**F-1 REINSTATEMENT**

*What is Reinstatement?*

Reinstatement is the process of gaining back legal F-1 status after falling out of status.

*What does it mean to be “out of status”?*

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

*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.
- Can establish that the violation of 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.

*How do I fall out of status?*

Some of the reasons for falling out of status include:

- Failure to take the equivalent of full-time credit hours each semester. This can include:
  - W or EU grades that put you below full time
  - Not taking enough physical presence courses- only 1 online course counts toward immigration
  - Not registering for enough credits
- Failure to remain in full-time status for two consecutive semesters before a vacation semester.
- Failure to inform International Student & Scholar Services of a vacation semester or need of a reduced course load by the 15-day deadline.
- Failure to complete transfer to a new school.
- Failure to attend the school that issued the I-20 used 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.
• Failure to report to International Student & Scholar Services for initial orientation and/or registration in SEVIS upon arrival.

**Can I apply for Reinstatement through USCIS online?**

USCIS has recently introduced ELIS (Electronic Information System) that allows applicants to file the form I-539 online to request an immigration benefit. The ELIS program now allows you to file any of the requests listed above using a paperless I-539 form. When using ELIS, you will be able to create a personal account and submit additional documents to complete and file your request. If you use the ELIS system, you will create your ELIS account and submit your application at the ELIS website www.uscis.gov/uscis-elis. Please consult ISS if you have questions about using the ELIS method.

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

For students pending USCIS approval, you may continue to study and go to classes while you wait for your approval; however, all employment must stop while you are pending reinstatement. Similarly, if you are planning on traveling, all employment must stop (both on campus and off) until you have returned and completed your reinstatement.

**What happens after I reinstate?**

After you complete reinstatement, you are considered in valid F-1 status. You may continue your studies. For those students who have traveled, you are treated as a new student, therefore, you will not be eligible for CPT, OPT, or a vacation semester for another 2 full time semester.

**What happens if I do not reinstate?**

If you do not reinstate your visa and you choose to remain in the US, your record remains in terminated status and you are considered in un-lawful status. Students that remain out of status for over 5 months risk the chance of having their reinstatement denied. Students out of status for 365 days or more may incite the 10- year ban- in which returning to the US is not allowed for a 10 year period.

**What happens if I have to reinstate more than once?**

Students with multiple terminations will be subject to a processing fee from ISS to cover administrative costs. This applies to students requesting more than one reinstatement during their academic career. There is no fee associated with the first reinstatement.

Second reinstatement: $150  
Third reinstatement: $300  
Fourth reinstatement: $450  

Students needing more than four reinstatements will be reviewed by ISS to determine their eligibility to continue at the University of Utah. If granted, student will be subject to the same incremental fee structure with the fifth reinstatement being $600 and so on.
**How do I apply to get back into status?**

**OPTION 1 – Reinstatement of Status through the USCIS Office**

If you meet the eligibility requirements, you may apply through the Regional USCIS office for reinstatement. If the USCIS office reinstates you to lawful student status, they will notify you of your reinstatement by returning your SEVIS I-20 by mail.

**STEP 1**

Log into istart at [www.ic.utah.edu](http://www.ic.utah.edu) through the button and fill out an e-form for Reinstatement. The request for your I-20 will take approximately two (2) weeks to process and must include current financial support documentation to cover tuition and living expenses.

**STEP 2**

Pick up a new I-20 from International Student & Scholar Services. Pay reinstatement fee in the ISS office if applicable.

**STEP 3**

Compile Reinstatement packet. Once complied, you are welcome to come to ISS to have an advisor check over your packet before mailing.

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**Your packet MUST include the following documents:**

1. **A copy of your I-20 from ISS for the purposes of reinstatement which you have signed and dated.**

2. **A letter requesting reinstatement to USCIS explaining why you fell out of status and why the circumstances were beyond your control (example letter on the last page).** Letter should include the following:
   - You are currently pursuing a full course of study
   - You have not worked 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


4. **I-94 card or online print out** (print online at [https://i94.cbp.dhs.gov/I94/request.html](https://i94.cbp.dhs.gov/I94/request.html))

5. **Copies** of your passport and visa, as well as all I-20s previously issued to you

6. **Money order or bank check payable to Department of Homeland Security** for $290.00.

7. **If you have been out of status for more than 5 months, you need to pay an extra $200.** This fee may be paid at [fmifee.com](http://fmifee.com). (provide receipt as proof of payment)

8. **Financial support documents used to obtain the new I-20.** (Financial support includes a bank statement, and an affidavit of support if necessary)

9. **Proof of enrollment for full time status in current semester** (copy of transcript or print out of current course schedule)

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Updated 4/29/15 CWS
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

**STEP 4**

Mail your reinstatement application documents to the regional USCIS office:

SAMPLE REINSTATEMENT LETTER

*(For use ONLY if applying for reinstatement within the regional office)*

Date:

USCIS Officer
U.S. Citizenship and Immigration Services

Dear Sir/Madam:

I am requesting reinstatement because *(describe what happened.)* Please accept my application for 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 stay before my I-20 expired. *(Explain why this happened)*
- I have failed to process my transfer from *(name of previous school)*

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 *(Cite your points.)*

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 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 – Returning to Lawful Status via Travel and Reentry

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 new I-94 to International Student & Scholar Services 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 button and fill out an e-form for Reinstatement. Requests for an I-20 will take approximately two (2) weeks to process once ISS has received a complete application which must include current financial support documentation to cover tuition and living expenses.

STEP 2
Pick up new I-20 from International Student & Scholar Services. Pay reinstatement fee in the ISS office if applicable.

STEP 3
Pay the $200 SEVIS fee prior to re-entering the US at: www.fmjfee.com

STEP 4
Travel outside of the US and return using your new I-20. Before you travel, please remember to check:
- The expiration date on your passport (should be valid for 6 months past your re-entry date into the US)
- The expiration date on your visa (if expired, you will need to renew before re-entering)
- That you have signed and dated your I-20

STEP 5
After you have returned to the US from traveling, you MUST report to ISS to have your new I-94 scanned and inform ISS 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 Information about Returning to Lawful Status via Travel:

- You must re-enter the U.S. on your new Reinstatement SEVIS I-20.
- 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 do not need to renew your visa unless it is expired.
- Also note that 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 to have their status restored.

Please Note: After your re-entry, you will be eligible for employment on campus, but if you wish to apply for off campus employment such as Curricular or Optional Practical Training, or a vacation semester, you must maintain full-time student status for two semesters again to be eligible to qualify.