

Reinstatement For F-1 Students

Definition

Reinstatement is an option for an F-1 student who fails to maintain status and wishes to regain status without leaving the U.S. An F-1 student must be in status to be eligible for any benefits such as work permission including practical training, program extension, school transfer, and adjustment of status. Depending on the circumstances of the individual's case, reinstatement may or may not be the best option. Traveling outside the U.S. and re-entering with an Initial Attendance I-20 to regain your status may be a better option. Please consult with an international student advisor.

Eligibility

To apply for reinstatement, the student:

- 1) cannot have been out of status for more than 5 months at the time of filing reinstatement (unless the student can demonstrate exceptional circumstances and he/she is filing as promptly as possible);
 - 2) does not have a record of repeated or willful violations of USCIS regulations;
 - 3) is currently pursuing, or intending to pursue a full course of study in the immediate future;
 - 4) has not engaged in unauthorized employment;
 - 5) is not deportable on any other grounds; and
 - 6) establishes to the satisfaction of USCIS by a detailed explanation showing either that
 - i) the violation of status resulted from circumstances beyond the student's control (such as serious injury or illness, closure of KU, a natural disaster, or a mistake made by the international student advisor)
- OR
- ii) the violation relates to a reduction in course load that would have been in the international student advisor's power to authorize, and failure to approve reinstatement would result in extreme hardship to the student.

Forms

Forms can be picked up in ISSS or downloaded from the International Student and Scholar Services website at: <http://www.ku.edu/~issfacts>. Select 'ISSS Forms' on the left navigation column.

How To Apply

1. Write **your own letter** explaining the circumstances. You will need to briefly explain the violation and outline how you are eligible according to the criteria above.
2. Complete USCIS **Form I-539** (download from <http://www.uscis.gov/>; click on Immigration Forms tab; choose I-539).
3. Complete ISSS's **I-20 Request form**.
4. If appropriate, obtain a **letter from your academic adviser** confirming expected completion date and that you are making normal progress toward a degree.
5. Assemble **supporting documents** for your request to be reinstated. These materials will vary from situation to situation but might include such things as your transcript to show your academic record or

medical records/letters from a doctor to confirm a medical condition. Include documents that support what you claim in your personal letter.

6. Make an appointment with an international student advisor. Allow 60 minutes for the meeting. Bring **your letter**, the completed **I-539**, the completed **I-20 Request form** accompanied with **proof of finances**, all your **travel documents** and any **supporting documents**, including **your academic advisor's letter**, if applicable.
7. After receiving a new I-20 from an international student advisor, mail your application to:

**USCIS California Service Center
P.O. Box 10539
Laguna Niguel, CA 92607-1053**

Send the following materials, stapled together in the upper left corner:

- 1) Personal check or money order for **\$300.00** made payable to U.S. Department of Homeland Security
- 2) Original **I-94** card (not a photocopy)
- 3) USCIS Form **I-539, completed**
- 4) **Your own letter** explaining the circumstances
- 5) New, original **I-20** (all three pages), signed by you in section 11 and by an ISSS advisor on pages 1 and 3
- 6) **Letter from your academic adviser** (optional)
- 7) **Proof of full-time enrollment** (transcript or ARTS form) (recommended)
- 8) **Evidence of financial support.** USCIS Form I-134 is recommended (download from <http://www.uscis.gov/>; click on Immigration Forms tab; choose I-134). Other evidence that may be sufficient: Past 4 months of bank statements (a letter from the bank is insufficient).
- 9) Photocopies of **passport photo/identity page(s)** including name and photo
- 10) Photocopy of **passport expiration date**
- 11) Photocopy of **visa**
- 12) **Additional supportive evidence**, if any
- 13) Receipt showing **\$200 SEVIS (I-901) fee*** paid, if SEVIS record terminated more than 5 months ago
- 14) If you have any dependents, be sure to include them on the I-539 application AND include their original I-94s with the application. We recommend also including the photo ID page(s) of their passports.

*More information and fee payment details about SEVIS fee can be obtained online at <http://www.ice.gov/sevis/i901/index.htm#nonimmigrant>

As always, it is recommended that you retain copies of all documents sent to and received from the United States Citizenship and Immigration Service. Mail your application in a verifiable manner (e.g. certified and return receipt).

If USCIS reinstates you, the I-20 and I-94 will be marked "Reinstatement Approved" and dated. The I-94 card and I-20 will be returned; sometimes to you and sometimes to the ISSS office. If sent to you, bring your I-94 and I-20 to ISSS for photocopying so we can appropriately update our records.

If you are not reinstated, you will probably be given a date of voluntary departure by which to leave the United States (usually within 30 days of notification) and you may not appeal the decision.

Reference: 8 CFR 214.2 (f) (16)