



F-1 Reinstatement Policy

What is Reinstatement?

Reinstatement is the process of gaining back legal F-1 status after falling *out of status*. International Student & Scholar Services (ISSS) recommends you for reinstatement by issuing the I-20 and it is the USCIS's discretion to issue the final approval or denial.

What does it mean to be "out of status"?

As F-1 student, you are expected to comply with immigration regulations. If you fail to comply with these regulations, you will be "out of status" and your F-1 visa will fail to be recognized as valid. When you are out of status, you are no longer eligible for any type of employment (on/off campus), practical training, recertification of your I-20 for re-entry to the U.S., and any other benefits of F-1 student.

Why did I fall out of status?

Some of the reasons for falling out of status may include:

- Failure to take full-time credit hours each semester. This can include:
 - W or EU grades that put you below full time from the previous semester
 - Taking too many online classes- only 1 online course counts toward immigration credit
 - Not registering for enough credits without ISSS authorization
- Failure to complete transfer to a new school
- Failure to attend the school that issued the I-20 to enter the U.S.
- Failure to apply for a program extension before the completion date on your I-20.
- Failure to have an I-20 updated with a change of degree level such as Master's to Ph.D.
- Failure to work lawfully with ISSS authorization.
- Failure to report to ISSS International Student Orientation and/or registration in SEVIS upon arrival.

Am I eligible to reinstate?

You may be eligible for reinstatement if you:

- Have not been out of status for more than *5 months* prior to filing the reinstatement request.
- Do not have a history of repeated violations.
- Are currently eligible to register for classes and are still "active" with the University and with your department. If you have been suspended or discontinued by your department, you need to re-apply to the University through International Admissions Office, transfer to another institution, or return home.
- Can establish that the violation of your F-1 status resulted from circumstances beyond your control.
- Have not engaged in unauthorized employment.



- Can document sufficient financial resources to pursue a full-time course load.
- Are not deportable from the U.S. on any other grounds.

Please meet with ISSS advisor to discuss about your reinstatement eligibility and to learn about the process.

How do I apply for reinstatement?

To request a reinstatement I-20, please complete a “Reinstatement Request” E-Form using the iStart link

iSTART LOGIN

found at www.ic.utah.edu. A new I-20 will be issued recommending you for reinstatement. There are two options to reinstatement, so please read this Reinstatement Policy carefully before submitting your request.

What do I do when waiting for an approval from USCIS?

Whether you are reinstating through USCIS or through travel, all employment must stop while you are pending approval. However, you should continue to attend school as a full-time student.

What happens after I reinstate?

Once your reinstatement is approved by USCIS, you are considered to be “active” student with valid F-1 status. You should continue with your studies. For those students who have reinstated by traveling, you are treated as a new student and will *not* be eligible for CPT, OPT, or a vacation semester for another 2 full-time semesters.

What happens if I do not reinstate?

If you do not reinstate and choose to remain in U.S., your record remains in terminated status and it is considered as illegal stay. Students that remain out of status for more than 5 months risk the chance of having their reinstatement denied. Students out of status for more than 365 days or more may incite the 10-year ban- in which returning to the U.S. is not allowed for a 10 year period.

What happens if I have to reinstate more than once?

Students with multiple terminations in their SEVIS record will be evaluated on a case by case basis whether reinstatement is the appropriate action.

What are the reinstatement options?

You can apply for reinstatement through USCIS and stay in U.S. or reinstate by travel. Please read following pages carefully to determine which option you qualify for.



OPTION 1: Reinstatement of Status through USCIS

If you meet the eligibility requirements, you may apply through the USCIS for reinstatement. If the USCIS office reinstates you to lawful F-1 student status, they will notify you of your reinstatement by mail.

Step 1: Log into iStart at www.ic.utah.edu through the iStart link and submit “Reinstatement Request”. You will choose “Reinstatement through USCIS”. The request for your I-20 will take approximately two (2) weeks to process and it must include current financial support documentation to cover tuition and living expenses and your academic advisor’s approval.

Step 2: Pick up the new I-20 from ISSS.

Step 3: Gather Reinstatement packet (documents below). Once compiled, you have the option to meet with ISSS advisor and review your packet together before mailing.

Your reinstatement packet MUST include the following:

- A copy of your reinstatement I-20 from ISSS – also **signed and dated by you**.
- A letter requesting reinstatement to USCIS explaining why you fell out of status (example letter on next page). Letter should include the following:
 - You are currently pursuing a full course of study
 - You have not engaged in any type of employment without authorization
 - You are not deportable on any grounds except failure to maintain your student status
 - Going out of status was beyond your control and that failure to receive reinstatement to lawful F-1 status would result in extreme hardship to you
- Form I-539- fill out and print the form (www.uscis.gov/sites/default/files/files/form/i-539.pdf)
- I-94 card or online print out (online: <https://i94.cbp.dhs.gov/i94/consent.html>)
- Copies of your passport, visa, and previous I-20s that was issued to you.
- Money order or bank check payable to **Department of Homeland Security** for **\$370.00**.
- Financial support documents used to obtain the new I-20 (bank statement and an affidavit of support, if necessary).
- Proof of enrollment for full time status in current semester (copy of transcript or print out of current course schedule)
- If you have been out of status for more than 5 months**, you MUST to pay an extra \$200. This fee may be paid at fmjfee.com (provide receipt as proof of payment).
- If you have a dependent in U.S. (F-2), you must also include them in the application since a violation of your F-1 status affects your dependent family members as well.

Step 4: Mail your reinstatement application to the regional USCIS office:

**USCIS
PO BOX 660166
Dallas, TX 75266**



REMEMBER:

*Make sure your address is up to date with ISS by submitting an address update form. ISS and USCIS are not liable for any lost documents or communication if you have not updated ISS with your address.

*If you have dependents in the U.S., you must also include them in the application since a violation of your F-1 status affects your dependent family members as well

Sample reinstatement letter

You only need to write this letter if you are reinstating through USCIS. If you are reinstating by travel, please see next page for instruction.

Date:

USCIS Officer
U.S. Citizenship and Immigration Services

Dear Sir/Madam:

I am requesting reinstatement because **(describe what happened)**. Please accept my application and reinstatement to F-1 status. Recently I have become aware that...

Choose one from the examples if it covers your case, or write your own explanation:

- I failed to enroll full time for Spring/Summer/Fall 201_ semester (explain why this happened).
- I received an EU grade as a result of not attending a class (explain why this happened)
- I have failed to extend my I-20 before it expired (explain why this happened)
- I have failed to process my transfer from (name of previous school)
- Or your specific reasons

This was due to..

Choose one example or write your own:

- Oversight on my part
- My misunderstanding of the F-1 regulations
- Or your specific reasons

I feel fortunate to be able to study in the United States. I have always attended school as a full time student and have not engaged in any unauthorized employment. **(Promise that this will not happen again and reiterate your request)**. I am determined to be more careful from now on in order to make sure that I fully abide by the regulations. I sincerely hope that I can be reinstated to F-1 status and be allowed to complete my studies. Thank you for your consideration.

Sincerely,
(Sign your name)



OPTION 2: Reinstatement through Travel and Re-entry

If you are out of status, you may leave the U.S. and re-enter the U.S. with a new I-20. You will be issued a new SEVIS number, and given a new I-20 which you must use to travel. After you return, you must bring your I-20 and I-94 for ISSS within 15 days of returning so we can update your status on SEVIS. Otherwise, you will continue to be out of status and must begin the reinstatement process again.

Step 1: Log into iStart at www.ic.utah.edu through the iStart link and submit “Reinstatement Request”. You will choose “travel”. The request for your I-20 will take approximately two (2) weeks to process and it must include current financial support documentation to cover tuition and living expenses and your academic advisor’s approval.

Step 2: Pick up the new I-20 from ISSS. Pay reinstatement fee in the ISSS office if applicable.

Step 3: Pay the \$200 SEVIS fee prior to re-entering the U.S. at www.fmjfee.com

Step 4: Travel outside of the U.S. and return using your new I-20. Before you travel, please remember check:

- The expiration date on your passport (should be valid for 6 months past your re-entry date into U.S.)
- The expiration date on your visa (if expired, you will need to renew before re-entering)
- Sign and date your new I-20

Step 5: After you have returned to the U.S. from traveling, you **MUST** report to ISSS to have your new I-94 scanned and inform ISSS of your travel in order to complete the reinstatement process. **If you do not do this final step, you will NOT complete your reinstatement and may have to start the reinstatement process again.**

Other important information to remember for reinstatement through travel:

- You must re-enter the U.S. on your new reinstatement I-20.
- You do not need to renew your visa unless it is expired.
- It is not advisable for you to travel to Canada, Mexico, or the Caribbean to try to make a legal entry by travel into the U.S. unless one of these countries is your home country. Please keep in mind that your re-entry is not guaranteed and you travel at your own risk.
- You are entering with a new I-20, so you are viewed as an initial student. After your re-entry you will be eligible for on-campus employment but you must maintain full time student status for two semesters again to be eligible for vacation semester, CPT, or OPT.
- If you have F-2 dependents, they fall out of status if *you* fall out of status. If you are traveling to return to lawful status, your dependents must also travel with you to have their status restored to valid F-2.
- After re-entry, you will be eligible for on-campus employment immediately, however, you are not eligible for CPT or OPT until you have accrued two semesters of full-time study.



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