

REINSTATEMENT

Instructions for Application for F-1 Reinstatement

Students who fail to maintain F-1 student status and wish to continue studying at, or transfer to, the University of Nebraska at Kearney, must regain valid status. One way to regain F-1 student status is to apply to **US Citizenship and Immigration Services (USCIS)** for reinstatement. Alternatively, students may leave the U.S. and reenter using a new I-20 with a new SEVIS number. Either option to regain status should be discussed a **Designated School Official (DSO)** with **International Student Services (ISS)** in detail. Those planning to transfer to another institution must apply for reinstatement through the new school using the I-20 from that school.

Causes for falling out of status:

- Failure to extend I-20 before the expiration deadline
- Failure to complete the F-1 transfer procedure in a timely manner
- Failure to take a full course load without prior written authorization from ISS for an excusable academic or medical reason under USCIS regulations
- ❖ Note: a student who has worked without authorization is also out of status, but is not eligible for reinstatement.

If you think you may be out of status, please visit ISS immediately. The longer you wait to address the problem, the more difficult it will be to reinstate. Furthermore, only students in valid F-1 status are eligible for F-1 benefits from USCIS (i.e. on campus employment, CPT, OPT.)

Eligibility

Under federal USCIS regulation 8 CFR 214.2 (f) (16), an F-1 student is only eligible for reinstatement if all of the following conditions apply to the student:

- Has not been out of status for more than 5 months at the time of filing the request for reinstatement (of the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances.
- Does not have a record of repeated or willful violations of USCIS regulations.
- Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the Form I-20.
- Has not engaged in unauthorized employment.
- Establishes to the satisfaction of the USCIS, in detail, showing either that:
 - The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight, or neglect on the part of the SCO, but do not include instances where a pattern of violations or where a willful failure on the part of the student resulted in the need for reinstatement, or
 - The violation related to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student.

Procedure for Reinstatement of F-1 Student Status

An ISS DSO will assist students with a reinstatement petition only if all of the conditions above apply. Students who do not meet the above eligibility requirements will need to consult with a US immigration attorney. A list of attorney can be obtained from ISS.

First: Meet with an ISS DSO to assess your eligibility for reinstatement.

Second: Prepare the following documents:

1. A personal **check for \$290 payable to "US Department of Homeland Security."** If you do not have a checking account, you may purchase a money order.
2. USCIS Form I-539, available on the USCIS website at: <http://www.uscis.gov/forms> . **PRINT REINSTATEMENT IN RED INK AT THE TOP OF THE FIRST PAGE!** In Part 2, question 1, check "C." In Part 3, question 1, write "D/S.: In part 4, question 3e, check "yes."
3. A cover letter from you requesting reinstatement to F-1 student status and explaining your circumstances. You should explain that the violation of F-1 status resulted from circumstances beyond your control and/or that the failure to be reinstatement would result in extreme hardship. Attach any additional supporting documents.
4. A new SEVIS I-20 issued by UNK for purposes of reinstatement, signed by you and a DSO.
5. Photocopies of your previous I-20s.
6. Photocopies of your financial support documents to show evidence of continued funding – documents should be recent (no more than 6 months old.)
7. Photocopies of your passport photo page – include any other pages that contain the expiration date, any extensions, or any biographical information. Your passport should be valid for at least 6 months into the future.
8. A photocopy of your most recent visa, used to enter the US.
9. A copy of your I-94 card, downloaded from <http://i94.cbp.dhs.gov/i94/request.html>.
10. An original transcript or a copy of your grades downloaded from MyBlue and copy of your current course registration.

Third: Meet with DSO to review final application for reinstatement.

Fourth: Copy your entire application for your records and mail to:

USCIS
PO Box 660166
Dallas TX 75266

Final Considerations

Processing times for reinstatement applications vary; however, it may take as long as 6 months for the application to be adjudicated. You are required to register and be enrolled full-time during this period, but you will not be eligible for any type of employment until the reinstatement is approved.

Alternative to Reinstatement Application

You also have the option of traveling to regain status instead of applying for reinstatement.

When you travel to regain status, you are issued a new I-20 for "Initial Attendance" with a new SEVIS ID number. You then leave the US and reenter using the new I-20. When you reenter the US you will be automatically reinstated.

- ❖ Note: However, if you choose to travel to regain status, you will forfeit any time you have accrued toward practical training eligibility. You will need to be registered for one academic year in order to qualify for practical training.

If your request for reinstatement is approved, the USCIS office will stamp your I-20 to indicate that you have been reinstated and return it. Once the reinstatement is approved, you are once again eligible for the benefits of F-1 status. **If the application is denied, you will be notified and your visa will be automatically cancelled.** **You must leave the country as soon as possible or you will begin accumulating days of "unlawful presence."** If you overstay by 180 days, you will be barred from the US for three years. If you remain for one year or more of unlawful presence, you will be barred from reentering the US for 10 years.