



Reinstatement

International Studies Office

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The following general information is provided to assist Texas A&M-Texarkana students who wish to resolve a status issue. It is not meant as legal advice. Students are encouraged to consider obtaining the services of an immigration attorney who has experience assisting F-1 students with reinstatement.

DESCRIPTION

If an international student fails to meet F-1 regulatory requirements, the student's Student and Exchange Visitor Information System (SEVIS) immigration record is terminated and the student is "out of status". This is a serious matter. All F-1 benefits cease and the student is required to leave the U.S., file for reinstatement or be eligible for deportation.

If you are out of status and take action in a timely manner, you may be able to return to valid F-1 status. After reading the following, discuss your options with an International Student Advisor or immigration attorney.

GENERAL

There are two ways to correct F-1 status:

- 1. File for reinstatement.** Send an application to USCIS and remain in the U.S. You must follow F-1 requirements while application is processed, including full-time enrollment.*
 - Pros – You remain in the U.S. while the application is pending.
 - You can continue to make progress toward your educational objective while the application is pending.
 - If, prior to the status violation, you met the off-campus employment requirement of one academic year of full-time study and you are reinstated, the eligibility is also reinstated.
 - Cons – Current applications are taking 10-13 months of processing.
 - While the application is pending you can't leave the U.S. or change schools.
 - You are not allowed any work benefits.
 - You may not be able to renew your driver's license.
 - If denied, you will have to leave the U.S. and may be barred from returning for up to 10 years due to accrued "unlawful presence."

*If you do not maintain F-1 requirements, such as full-time enrollment, your reinstatement I-20 will be canceled, cancelling your reinstatement application.
- 2. Start a new status.** Obtain an Initial I-20, leave the U.S. and re-enter in a new status.
 - Pros – The process is much quicker.
 - Cons- Any time you leave the U.S. there is a risk that you may not be able to return. You will have to pay the SEVIS I-901 fee again. You cannot re-enter the U.S. more than 30 days before the Program Start Date on your Form I-20. If the visa in your passport has expired, you will have to go through the full visa process at a consulate. Any other pending USCIS applications may be affected by your U.S. departure



You will have to enroll full-time for at least one academic year before being eligible for off-campus work authorizations, such as CPT or OPT.

When to Apply

It is in your best interest to file the petition for reinstatement soon after the violation. Regulations limit eligibility to five months after the violation unless you can demonstrate extraordinary circumstances causing a delay. After reading this reinstatement information, contact your International Student Advisor and/or Immigration Attorney. USCIS processing times are highly variable and can take a year or more.

Eligibility Requirements to Obtain a Form I-20 (travel or submission)

To apply for reinstatement of F-1 status, you must

- ✓ Be academically eligible to begin/continue study at UT Tyler.
- ✓ The violation resulted from either:
 - Circumstances beyond your control; or,
 - Failure to apply in a timely fashion for a reduced course load authorization from your International Student Advisor.
- ✓ The violation did not occur more than five months ago.
- ✓ You have not engaged in unauthorized employment.
- ✓ You can provide proof of sufficient finances for at least one year of study.

Bank Statements

- ✓ Dated within the last six months, showing bank's name and address on company letterhead.
- ✓ Funds must be liquid assets, not investments.
- ✓ If funds are not in U.S. dollars, include a printout of currency conversion.

While You Wait for a Decision

You will be expected to follow F-1 regulations while your application is pending. This includes full-time enrollment each fall and spring semester. If you do not maintain enrollment, **your reinstatement I-20 will be canceled**, canceling your reinstatement application.

APPLYING OUTSIDE THE U.S.

Process

- ✓ Read the Reinstatement Handout and note any questions.
- ✓ Meet with your International Student Advisor and/or Immigration Attorney.
- ✓ Submit materials for an I-20 to your International Student Advisor
 - Reinstatement Request Form
 - Certification of Financial Responsibility
 - Proof of funding for at least one year of study (dated within last six months)
- ✓ Pay SEVIS I-901 fee and print receipt. Online payment is possible at www.fmjfee.com. For more information about the I-901 SEVIS fee see: www.ice.dhs.gov/sevis/i901/index.htm.

If you will be applying a new visa, also:

- ✓ Obtain an appointment at a U.S. consulate.
- ✓ Attend the visa appointment with all necessary documents. (*Canadian Students do not require this step.*)
- ✓ If approved, re-enter U.S. in new F-1 status no more than 30 days before the I-20 start date.
- ✓ Provide copies of your F-1 visa and I-94 to your International Student Advisor.

Required Documents to Take as You Travel

- ✓ Passport



- Initial I-20
- SEVIS 901 fee receipt
- Proof of financial support
- Proof of maintaining F-1 status prior to termination
- Transcripts and future class enrollment
- Miscellaneous supporting documents (optional)

APPLYING INSIDE THE U.S.

Process

- Read the Reinstatement Handout and note any questions.
- Meet with your International Student Advisor or Immigration Attorney to review the process and your questions.
- Submit materials for an I-20 to your International Student Advisor.
 - Reinstatement Request Form
 - Certification of Financial Responsibility
 - Proof of funding for at least one year of study (dated within last six months)
- Complete an I-539 Form from uscis.gov (application). Your advisor or attorney can assist you with some of the questions on the form.
- Optional – Complete a G-1145 Form from uscis.gov (request for text/email notification in addition to regular mail.)
- Pay the I-901 SEVIS Fee, if required. Print a receipt.
- Mail the application to USCIS with a check or money order. In 2-4 weeks, you will receive a receipt notice from USCIS with your case number. You can check the status of your case using that number on uscis.gov.
- You may receive a Request for Further Evidence that must be answered by the deadline noted on the letter.
- Months later - You will receive a letter indicating approval or denial of your petition. Provide a copy to your International Student Advisor so your record can be updated.

What happens if my reinstatement is denied?

A denial letter will be mailed with instructions. Usually it indicates you must leave the U.S. or File a Motion to Reconsider within a certain time period. Your reinstatement denial would have the following effects:

- Your visa used to enter the United States would automatically be cancelled
- U.S. government agencies are currently debating if students who are out of status are accumulating days of “unlawful presence” as soon as the status violation occurs or not until receiving a decision letter. **Any non-immigrant who accrues than 180 days of unlawful presence is barred from returning to the U.S. for 3 years. If the student remains more than one year, the bar is 10 years.**

Required Documents for Package

- Check or Money Order for application fee (\$370)
- Student letter explaining what happened
 - Explain how/why the violation occurred.
 - Did it result from circumstances beyond your control?
 - Was it because you worked without CPT authorization?
 - Was it because you didn't file a timely request for a reduced course load authorization?
 - Describe why failure to receive reinstatement would result in extreme hardship
 - Include a statement that you have never been employed off-campus without USCIS authorization and that you are currently pursuing or intend to pursue a full course of study in the next long semester
- Certificate of reinstatement
- Reinstatement I-20
- Certificate of Financial Responsibility (CFR)



INTERNATIONAL STUDIES

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- / Bank statement, current within 6 months, showing funds for at least one academic year.
- / Copy of passport identification page
- / Copy of your current F-1 visa or I-797 Change of Status Approval Notice
- / I-94
- / Copies of all academic transcripts from your studies in the United States
- / Copies of all I-20s from all institutions you have attended
- / Any other documentation that might help establish the nature of the violation