F-1 Reinstatement

Overview: A student who has failed to maintain F-1 student status and wishes to continue studying at (or transfer to) Kennesaw State University must regain valid status. One way to regain F-1 student status is to apply to US Citizenship and Immigration Services (USCIS) for reinstatement. Or students may leave the US and reenter using a new I-20 with a new SEVIS number (please contact the KSU international office for clarity when choosing this option). Either option to regain status should be discussed with an advisor in the ISSSO in detail. (Those planning to transfer to another institution must apply for reinstatement through the new school using the I-20 from that school.)

Reasons why a student may fall out of F-1 student 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 less than a full course of study without prior written authorization from the International Office 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 that you may be out of status, please visit the SEVIS office immediately. The longer you wait to address the problem, the more difficult it can become. Furthermore, only students in valid F-1 status are eligible for F-1 benefits from the USCIS (e.g. authorization to work on-campus, practical training work authorization).

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 (or 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 accepted at and 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
- Is not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act
- 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 DSO, 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
  - The violation relates 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

The KSU ISSSO will assist students with a reinstatement petition only if all of the conditions apply. Students will need to consult with a US immigration attorney to file the application.
Procedure for Reinstatement of F-1 Student Status: The application for reinstatement is made by the student directly to USCIS. KSU does not have a role nor liability in approving your application. Only USCIS can reinstate your status.

**Step One** – Meet with an ISSSO advisor to assess your eligibility for reinstatement.

**Step Two** – Prepare the following documents:

- USCIS form I-539, available on the USCIS web site at: [http://www.uscis.gov/forms](http://www.uscis.gov/forms). Complete the paper form in all areas. Please see answers to more difficult questions listed below.
  
  - In Part 1, question 12b leave blank, 12c mark ‘X’ Duration of Stay
  - In Part 2 question 2a write the start date found on your new I-20, 2b write F1, question 3 mark ‘X’ Reinstatement, Highlight Yellow, answer 4 and 5 in this section
  - In Part 3, question 1a, leave blank, 1b mark ‘X’ duration of stay
  - In part 4, question 17, check “yes”. PRINT REINSTATEMENT BOLD IN RED INK AT THE TOP
  - In Part 5, Sign in BLUE ink 3a, write the Date 3b
  - In part 6, Complete #2 and #3 as applicable. One of these should be filled out according to Part 4 #19 answers
  - Answer all other parts that pertain to you n this form, this was to help with the most difficult answers
  - Have everything on the form reviewed by your attorney

- I-539 Application Fee ([http://www.uscis.gov/forms](http://www.uscis.gov/forms)), payable to the US Department of Homeland Security

- A cover letter from you (**and your lawyer- an immigration lawyer is recommended**) requesting reinstatement to F-1 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 reinstated would result in extreme hardship. Attach any additional supporting documents and be specific in the timeline.

- A photocopy of your previous I-20 form(s) and any EAD card(s) you may have

- A photocopy of your financial support documents to show evidence of continued funding—documents should be recent (no more than 6 months old) in the amount of $36,500USD or more

- A photocopy of your passport photo page—include any other pages that contain the expiration date, extensions, or any biographical information. Your passport should be valid for at least 6 months into the future.

- A photocopy of your most recent visa (stamp), used to enter the US

- Your original I-94 card (be sure to copy front and back clearly showing the red USCIS stamp for your records) or if you do not have a card, retrieve your I-94 number from [www.i94.cbp.dhs.gov](http://www.i94.cbp.dhs.gov)

- A photocopy of your admission letter, or transcript and future course registration at KSU

- A photocopy of all documents for any dependents you may have in the US

**Step Three** – Meet with an ISSSO Advisor to review final application for reinstatement and receive:

- A new SEVIS I-20 issued by KSU for purposes of reinstatement (signed by you and the KSU DSO) and support letter

**Step Four - Mailing Your Application.** Photocopy your complete application for your personal records. We advise that you send your completed application by **Certified Mail, Return Receipt Requested** or by an express mail courier with tracking. For the mailing address and instructions, refer to the I-539 application at [http://www.uscis.gov/forms](http://www.uscis.gov/forms).
Final Considerations

- A decision to reinstate an individual to F-1 student status is at the discretion of the USCIS and the university has no ties to the application decision.

- Processing times at USCIS vary greatly. Expect to wait 4-12 months before receiving a response.

- You are NOT eligible for any F-1 student benefits, such as practical training employment authorization or working on campus, unless the USCIS reinstates you to F-1 student status.

- Travel outside the US while a reinstatement application is pending will be considered an abandonment of the application. If you need to leave the US while your application is pending, you must meet with the KSU SEVIS advisor prior to travel.

- If the application is approved, USCIS will endorse the new I-94 form and return it to the mailing address listed on the I-539 form. KSU will contact you if we receive any updates on your behalf. Please also contact KSU SEVIS when you receive information from USCIS. (NOTE: any F-2 dependent status is automatically reinstated with the reinstatement of the F-1 student.)

Please Note:
Expected to go into effect on August 9, 2018: Any student or scholar in F or J status who fails to maintain their immigration status before or after August 9, 2018 will now begin accruing unlawful presence on the earliest of any of the following:

- The day after they no longer pursue the course of study or the authorized activity, or the day after they engage in an unauthorized activity;
- The day after completing the course of study or program, including any authorized practical training plus any authorized grace period;
- The day after the I-94 expires; or
- The day after an immigration judge, or in certain cases, the Board of Immigration Appeals, orders them excluded, deported, or removed (whether or not the decision is appealed).

If the application is denied, your accrued days of unlawful presence in the US will be in effect. Accrual of more than 180 days of unlawful presence could subject a person to a 3-year or 10-year bar from reentering the US. Students who are denied reinstatement have the option to file and appeal with the USCIS, but we strongly encourage these students to hire a competent immigration attorney on their behalf.