



ITU

International Technological University

2711 North First Street - San Jose, CA 95134

Phone (888) 488-4968

www.itu.edu

How to Regain F-1 status

Reinstatement to F1 Status

A non-immigrant F-1 student who has failed to maintain status will have their SEVIS record terminated and may apply for reinstatement for lawful status at the discretion of USCIS, but only under limited conditions specified in Immigration Regulations. Being out of status is a serious matter; all F-1 benefits cease and the student can be subject to deportation.

Reinstatement may be considered if you:

- Have been out of status for less than 5 months at the time of the request.
- Do not have a history of repeated violations.
- Are pursuing a full course of study at the school which issued the I-20.
- Are not engaged in unlawful employment**
- Are not deportable on any ground other than the status violation.

or

- The status violation was due to circumstances beyond your control, or failure to timely request RCL. Such circumstances might include serious injury, illness, closure of an institution, a natural disaster, or oversight or neglect on the part of a DSO.
- Denying reinstatement would result in extreme hardship to you.

**Working in the US without authorization from a DSO in ISO or USCIS is a violation of status that cannot be corrected through reinstatement. If you are in violation of your status due to unauthorized employment, you can only regain your status by departing the US (see Travel and Reentry below).

How to Apply

Gather all of the documents below.

- **Form I-539** "Application to Extend/Change Nonimmigrant Status." In Part 2, question 1, check "C"
 - The change of status I am requesting is: 3. **Reinstatement** to student status. I am applying for: (Select one).
- Letter from the student explaining why the student is out of status. Include the following:
 - Why you are out of status (specify the violation).
 - The reason why the violation occurred.
 - Why you want reinstatement and the effect on you if you cannot receive reinstatement.
 - A statement that you are pursuing or intending to pursue a full course of study
- Official transcripts from ITU and all previous US schools.
- Financial documentation (bank statements or affidavit of support) showing funding for one (1) year of tuition, fees and living expenses. If there is a US sponsor covering any or all of the expenses, it is highly suggested that an I-134 "Affidavit of Support" be completed and notarized.
- Copy of all previously issued I-20's



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- Check or money order payable to USCIS for filing fee
- Copies of passport, visa and most current I-94
- Optional document: **Form G-1145**, E-Notification of Application/Petition Acceptance, if you want to be notified by email and/or text message when your application is received.

The DSO will prepare the following materials to be sent along with the above packet:

- I-20 marked as recommended for reinstatement

The required forms, supporting documents, and payments must be mailed to the designated USCIS district office. Send your documents via certified mail to:

USCIS

Attn: I-539

P.O. Box 660166

Dallas, TX 75266

Approved

It may take the immigration service three (3) to six (6) months to decide the case. If USCIS approves reinstatement, they will stamp the I-20 form and return it to the student along with an I-797A, the reinstatement approval notice. Please provide a copy of the approved I-20 and I-797-A to ISO through ticket or in person

Denied

If USCIS denies reinstatement, the student may not appeal the decision and has 30 days from the date on the receipt notice to depart the country before they begin accruing days of unlawful presence.

What are the consequences of a reinstatement denial?

- The visa that the student used to enter the United States is automatically canceled.
- The student is permanently limited to applying for non-immigrant visas in the future only in their country of citizenship or permanent residence.
- The student will begin accumulating days of "unlawful presence." If the student remains in the United States for over 180 days, they will be barred from the US for three years; if they remain for one year or more, they will be barred from the US for ten years, (I.N.A. 222 (g) and 212 (a)(9)(B))



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Travel and Reentry: An Alternative to Reinstatement

In some cases, it may be advisable to depart the US and re-enter with a new I-20, rather than applying for reinstatement. Students who chose to do this must obtain a new I-20 with a new SEVIS ID number and then depart the country and re-enter. This is not the same as reinstatement and does not delete previous mistakes, but does allow a student to regain lawful student status. In effect, you are starting all over again and you have to maintain status for one full academic year before you are eligible for benefits such as practical training or other off-campus work authorization. The travel alternative may also be right for students who want their F-1 status restored quickly so they can take up on campus employment.

If you still have a valid visa, then you simply need to exit the US and reenter using the new I-20. If your visa has expired you will have to obtain a new US visa to re-enter the US. With the travel and reentry option, there is the risk that you could be denied entry into the United States.

What to Do

For students who need to travel and reenter, different steps need to be followed.

1. Submit the ISO submission along with current financial documentation/bank letter from the sponsor and submit a copy to ISO.
2. Request a new initial SEVIS I-20 for travel and reentry from ISO.
3. Repay the **SEVIS fee**.

Important Note for Travel through Canada/Mexico

If your visa is expired and you want to apply for a new visa in Canada or Mexico, you need to be aware of the risks involved with this option. If a student applies for a new US visa at a US Embassy or Consulate in Canada or Mexico, they must wait in Canada or Mexico until the new visa is approved before returning to the US. In addition, if the visa application is denied you will need to travel directly back to your home country to apply for the new visa and cannot pass through the US on your way back home. **For these reasons, we are not advising students to apply for visas in Canada or Mexico.**

If you find yourself in violation of your status, please contact the ISO immediately to discuss your situation and how best to correct it (if possible)



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FAQs on Reinstatement and Travel and Reentry

What is the major difference between the two options?

Students who are reinstated continue with their F-1 status. Students who choose travel and reentry will start all over, beginning with initial status. This is most important when considering eligibility for Optional Practical Training because students need to complete one academic year before becoming eligible to apply for OPT.

What are the costs associated with each option?

Reinstatement filing fees are currently \$370

Travel and reentry costs \$200 for SEVIS fee, plus travel and visa applications costs.

Which option is the least risky?

Each option has its risks. If your application for reinstatement is denied, you will be required to depart the US immediately. If you are denied re-entry at the border, you may be required to return home immediately from the port of entry.

May I continue to study while my application for reinstatement is pending?

Yes, you must continue to study in order to maintain your F-1 status.

May I continue to work on-campus while my application for reinstatement is pending?

No. Once it is determined that you have violated your student status and your I-20 has been terminated, you must stop working immediately.