

REINSTATEMENT TO F-1 STUDENT STATUS

This application requires an appointment with an OIS advisor – Call 215.204.7708 to schedule an appointment

To regain status you may either [travel outside the U.S.](#) and reenter in valid F-1 status or submit a reinstatement application to USCIS - in either case, you need a new I-20.

If you have been in violation of F1 status for 5 months or more you must pay the SEVIS fee again. Fee can be paid at www.fmjfee.com Make certain that you print the receipt immediately upon payment and bring a copy of it to your appointment

Student may not work at all while a reinstatement is pending. Student may resume employment if re-instatement is approved

You may continue your full-time studies at Temple University while the application is pending

USCIS considers you to have abandoned your reinstatement application if you travel abroad while it is pending. Please contact the OIS in the event that emergency is necessary while the application for a reinstatement is pending.

**Mail the completed application to U.S. Citizenship & Immigration Services
75 Lower Welden Street
St. Albans, VT 05479**

Student MUST Bring These Required Documents To His/Her Appointment with the Office of International Services

[Form I-539 and fee](#)

The student should complete the entire form, sign it, and include the proper fee, in the form of a check or money order.

Part 2 item 1 of the Form I-539 must indicate that the student is applying for reinstatement. The most recent version of Form I-539 has a "Reinstatement to student status" checkbox at item 1.c. for this purpose.

The word "REINSTATEMENT" should be written at the top of the form to further distinguish it from other uses of Form I-539.

AM cross-reference

Also see [NAFSA's Practice Advisory](#) on the 12/30/07 version of Form I-539

A properly completed SEVIS Form I-20, issued for reinstatement, with original signatures. This new I-20 form will be issued at the time of your appointment

A letter from the student explaining the situation and requesting a reinstatement. The letter should establish convincingly that the violation resulted from circumstances beyond the student's control or relates to a reduction in course load that would have been within the DSO's power to authorize.

A letter from the DSO recommending reinstatement

Copy of the new financial support documents that supported issuance of the reinstatement Form I-20. The I-539 instructions state that, "you must submit documentation that demonstrates your ability to pay for your studies, and support yourself while you are in the United States." The financial documentation should be liquid assets and be from a reliable source, particularly if your loss of status was due to financial constraints

Original Form I-94. The form will be returned to you when the application is adjudicated

Copy of identity pages of your passport

Any other documentation that might help establish the nature of the violation, to document that the violation occurred less than 5 months ago or to justify why it should be accepted even if the violation occurred more than 5 months ago, and that the student is pursuing or intending to pursue a full course of study. DHS may wish the student to submit.

OwlNet print-outs of current registration and OwlNet print-outs of academic history at Temple

Copy of front and back of all Forms I-20 you have received while studying in the US. If you are missing any copies, write a BRIEF note to the USCIS indicating that they are lost and copies are unavailable

Filing instructions. Form I-539 for reinstatement should be filed at the USCIS Service Center that

has jurisdiction over the location of the school that issues the reinstatement I-20:

If the school that issued the reinstatement I-20 is located in: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, send the reinstatement application to:

USCIS California Service Center
P.O. Box 10539
Laguna Niguel, CA 92607-1053

If the school that issued the reinstatement I-20 is located in: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia, or the District of Columbia, send the reinstatement application to:

USCIS Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

Note: Reinstatement I-539s may also be E-Filed, which will give the student immediate confirmation that he or she has filed a Form I-539 for reinstatement. For an E-filed reinstatement I-539 to be adjudicated, the student must still send the supporting documentation to USCIS. With their electronic receipt, students will receive instructions and a cover sheet for mailing in supporting documentation. This should be done immediately after E-Filing. [See AM § 15.3 "e-Filing with USCIS"](#). You can e-file the I-539 but you still have to schedule an appointment with the OIS to obtain the I-20 and then submit all of the other materials. An appointment is still required.

- If all required documentation is presented by the student seeking reinstatement, the Designated School Official (DSO) in our office will issue and sign an I-20 generated for purposes of Reinstatement; the new Form I-20 will reflect any substantial changes to the program of study, such as a change in expected completion date, major, or degree level. Both the student and the OIS advisor must sign the new I-20 form.

How can a student violate F1 status?

- Fails to maintain a full course of study each semester as described in the regulations
- Fails to receive OIS authorization for a reduced course load PRIOR to withdrawing from any class
- Fails to apply for a program extension before the expiration date on Form I-20
- Fails to follow the proper procedure for reporting a change of program level (such as Bachelor's to Master's or Master's to Ph.D.)
- Fails to follow the proper procedure for reporting a change of major
- Fails to follow the proper procedure for completing an immigration school transfer
- Fails notify our office within ten (10) days of change of address or change of name; or
- Remains in the United States beyond his/her "grace period."

Who is eligible to apply for a Reinstatement?

A student who has violated status may be reinstated to lawful F-1 status at the discretion of a USCIS District Director or Schools Officer, but only under limited conditions. You are eligible to apply for reinstatement to F-1 status if:

- You have been in violation of F1 status for no more than five months at the time of filing the reinstatement, or that you are filing the reinstatement as promptly as possible under exceptional circumstances.
- The violation of status resulted from circumstances beyond your control or that failure to receive reinstatement to lawful F-1 status would result in extreme hardship to you
- You are currently pursuing or intend to pursue a full course of study at the school that issued the Form I-20
- You have not engaged in unauthorized employment

What should you include in your letter to USCIS?

Your letter should:

- Cite what specific event caused you to fall out of status (specify the violation); and why the violation was beyond your control, such as serious injury or illness
- State that failure to approve reinstatement would result in extreme hardship to you and describe the effect that a failure to receive reinstatement will have
- Document chronologically the period when you were out of status;
- State that you are currently pursuing or intend to pursue a full course of study;
- Request that the USCIS reinstate you to Nonimmigrant Student (F-1) status;
- Express your future goals after the current degree and how the degree will help you obtain those goals

Do I have to submit original financial documentation? If so, what are acceptable types of Financial Documentation?

. The I-539 instructions state that, "you must submit documentation that demonstrates your ability to pay for your studies, and support yourself while you are in the United States." See <http://www.temple.edu/ois/home/prospective/feesforweb2.htm> for current amounts for your particular school.

Option 1

Bank Statements In Student's Name

- 3-4 Months of recent bank statements on bank letterhead beginning with most recent statement
- No more than six months old at the time of submission
- Must be in English
- Must demonstrate that funds would be readily available to meet student's expenses
- Must show sufficient funds to cover Tuition, Living Expenses, etc.

Option 2

Bank Statements In Sponsor's Name And Affidavit of Support

- 3-4 Months of recent bank statements on bank letterhead beginning with most recent
- No more than six months old at the time of submission
- Must be in English
- Must demonstrate that funds would be readily available to meet student's expenses
- Must show sufficient funds to cover Tuition, Living Expenses, etc.
- Sponsor must complete the Affidavit of Support on page 4 of the Application for a Certificate of Eligibility

Option 3

Bank Statements In Student's Name and Affidavit that student will live with Sponsor

- Bank Statement in Student's Name (see above)
- Sponsor must complete the Affidavit of Support on page 4 of the Application for a Certificate of Eligibility www.temple.edu/ois/pdfs/i20app_001.pdf
- Form should include indicate a) Sponsor will provide room and board for the student for the duration of his/her studies and b) This will account for \$10,000 in living expenses

Option 4

Assistantship Letters from Temple University

- Must be combined with the bank statement (Option 1) to cover the estimated fees unless assistantship covers all expenses
- OIS must receive a copy of the Assistantship Letter indicating the amount of the funds
- Assistantship letter must be on Graduate School letterhead and signed by the Dean of the Graduate School
- Do not assume that the department will send a copy to us.

Option 5

Scholarship from a Company or Institution

- Student must employed by said Company or Institution
- Company must submit its bank statement to cover the estimated fees indicating readily-available liquid funds
- Must include a statement from a Company employee not related to the student indicating that amount of funds which have been set aside for your scholarship and the specific details of what expenses will be paid by the scholarship

Option 6

Scholarship from a Government

- OIS must receive a clear copy of the formal award letter from your government
- Letter should clearly state covered expenses including Tuition, Living Expenses, Health Insurance, etc
- Must be dated within 3-4 months
- Must indicate that you will be attending Temple University

Option 7

Loan from a Government Agency, Bank or other Institution

- Authorization letter from institution stating amount and terms of loan
- Letter must be on letterhead or on monthly bank statement

What are the components of the Reinstatement Procedure?

The USCIS views the reinstatement procedure as consisting of three steps:

- An admission on the part of the student that s/he has been in violation of status;
- A legal determination by the USCIS that the nonimmigrant student is out of status; and
- A judgment by the USCIS that resumption of lawful status on the part of the nonimmigrant is warranted.

If the reinstatement application is approved, the USCIS Reinstatement Officer will endorse the Form I-20, amend the student's SEVIS record to confirm the approval of the application for reinstatement, and return the Form I-20 to the student (through the Office of International Services). If the reinstatement application is denied, the denial cannot be appealed (although a motion to reopen or reconsider may be filed, if warranted).

APPLYING FOR A REINSTATMENT IN THE U.S. VERSUS TRAVEL AND RE-ENTRY

What are the benefits of applying for a reinstatement in the US?

You will not risk being separated from your spouse/child if they are in the United States with you. Also, the process is generally less expensive (\$300 application fee, but no plane fare or visa application fees). If the reinstatement is approved, you would be reinstated "nunc pro tunc", as though you had never been out of status. You would immediately be able to apply for off-campus work permission [such as OPT], as long as you had completed at least one academic year prior to violating your status.

What are the disadvantages of applying for a reinstatement in the US?

An application for a reinstatement can take months. While you should attend classes, you will not be able to engage in ANY on (including assistantships) or off-campus employment. If the application is denied, you will not have any valid non-immigrant status in the U.S. You will be required to leave the U. S. on very short notice, possibly causing an interruption in your program of study at an inconvenient or academically disadvantageous time

What are the consequences of a reinstatement denial?

INA § 222(g) (overstay and visa cancellation) and § 212(a)(9)B (unlawful presence) are two penalty provisions that can be activated if a request for reinstatement is denied. Since reinstatement by definition consists of a finding by USCIS that there has been a status violation, the denial of a reinstatement application would in all likelihood be considered a "formal finding of a status violation...", resulting in the termination of the period of stay authorized by the Attorney General." Under the most recent guidance on the applicability of INA 222(g) and § 212(a)(9)(B), the reinstatement denial would have the following effects, as of the date of the denial:

- The visa that you used to enter the United States is automatically cancelled;
- You are permanently limited to applying for nonimmigrant visas in the future only in your country of citizenship or permanent residence;
- You will begin accumulating days of "unlawful presence." If you remain in the United States after the denial for over 180 days, you will be barred from returning to the US for three years; if you remain after the denial for one year or more, you will be barred from returning to the US for ten years

Please note that whether the application is approved or denied there is an official record of a violation of status in DHS files. Status violations can have future impact on eligibility for immigration benefits such as adjustment of status.

What about my F1 visa stamp in my passport?

In December 2005, the US Department of State released a cable to all Consular Posts advising stating that USCIS has the option to approve or deny reinstatement of student status. If student status is restored, then your F-1 visa remains valid (assuming that the visa has not expired). However, if you are denied reinstatement, you have lost F-1 status at that point. Any valid student visa that was in your possession would be invalidated per INA 222(g). Because you are considered to be out-of-status from the time that reinstatement is denied, you must immediately depart the United States.

There is no bar for a student who was denied reinstatement from applying for and receiving another student visa, but consular officers will review the circumstances surrounding why the student ceased full-time study to determine whether you are a bona fide student at the time of application.

Alternatives to reinstatement: travel and re-entry

In cases that have a poor likelihood of success, you might decide to depart the country and re-enter with a new I-20, rather than applying for reinstatement. This would require the creation of a new SEVIS record, a new I-20 and a new SEVIS ID #.

If you choose to leave the U.S., you must request a new "Initial" I-20 from our office. You would then travel outside the U.S. A prior SEVIS record termination may show up in the Consolidated Consular Database (CCD) and the Interagency Border Inspection System (IBIS) as a possible ground for ineligibility for a visa or admission. If such a "hit" appears when you apply for a visa or admission to the US, the consular officer or CBP officer would have to resolve that hit before granting the benefit. You should travel with documentation that explains the nature of the termination.

If your F-1 visa is still valid, then you can return to the U.S. port of entry and ask to be admitted in F-1 status. If your F-1 visa is no longer valid, you will need to apply for a student entry visa at a U.S. embassy or consulate before you try to reenter the U.S. You should check with the embassy or consulate regarding appointment and citizenship policies. You can find contact information for most U.S. embassies and consulates online at <http://usembassy.state.gov/>

If you chose to try to travel to Canada or Mexico, you need to find out if you need a visa to enter the respective country. To do so you can visit the following websites:

www.dfait-maeci.gc.ca/can-am/new_york/

www.canadianembassy.org/index2.asp

<http://ciudadjuarez.usconsulate.gov/wwwniv.html>

<http://mexico.usembassy.gov/mexico/evisas.html>

<https://www.nvars.com/use/>

What are the benefits of traveling and reentering the US?

It may be faster to travel and reenter if you already have a valid visa or if you will be issued one fairly quickly. If you re-enter in F-1 status, you are entitled to the benefits of that status immediately, including on-campus employment. If you apply for an entry visa in Canada or Mexico, it is our understanding that the security check is processed before you arrive at the embassy or consulate. Please note that this does not guarantee the visa will be issued.

What are the disadvantages of traveling and reentering the US?

Some applicants must go through a security check before obtaining a visa. There is no way of knowing who will be subject to a security check, nor is there a way to expedite its progress. A security check can take weeks or months to be processed. Upon reentry to the U.S. you would not be eligible for any off-campus employment until you complete one academic year.

Also, the visa application could be denied. In that case, you would not be permitted to re-enter the U.S. in F-1 status. You may, if you have another valid entry visa, enter in another non-immigrant status, but you would not be in F-1 status, nor would you be entitled to any of the benefits of F-1 status.

Since you will be issued an "initial" I-20, you will not be allowed to apply for a new visa until 120 days before the program start date. Also, you will not be eligible to enter the US until 30 days before the program start date. **If you have a green card application pending, we do not advise that you travel.**

Finally, there is no guarantee that you will be admitted at the US point of entry. The US Customs and Border Patrol Officer may not allow you to enter in F-1 status. While this is unlikely, it is always a possibility.

Academic Advisor Recommendation For Reinstatement to F1 Status
Academic advisor must complete this form. Student must bring it to the appointment w/ OIS.

Student's name	
TU ID#	
Has student registered for and completed a full course of study each Fall and Spring semester <input type="checkbox"/> Yes <input type="checkbox"/> No	Student in good academic standing. <input type="checkbox"/> Is <input type="checkbox"/> Is Not
If no, please explain why student has fallen below full-time status.	
Please explain the student's history and progress in the academic level	
Please provide the specific academic requirements still remaining:	
SPECIFIC DATE (mm/dd/yy) of Degree Completion by which student will meet program requirements (i.e. date of last class, defends dissertation, submits thesis, completes last exam)	
Advisor's Name	
Advisor's Email Address	
Advisor's Phone #	
Date form completed	