

REINSTATEMENT TO F-1 STATUS

According to Immigration regulations, students fall out of F-1 status for any of the following violations:

- ☐ Failure to pursue a full course of study at the school last authorized to attend.
- ☐ Failure to enroll at U.B. in the first term which began after leaving a previous school.
- ☐ Failure to complete the school transfer procedure with the International Affairs Office within 15 days of the date school began.
- ☐ Failure to complete a program update within the grace period time when moving from one program to another at U.B.
- ☐ Failure to apply for and receive an extension of stay prior to the I-20 expiration.
- ☐ Unlawful employment. Please note that this violation of status does not qualify for reinstatement.
- ☐ Failure to receive permission to reduce your full time course load prior to the start of the term or the withdrawal date.

Eligibility for reinstatement

F-1 students are eligible to apply for reinstatement if all the following apply:

- these
1. You have not been out of status for more than 5 months at the time of filing the request for reinstatement.
or
You demonstrate that failure to file within the 5 month period was the result of exceptional circumstances and that you filed the request for reinstatement as promptly as possible under exceptional circumstances. The \$200 SEVIS fee will be required prior to applying for reinstatement. Instructions for paying the SEVIS fee will be stapled to your new I-20 form.
 2. You do not have a record of repeated or willful violations of immigration regulations.
 3. You are currently pursuing or intend to pursue a full course of study in the immediate future at the school that issued the I-20 form.
 4. You have not engaged in unauthorized employment.
 5. You are not deportable on any other grounds.
 6. You establish to the immigration office that the violation of status resulted from circumstances beyond your control. Examples may include:
 - i. Serious injury or illness
 - ii. Closure of the school you were attending
 - iii. Natural disaster
 - iv. Inadvertence, oversight or neglect by your International Student Advisoror
The violation relates to a reduction in your full time course load that would have been within your International Student Advisor's power to authorize and that failure to receive an approval of reinstatement would result in extreme hardship.

If you have violated your F-1 status and will be staying in the United States, may choose to file a reinstatement

application to your local United States Citizenship and Immigration Service office. If you reinstatement application is approved, then you may continue to stay in the U.S. as an F-1 student for the remainder of your program. Be sure that you do not repeat any violations of your status, as it is very unlikely that a student may be reinstated twice.

If you apply for F-1 student reinstatement and it is denied, there is no appeal process and your F-1 visa will be cancelled. You will be asked to leave the United States immediately (meaning within 30 days of receipt of the denial letter). This is called "Voluntary Departure". If you do not depart within the specified time period, a deportation case may be started against you by the U.S. immigration service.

If you are traveling overseas, you may re-enter the U.S. legally by presenting a new I-20, valid visa, and your passport. The \$200 SEVIS fee will be required prior to your F-1 visa application. Instructions on paying the SEVIS fee will be stapled to your new I-20 form. There is no guarantee that an F-1 visa will be issued to a student who has violated his/her status. Travel overseas restarts your F-1 student status and you must re-fulfill the requirements for work authorizations, such as Optional Practical Training, by completing one full time academic year of study before being eligible.

REINSTATEMENT PROCEDURE FOR STUDENTS REMAINING IN THE U.S.

1. Obtain a new I-20 from the International Student Services. Submit a current financial statement and an academic advisor's letter giving your anticipated completion date.
2. Mail to USCIS:
 - ☐ (a) All three pages of your new I-20 and copies of all previous I-20's.
 - ☐ (b) Form I-539.
 - ☐ (c) Fee of \$290.00 for form I-539. Make a check or money order payable to "US Department of Homeland Security". *Do not send cash!*
 - ☐ (d) Original form I-94 for all people included in the application.
 - ☐ (e) Financial evidence (original is preferable, but you may send a copy or fax)
 - ☐ (f) Letter (see sample)
 - ☐ (g) Copy of passport information page and expiration date.
 - ☐ (h) Support letter from the International Student Advisor
 - ☐ (i) Proof of current registration
Proof of payment to Bursar
 - ☐ (j) Proof of paying the \$200 SEVIS fee if you have been out of status for more than 5 months.
 - ☐ (k) Other proof as it relates to your violation of status: _____

SAMPLE LETTER

Date

United States Citizenship and Immigration Service
(see addresses above)

RE: F-1 Student Reinstatement

To Whom It May Concern:

In the first paragraph explain when you entered the U.S., in what status, and why. Explain what activities you have done since being in the U.S.

In the second paragraph explain why you are out of status and when the violation of status occurred.

Nest, explain how you feel your violation of status was either (1) due to circumstances beyond your control or (2) that the violation relates to a reduction in your course load that would have been within the International Student Advisor's power to authorize and that failure to receive reinstatement would result in extreme hardship.

Next, explain why you feel you are eligible for reinstatement. You are only eligible for reinstatement if:

- (a) you have not be out of status for more than 5 months, or demonstrate exceptional circumstances if you have been out of status longer
- (b) you are currently or will be a full time student,
- (c) you have not worked illegally, and
- (d) you have not done anything else to violate your status
- (e) you do not have a record of repeated or willful violations of your F-1 status.

Finally, reaffirm your non-immigrant intent by stating what your plans are following the completion of your degree. This should include returning to your home country.

Sincerely,

(sign your name)

Confirmation of student data for new I-20 form: For student to fill out

Name: _____
First name Middle name Family name

Student ID number: _____

Local address in U.S.: _____
Street # and Street Name City State Zip Code

Home country address: _____
Street # and Name or local part of address

City Province Postal Code Country

Do you have dependents in F-2 status? If so, please list: _____

Confirmation of academic program: For Academic Advisor to fill out

Major: _____

Degree level: _____

Anticipated degree completion date: _____

Academic Advisor name and signature: _____ Date: _____