

Regaining Legal Status **REINSTATEMENT vs. TRAVEL & RE-ENTRY** (F-1 Students)

Have you worked off campus without proper employment authorization? Did you drop below a full course of study without first seeking approval from ISS? Perhaps you were not full-time during fall/spring semester. Or have you allowed your I-20 to expire and not yet completed your degree? If one of these situations apply then you are considered to have violated the terms of student status. Depending on your circumstances, your violation may or may not be corrected through reinstatement. The following chart has been created to help you determine which approach to take; please also discuss your situation with an international student advisor.

REINSTATEMENT	TRAVEL AND RE-ENTER
<p>Eligibility:</p> <ul style="list-style-type: none"> You will have to provide a detailed explanation to the satisfaction of USCIS that 1.) the violation of status resulted from circumstances beyond your control or 2.) the violation relates to a reduction in your course load that would have been within a DSO's power to authorize; Have not been out of status for more than 5 months at the time of filing the request for reinstatement (unless you can demonstrate exceptional circumstances and you are filing as promptly as possible); Do not have a record of repeated or willful violations of USCIS regulations; Currently pursuing, or intending to pursue, a full course of study in the immediate future; Have not engaged in unauthorized employment; and Not deportable on any ground. <p>Process Overview (refer to the rest of this packet for application details):</p> <ul style="list-style-type: none"> Submit a personal letter explaining circumstances why you are out of status. Complete USCIS Form I-539 for "reinstatement" with check/money order for \$290 application fee, payable to Department of Homeland Security Complete ISS "I-20 Request" form and show proof of finances. Pay form I-901 \$200 SEVIS fee, if applicable (SEVIS fee is not required if applying for reinstatement and out of status less than five months). Submit complete application to US government (USCIS). Processing time is typically 3~4 months. <p>Advantages:</p> <ul style="list-style-type: none"> Do not lose continuity of student status; if reinstated student status is restored. Can (should) remain in the US while reinstatement application is pending. <p>Disadvantage/Consequences</p> <ul style="list-style-type: none"> If reinstatement is denied you must be prepared to depart the U.S. immediately. Also if denied, the visa you used to enter the U.S. is automatically cancelled; you are permanently limited to applying for nonimmigrant visas in the future only in your home country. 	<p>Definition:</p> <p>If you are not eligible or a poor candidate for reinstatement you do have an alternative method to regain student status. By the travel and re-enter method, you are making an active choice to leave the U.S. and attempt to return. Prior to leaving, you will need to obtain a new I-20 marked "Initial Attendance" from ISS and use the new I-20 to re-enter the U.S. After making a new entry, you will in effect start your student status all over again.</p> <p>Process Overview:</p> <ul style="list-style-type: none"> Complete ISS "I-20 Request" form and show proof of finances. Pay form I-901 \$200 SEVIS fee Travel outside of the U.S., and re-enter to regain legal F-1 status. <p>Advantages:</p> <ul style="list-style-type: none"> May be a right choice if you had already made plans to travel (i.e. for vacation, to visit family, etc). The speed or convenience of the travel option outweighs applying for conventional reinstatement. No application or fee is required. Upon re-entry and check-in with ISS, your student status is restored, allowing you to resume an assistantship or engage in on-campus employment. <p>Disadvantages:</p> <ul style="list-style-type: none"> May not be the right choice if you are close to completing your degree and plan to apply for optional practical training. With new entry you must wait/maintain student status for one full academic year before regaining eligibility to apply for practical training or any off campus work authorization. Face the risk of a visa denial if you must apply for a new F-1 visa. Face the risk of your admission into U.S. being denied at port-of-entry (even if you are in possession of valid new I-20, passport, and F-1 visa). Pay the \$200 SEVIS fee prior to re-entering the U.S., or before applying for an F-1 visa (if new visa is required). Reentry to the U.S. is limited to no earlier than 30 days before the new I-20 program start date. Must complete an ISS check-in upon re-entry and pay \$35 ISS check-in fee.

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I-20 REQUEST for Reinstatement or Travel & Re-Entry International Student Services - The University Of Kansas

This form and proof of finances must accompany all other [documents for your reinstatement](#) appointment.

BIOGRAPHICAL INFORMATION

Name Exactly as in Passport _____
Surname/family name Given name(s)

KUID# _____ Phone Number _____
Number Specify type

Mailing Address (only if requesting I-20 to be mailed)

Street Address

City

State/Province

Postal Code

Country

Do you have any dependents (F-2 spouse/children)? Yes No If yes, how many? _____

I-20 REQUEST FOR

Reinstatement (for application details, refer to the rest of this packet)

Travel and Re-entry to regain F-1 status. Date you expect to return to U.S. _____

FINANCIAL VERIFICATION

You must show proof of finances for the upcoming year or until the end of your program, whichever is shorter. Review the updated [cost sheet](#) for your program to determine the amount you need to show.

Personal Funds: (attach proof: bank statement/letter, etc.)

Other, including Family Funds (must attach [proof and signed letter of financial support](#))

KU Funding (ex. GTA, GRA, GA, Fellowship) – use back page for department verification

Student's Signature _____ Date _____

Form continued on back (if KU Funding) 

\$ Verification of KU Funding \$

Student needs to show proof of finances for upcoming year or until end of program, whichever is shorter.

The University of Kansas:

MUST be signed below by appropriate department if receiving funds from KU

Academic Year Contracted Position: GTA GRA Lecturer

Department/School Employed by: _____

FTE%: 50% 40% 30% 25% 20% Other _____

Term(s): Fall 20____ Spring 20____

Total Salary for period of appointment indicated above: \$ _____

Tuition/Fee benefits in addition to salary (can check more than one):

Tuition: Student gets Full Tuition Paid (pays no tuition) or Student pays own tuition at In-State Rate

Fees: Student gets All Fees Paid or Student gets Partial Fees Paid (specify) _____

Other _____

Likely Renewable? Yes No

Summer Contracted Position: GTA GRA Lecturer

Department/School Employed by: _____

FTE%: 100% 50% Other _____

Term: Summer 20____

Total Salary for entire summer period: \$ _____

Tuition/Fee benefits in addition to salary (can check more than one):

Tuition: Student gets Full Tuition Paid (pays no tuition) or Student pays own tuition at In-State Rate

Fees: Student gets All Fees Paid or Student gets Partial Fees Paid (specify) _____

Other _____

Likely Renewable? Yes No

Scholarship Amount \$ _____ Funds provided by: _____ (dept./school)

Other _____ Amount \$ _____

Signature of Dept _____ **Name** _____ **Phone** _____

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 change 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.

How to Apply by Mail (paper application)

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 **Forms I-539 & G-1145** (download from <http://www.uscis.gov/>; click on Forms tab; choose I-539; type responses on form and print out. Also recommend saving digital copy [ex. email to yourself] and bringing to reinstatement appointment at ISS.)
3. Complete ISS's **I-20 Request form** (enclosed in this packet)
4. Obtain updated **original proof of finances**. (Example of sufficient proof: past 4~6 months of bank statements. A letter from the bank alone is insufficient. For GRA/GTA appointment or scholarship, you may have that verified on page 2 of the I-20 request form.)
5. If appropriate, obtain a **letter from your academic adviser** confirming expected completion date and that you are making normal progress toward a degree.
6. 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 (or printout of Advising Report from Kyou) 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.

7. **Make a “Reinstatement” appointment at ISS** to meet with an international student advisor. Allow 60 minutes for the appointment. Bring the following materials on the checklist to the appointment.

CHECKLIST FOR APPOINTMENT

- Your own letter explaining the circumstances, eligibility, and your request to be reinstated
- Completed Form I-539, typed and printed (may also bring digitally saved copy)
- Completed Form G-1145, typed and printed (optional but recommended)
- Completed ISS’s I-20 request form (enclosed)
- Original proof of finances
- Any other supporting documents (ex. Transcript, Advising Report printout, medical letter, etc.)
- Passport and Visa used for your most recent entry
- I-94 - printout of electronic I-94 record (<https://i94.cbp.dhs.gov>) or paper I-94 card
- Money order or check book (we can help you write the check for the \$290 application fee)
- If you have any dependents, their passport, visa, I-94 & dependent I-20

8. The ISS advisor will review all of your reinstatement documents with you and create a new Reinstatement Requested I-20 during your appointment. A copy of this Reinstatement Requested I-20 will be included in your application for reinstatement.

9. **Mail the complete reinstatement application to USCIS**

After you are issued a Reinstatement Requested I-20 and have assembled all supporting documents, mail all application materials and fee, stapled together in the upper left corner.

Which address to mail it to will depend on the postal carrier you choose:

For US Postal Service

**USCIS
P.O. Box 660166
Dallas, TX 75266**

For non-US Postal Service (such as FedEx, UPS, etc):

**USCIS
ATTN: I-539
2501 S. State Highway 121 Business, Suite 400
Lewisville, TX 75067**

1. **\$290.00 fee** Check or money order made payable to **U.S. Department of Homeland Security**.
2. **Form I-539**, typed, printed out and signed in blue ink
3. **Form G-1145** (optional), typed and printed out
4. **Your own letter** explaining the circumstances and request to reinstate your status
5. **Photocopies** of pages 1 & 2 of the **new I-20 issued for “Reinstatement Requested”**, signed by you and by an ISS advisor on page 1.
6. **Enrollment record** [transcript or printout of Advising Report from Kyou]
7. **Original proof of financial support**
8. **Photocopy of passport** showing photo, name, date of birth and expiration
9. **Printout of electronic I-94** record (<https://i94.cbp.dhs.gov>) or **photocopy** of front and back of I-94 card
10. **Photocopy of visa** used for most recent entry
11. Additional supportive evidence (if applicable)
12. ***If SEVIS record terminated more than 5 months ago.*** receipt showing \$200 SEVIS (I-901) fee paid (Fee payment details available on www.fmjfee.com)
13. If you have any dependents, be sure to include them on the I-539 application AND include copies of their I-94(s), passport(s), I-20(s), & visa(s).

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 mail and return receipt).

Application Receipt and Online Status Check

Text and Email Receipts: Although you can now fill out Form G-1145 to request a receipt number by text message or email, please note that such notifications are not considered official. The USCIS Service Center that receives the application will send an official receipt by mail.

Online Status Check: USCIS sends a receipt which may take up to 4 weeks to receive. The status of your application can be checked online with your receipt number at <http://www.uscis.gov/>. Look for the CHECK YOUR CASE STATUS link. Enter Receipt Number (ex. WACxx-xxx-xxxxx) without hyphens to check on the status of your application. The receipt is NOT an approval of your reinstatement.

Upon Receiving the Results of the Reinstatement Application

If USCIS reinstates you, you will receive an “I-797C Approval Notice” in the mail – the only proof that you have been reinstated. Bring the notice and meet with an ISS advisor so that we can scan it and properly update your record. At that time we can issue you an I-20 for “Continued Attendance”.

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)