

F-1 Reinstatement Policy

Please note that USCIS has the right to deny any reinstatement application at their discretion. It is your responsibility to ensure you are paying the correct fee and submitting the correct application.

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 “matriculated” with the University and in good standing with your department. If you have been suspended or discontinued by the university, 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.

What are my reinstatement options?

There are two options to reinstate- by sending in your application to USCIS or by travel. Each option has different process and restrictions so please read through both options carefully. If you have any questions, please meet with ISSS advisor before starting the process. If you have plans to travel outside U.S., please refer to the Continuing Student Request Initial I-20 policy guide.

How do I apply for reinstatement?

To request a reinstatement I-20, please complete a “Reinstatement Request” E-Form using the UAtlas link found at www.iss.utah.edu. A new I-20 will be issued recommending you for reinstatement.

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.

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

All employment must stop immediately. However, you should continue to attend school as a full-time student.

What happens after my reinstatement is approved by USCIS?

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. Please contact ISSS to let us know your reinstatement has been approved.

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 by USCIS whether reinstatement is the appropriate action.

Can my reinstatement request be denied after sending it into USCIS?

Per USCIS, the most common reasons a student’s reinstatement request may be denied include, but not limited to:

- Missing applicant signature on the application
- Sending it to the wrong lockbox
- Incomplete reinstatement application
- Incorrect amount of payment

What if my reinstatement request is denied?

Please see ISSS advisor immediately for assistance.

Can I travel outside U.S. while my application is pending with USCIS?

This reinstatement I-20 cannot be used to reinstate by travel. You must submit the Continuing Student Request Initial I-20 in order to reinstate by travel and contact ISSS for further assistance.

Reinstatement Application Process

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 UAtlas and submit “Reinstatement Request.” Your application must include current financial support documentation to cover tuition and living expenses and may require your academic advisor’s approval. The request for your I-20 will take approximately 10 business days to process if all documents are correctly submitted.

Step 2: Pick up the new I-20 from ISSS. Make sure to sign and date by hand.

Step 3: Gather the documents below required for reinstatement. ISSS highly recommends that you meet with ISSS advisor to review your packet together before mailing.

Step 4: Send in the documents you have prepared and carefully reviewed to USCIS. See below for mailing address. We recommend you make copies of the documents you will be sending in for documentation purpose.

Documents to mail to USCIS:

Your reinstatement packet MUST include all of the following:

- G-1145 (recommended). This allows USCIS to inform you when they receive your application (<https://www.uscis.gov/g-1145>). Please note, this does not act as an official receipt.
- A copy of your reinstatement I-20 from ISSS – also **signed and dated by you in wet ink. Valid for 30 days from the issue date.**
- 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 (<https://www.uscis.gov/i-539>)
- I-94 card or online print out (online: <https://i94.cbp.dhs.gov/i94/#/home#section>)
- Copies of your passport, visa, and previous I-20s that was issued to you.
- Money order or bank check payable to **U.S. Department of Homeland Security**. Please find the correct application fee by using the USCIS Fee Calculator (<https://www.uscis.gov/feecalculator>), select “I-539”, “F-1 Student”, “Reinstatement”. The fee can also be found <https://www.uscis.gov/i-539>.
* fee is subject to change.
- 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 course schedule)
- If you have been out of status for more than 5 months**, you MUST to pay the SEVIS fee (\$350). 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

- Keep copies of everything you mail for your own record.
- To find the appropriate mailing address, please refer to USCIS website: <https://www.uscis.gov/i-539>.

IMPORTANT REMINDERS

* **Processing time:** It has been observed that USCIS takes average of 5-7 months processing time for reinstatement. However, this may change depending on their workload, biometric, and/or additional follow up with you.

* **Biometric:** USCIS now requires you to complete biometric as part of reinstatement process if you filed for reinstatement to USCIS. You will receive a letter in your mailbox with your appointment time. Please make sure to show up to complete your biometric in order to ensure your reinstatement request is processed in a timely manner. You can reschedule this appointment but it may cause delays in processing your request. Failure to complete your biometrics will result in delay in processing and denial.

* **Address:** Make sure your address is up to date with ISSS by submitting an address update e-form. ISSS and USCIS are not liable for any lost documents or communication if you have not updated ISSS with your address. If you move while your reinstatement application is pending with USCIS, it is your responsibility to inform them as well.

* **Dependents:** If you have dependents in the U.S. (F-2), you must also include them in the application (I-539A) since a violation of your F-1 status affects your dependents as well. Remember to include their biometric fees.

* **Employment:** You must stop on or off-campus employment immediately after you violate your student status. You are not allowed to engage in any employment while your reinstatement is pending as it will be illegal employment.

* **Travel:** ISSS recommend that you do not travel outside U.S. while your reinstatement is pending with USCIS. This will result in automatic denial for your reinstatement application as it is viewed as abandonment of your application. If travel is unavoidable, please speak with ISSS advisor before traveling.

* **RFE (Request For Evidence):** You may receive a letter from USCIS asking for more documents or clarification on your situation. Typically, students are given 30 days from the date the letter has been issued so it is very important you keep a very close eye on your mailbox and respond immediately should you receive an RFE. If you receive one, please call ISSS immediately to make an appointment with ISSS advisor as soon as possible so we can assist you with this. Not all students receive RFE and RFE doesn't mean denial so please do not panic. However, if you fail to respond to RFE before the given deadline, your reinstatement will be denied.

Sample Reinstatement Letter to USCIS:

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 20xx 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. **(Explain what will happen if your reinstatement request is not approved)** Thank you for your consideration.

Sincerely,
(Sign your name)

Reinstatement Comparison Chart

Please refer to the full reinstatement policy guide for detailed information for each option. This chart is only to provide quick side by side comparison for the two options. It is the student's responsibility to understand the reinstatement process and complete the process.

	Option 1: Through USCIS	Option 2: Travel and Re-Entry (refer to Continuing Student Request Initial I-20 policy guide)
What It Is	Submit your documents to USCIS for adjudication and stay in U.S. while pending	Travel outside U.S. and return with an initial I-20
Processing Time	Average 5-7 months (subject to change)	Potentially quicker but different for each situation
Fee* (subject to change)	Use the USCIS Fee Calculator* to determine the correct fee (https://www.uscis.gov/feecalculator) * You may need to pay a new I-901 fee if you have been out of status for more than 5 months	Travel expenses + I-901 fee * Additional fees may occur depending on your situation
F-1 status	Must be enrolled as full time while reinstatement is pending except for the summer vacation semester.	Will be returning to U.S. as an "Initial" student. Must be enrolled as full-time student until the <u>next</u> available summer vacation semester.
Reporting to ISSS	Must report to ISSS when a student receives any communication from USCIS: Approval, RFE (Request For Evidence) or denial. Failure to report to ISSS in a timely manner may result in termination of status even if approved by USCIS.	Must report to ISSS within 15 days once the student returns to U.S. Failure to report to ISSS within 15 days of returning will result in termination of status.
On/Off- Campus Employment	Must cease on/off campus employment immediately when the student is terminated and while reinstatement is pending. On/off campus work is allowed once reinstatement is approved.	Must cease on/off campus employment immediately when the student is terminated. On-campus work is only allowed after re-entry and after reporting to ISSS. Must complete two consecutive semesters as FT student before eligible for OPT or CPT.
CPT/OPT	Not eligible for CPT or OPT until reinstatement is approved	Initial status restarts the F-1 status. Must attend the university two consecutive semesters and maintain their status in order to be eligible for CPT or OPT.
Other	<ul style="list-style-type: none"> Departing U.S. while reinstatement is pending will abandon the application You can apply for reinstatement with expired F-1 visa stamp. You will need to renew it next time you travel outside of U.S. 	<ul style="list-style-type: none"> The student must re-enter U.S. on the new I-20 issued for travel It is not advisable to travel to Canada, Mexico, or the Caribbean If your F-1 visa stamp in your passport has expired, you will need to renew it before returning to U.S.



Disclaimer: International Student & Scholar Services (ISSS) provides support and information related to U.S. immigration laws and regulations related to F and J status at the University of Utah. ISSS staff are not attorneys and any information provided by ISSS should not be construed as legal advice. Individuals are welcome to consult a qualified immigration attorney for specific legal advice, particularly in complicated cases. For a list of local Utah attorneys please visit our website [here](#).

Reinstatement: The decision to approve or deny your request for reinstatement is determined by USCIS. While it is our experience that most students who've committed minor status violations are reinstated, ISSS is not able to guarantee reinstatement approval for any student. Students should seek advising from ISSS as soon as they are aware of a status violation as delays could impact the USCIS decision.