

REINSTATEMENT TO F-1 STATUS

A student who has failed to maintain lawful F-1 status will need to be reinstated back to the F-1 status. You may be reinstated back to F-1 status at the discretion of the USCIS District director. This option is only available for people who have been out of status for **less** than 5 months.

Eligibility Requirements

- The applicant does not have a history of repeated violations
- The applicant is currently pursuing, or will pursue in the next available term a full course of study
- The applicant has not engaged in any unauthorized employment
- The applicant is not deportable on any grounds other than the status violation for which reinstatement is being requested
- The applicant must demonstrate that the status violation resulted from circumstances beyond the student's control or failure to apply in a timely fashion for reduced course load authorization and that the applicant would experience extreme hardship if the reinstatement application was not approved.

Important Information

1. You must stop all employment while your reinstatement application is pending.
2. You will gain your employment benefits (such as practical training) after status has been granted, provided that you have previously met the 9 consecutive months in valid status before the violation. If you did not accrue 9 months prior to falling out of status, you will need to accumulate 9 months before engaging in practical training.
3. You must register full-time for classes.
4. According to the new regulations if a student has been out of status for more than 5 months, he/she is presumed to be ineligible to apply for reinstatement unless the student can show that there were outstanding circumstances, which prevented the filing of the application before the 5-month period.
5. In some instances it will be best to depart the country and reenter with a new I-20 however, this will be viewed as a new entry and you will be subject to waiting one "full academic year before you apply for off-campus employment.
6. "If the reinstatement application is denied, the denial cannot be appealed (although a motion to reopen or reconsider may be filed if warranted)."

7. The denial of the reinstatement denial would have the following effects on your immigration records, as of the date of the denial:
 - 7a. The visa that the applicant used to enter the country is automatically canceled.
 - 7b. The applicant will be permanently limited to applying for future nonimmigrant visas in your country of citizenship or permanent residence.
 - 7c. The applicant will begin to accumulate days of “unlawful presence, ” in the United States.
 - 7d. The applicant will be barred from returning to the U.S. if the student remains in the U.S. (after the denial) for over 180 days. If student remains in the U.S. for one year or more, the student will be barred from returning to the U.S. for 10 years.

Application Documents

1. Form I-539, Application to Extend/Change Nonimmigrant Status. Please fill and download the form from the USCIS website: <http://uscis.gov/graphics/formsfee/forms/i-539.htm>
 - 1a. Write “REINSTATEMENT” on the top of the application with a red marker
2. Check made payable to the US Citizenship and Immigration Services for **\$300.00**
3. Original I-94 card
4. A **new** original “reinstatement” I-20
5. Letter from student demonstrating that:
 - 5a. Falling out of status resulted from circumstances beyond student’s control.
 - 5b. Failure to be reinstated will result in hardship to the student
6. Letter from the Designated School Official recommending reinstatement (optional for DSO)
7. Copy of the new financial documents used for issuance of the new I-20
8. Photocopy of all previously issued I-20’s
9. Photocopy of visa page
10. Photocopy of the biographical pages of passport.
11. Photocopy of school transcripts
12. Any other documentation that might help establish the nature of the violation

Mail all documents by using a return receipt requested method to:

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

NOTE: Remember that USCIS is constantly changing the regulations; therefore you should check with the Office of International Students & Scholars or check our website at <http://www.uri.edu/iss>. Keep this handout with you for future reference.