



Global Education Office

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F-1 REINSTATEMENT TO STUDENT STATUS

I. EXPLANATION

If you have failed to maintain or have violated the terms of your F-1 status you may be able to apply to the United States Citizenship and Immigration Services (USCIS) for reinstatement to F-1 student status. Violations of F-1 status may include but are not limited to, dropping below full-time enrollment without prior approval from an international advisor, failure to complete an immigration transfer in a timely manner, or engaging in illegal employment. If you have violated your F-1 immigration status, or are unsure about whether or not you have violated status, read this handout thoroughly and then make an appointment to see an International Advisor in GEO immediately to discuss your options for regaining lawful immigration status. Once you have violated your status, GEO can no longer sign your documents for travel, give work authorization, or issue any letter or document on your behalf verifying your legal immigration status. However, we can help you apply to regain legal immigration status so that you can enjoy all of the benefits of being an F-1 student in the US. Please do not hesitate to contact us with questions or concerns regarding immigration issues.

II. CONDITION AND LIMITATIONS

A student may be reinstated to F-1 status according to 8 CFR § 214.2(f)(16)(i) if:

- The student has not been out of status for more than 5 months prior to filing the request for reinstatement (unless he/she can show that there were exceptional circumstances that prevented him/her from filing during the 5-month period immediately following the violation of status.)
- The student has not engaged in unauthorized employment (see an advisor if this is your situation.)
- The student does not have a record of repeated violations.
- The student is currently pursuing or intends to pursue a full course of study in the next available term.
- The student is not deportable on any grounds other than the status violation for which reinstatement is being requested.
- The student establishes that the status violation resulted from either: a) circumstances beyond his/her control, or b) a reduction in course load that could have been authorized by an advisor and that failure to approve reinstatement would result in extreme hardship to you.

III. ALTERNATIVES TO REINSTATEMENT

If you are not eligible for reinstatement, or as an alternative to this process, you may have the option to regain legal status by leaving the US and reentering the US in a new period of initial F-1 status. A GEO International Advisor can discuss this option with you. Students who want to apply for off campus work permission in the next year do not want to choose this option. Discuss your situation with an International Advisor at GEO for more details.

If you are going to exercise this option instead of applying for a reinstatement, you will need to get an *Initial* Form I-20 and pay the SEVIS I-901 fee again. You will also lose credit for any time accumulated towards qualification for benefits such as optional or curricular practical training. Even if your visa is valid, you will need to apply for a new visa to enter to the U.S. Because you have a *Terminated* record for failing to maintain status you may be denied re-entry to the

United States under section 212(a)(6)(G) of the Immigration and Nationality Act. So this alternative also has significant risks.

IV. OTHER IMPORTANT INFORMATION

(a) CONSEQUENCES OF DENIAL. The denial of a reinstatement application can have serious consequences, so you **MUST** understand these consequences before you choose to apply. If your application is denied, the following can happen:

- Your visa will be cancelled
- For the rest of your life, you may only apply for nonimmigrant US visas in your country of citizenship or legal permanent residence
- You will begin accumulating days of “unlawful presence” in the United States from the date of the denial. After 180 days of unlawful presence, you are subject to a 3-year bar from returning to the US. After one year of unlawful presence, the bar from entering the US is increased to 10 years.

(b) REQUIREMENTS WHILE A REINSTATEMENT IS PENDING:

- You are required to maintain a full course of study while a reinstatement is pending, or, if you are just beginning studies at UNM, you are required to enroll in and maintain a full course of study during the first possible semester. If the reinstatement is denied, you must leave the US immediately even if it means that you need to forfeit tuition paid to UNM
- If you are a continuing student at UNM and you currently have on campus employment (either an assistantship or student employment), you may not be able to continue in this employment; please speak with an advisor for details
- Any authorized off campus work is automatically canceled when you fall out of status; no further off campus work can be authorized until the reinstatement is approved

(c) INFORMATION FOR STUDENTS WHO HAVE BEEN OUT OF STATUS FOR MORE THAN 5 MONTHS:

If a student is out of status for more than 5 months from the date of the status violation, there is a presumption that the student is ineligible for reinstatement *unless* he or she can prove that there were exceptional circumstances that prevented filing within the 5-month period, and that he or she filed the request for reinstatement as soon as possible given those exceptional circumstances.

IV. APPLICATION PROCESS

YOU MUST MAKE AN APPOINTMENT TO MEET WITH A GEO ADVISOR BEFORE APPLYING FOR REINSTATEMENT!

STEP 1: provide new financial documentation to GEO for your program of study to receive the reinstatement I-20.

STEP 2: Complete forms G-1145 and I-539 - You can find these forms at: <http://www.uscis.gov/files/form/g-1145.pdf> and <http://www.uscis.gov/files/form/i-539.pdf>, respectively. Part 2 item 1 of the Form I-539 must indicate that you are applying for reinstatement. The word "REINSTATEMENT" should also be written in red ink at the top of the form to further distinguish it from other uses of Form I-539. Full instructions can be found at: <http://www.uscis.gov/files/form/i-539instr.pdf>. If you have F-2 dependents, include them on the application using the form SUPPLEMENT-1. Check with the advisor for which address to use if you will not be using a New Mexico address or if you might move while the application is in process.

STEP 3: Write a detailed letter explaining why you failed to maintain your legal F-1 status. Remember that you must convince USCIS that you fell out of status due to circumstances beyond your control, or that a reduction in course load could have been authorized by an advisor and that failure to approve reinstatement would result in extreme hardship to you. If you have been out of status for more than five months you must also convince USCIS that there were exceptional circumstances that prevented you from filing during the 5-month period immediately following the violation of status.

STEP 4: Bring proof of finances for the remainder of your program (bank statement or assistantship information), your passport, I-94, all previously issued I-20s, the completed I-539, G-1145 and letter of explanation (explained above) to an appointment with a GEO international advisor (you can make an appointment by calling 277-4032). The advisor will review all of the options and consequences of applying for a reinstatement with you. If you decide to proceed with the reinstatement, the advisor will print a reinstatement I-20, write a letter regarding the reinstatement, have you sign an acknowledgement of consequences, and ask you to return for a second appointment once you have assembled all of the necessary materials to send to USCIS.

STEP 5: Assemble all of the following items for the reinstatement application (we recommend that you put the items in this order):

- Check or money order payable to USCIS in the amount of \$290
- Original I-94 (required)
- Cover letter with explanation of why status violation was beyond your control and listing all of the items in the application (this list)
- G-1145 completed with accurate information
- I-539 completed in full with "REINSTATEMENT" written in red letters across the top
- Advisor Letter (if applicable)
- Original NEW SEVIS I-20 marked "Reinstatement" in item 3
- Photocopies of passport and visa
- Photocopies of all previous I-20s
- Proof of sufficient funding for the program
- If you have not previously paid the SEVIS (I-901) fee, or if you have been out of status for longer than 5 months, you will be required to pay it and include a receipt of payment in this application. Information about this fee is available at: <http://www.ice.gov/sevis/i901/index.htm> (ask an advisor for details). You will need your SEVIS ID number and the UNM school code for this process (this information is on the Reinstatement I-20.)

STEP 6: Make copies of the entire application packet and mail via certified mail "return receipt requested" or express mail carrier (so that you have a receipt of filing) to:

US Mail and Certified Mail Address:

USCIS
PO Box 660166
Dallas, TX 75266

Express/ Courier Mail Address:

USCIS, Attn: I-539 for REINSTATEMENT
2501 South State Highway 121 Business
Suite 400
Lewisville, TX 75067

You should receive a text message and an email when the application is received with the G-1145. Within 4–6 weeks of sending the application to the USCIS, you should get a paper "notice of action" stating that USCIS has

received the application. If you do not get this letter within 6 weeks of mailing your application, contact an advisor for more information. The case number in the top left corner of this receipt notice can be used to call or look on the USCIS website at <http://uscis.gov> to check on your case. It can take 2-6 months before a decision is made by USCIS regarding your reinstatement and before you receive any notification.

STEP 7: If USCIS approves your reinstatement application, they will return the I-94 card to you. Once you receive your approval, you must bring the new documents to GEO. The GEO advisor will validate your record in the SEVIS system, copy your document and can subsequently endorse your I-20 for travel or other student benefit.