonimmigrant visas in the future only in his or her country of citizenship or permanent residence.
- The student will begin accumulating days of “unlawful presence.” If the student remains in the United States after the denial for over 180 days, he or she will be barred from the United States for three years; if he or she remains after the denial for one year or more, he or she will be barred from the United States for ten years, (I.N.A. 222 (g) and 212 (a)(9)(B))

AN ALTERNATIVE TO REINSTATEMENT

Students who are not eligible, or who are poor candidates, for reinstatement have an alternative to regaining their student status. Students who find themselves in this situation have the option of obtaining a new I-20 marked "Initial Attendance" and then using that new I-20 to travel outside of the US and reenter. This is not the same as reinstatement and does not correct, or wipe out, previous mistakes, but does allow a student to regain lawful student status.

By using this method, students are effectively making a new entry to the United States. By making a new entry they are in effect starting all over again. This has implications, in that it means that one has to maintain status for a period of one full academic year (fall, winter, spring) after the new entry, before one can regain any eligibility for practical training or other off-campus work authorization.

The travel alternative may also be right for students to be restored to F-1 status so that they can take up on-campus employment. For these individuals, the speed of the travel option outweighs applying for conventional reinstatement even for people who are excellent candidates for reinstatement.

TRAVEL AND REENTER

If you still have a valid visa, then you simply need to exit the United States and reenter using the new I-20. It is very important to make sure that your I-20 is stamped by an immigration officer when you reenter the country

and that you receive a new I-94 card. For students who travel by land this is a particular problem at the border crossings and students need to be sure that they do not leave the border without getting the necessary stamps and forms.

If your visa has expired you will have to obtain a new U.S. visa to re-enter the United States.

With the travel and reentry strategy, there is the risk that you could be denied entry into the United States. While uncommon if your papers are all in order (that is you have a new, signed I-20, valid passport, and valid F-1 visa), this is a risk to be considered in your calculations.

WHAT TO DO

For students who need to travel and reenter, different steps need to be followed.

1. Obtain current financial documentation/bank letter from sponsor.
2. Request a new SEVIS I-20 for travel and reentry from the International Student Adviser, circumventing the need for reinstatement.
3. Repay the SEVIS fee if you have been out of status for more than 5 months or out of the U.S. for more than 5 months.

If you still have a valid visa, then you simply need to exit the U.S. and reenter using the new I-20. It is very important to make sure that your I-20 is stamped by an Immigration Officer when you reenter the country.

IMPORTANT NOTE FOR TRAVEL THROUGH CANADA/MEXICO

If your visa is expired and you need to apply for a new visa in Canada or Mexico, you need to be aware of recent changes that make this a risky option. Under new regulations issued in April 2002, if an individual applies for a new US visa at an US Embassy or Consulate in Canada or Mexico, they must wait in Canada or Mexico until the new visa is approved before returning to the US. In addition, if the visa application is denied you will need to travel directly back to your home country to apply for the new visa and cannot pass through the US on your way back home. For these reasons, we are not advising students and scholars to apply for visas in Canada or Mexico.