Reinstatement of Status

Policy

Failure to maintain status requires that the student either return home or apply for reinstatement. Any student who wants to apply for reinstatement must demonstrate that he or she is eligible for reinstatement based on guidelines provided by the U.S. Government. If the student is not eligible, then he or she may not apply. A student may be eligible for reinstatement depending on whether the student:

- Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or demonstrates that 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 Service 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;
- Is not deportable on any ground; and
- Establishes to the satisfaction of the (government) Service, by a detailed showing, either that:

1. 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 repeated violations or where a willful failure on the part of

Additional Links

- Initial I-20
- Replace or Update I-20 Request
- Immigration Check-In
- Curricular Practical Training
- Post-Completion Optional Practical Training (OPT)
- Pre-Completion Optional Practical Training
- STEM OPT Extension
- Cap-Gap Extension
- Leave of Absence
- Letter Requests
- On-Campus Employment
- Reduced Course Load
- Change of Level
- Reinstatement of Status
- Suspension & Expulsion
- Transfer (In & Out)
- Travel Authorization
- Dependents
- Extend Or Shorten Your Program
- Termination of SEVIS Record
- Document Management
- Academic Program Completion
- Insufficient Funds
- Social Security Number
A request for reinstatement will be highly scrutinized and may be denied. Depending on the circumstances, students who are out of status may wish to hire an immigration attorney to assist them.

If a student does apply for reinstatement, while they are pending reinstatement the student:

- Should continue a full-time program of study at the school that issued the I-20
- Must comply with all the requirements for maintaining student status
- Should not travel outside the U.S. Doing so will be considered an abandonment of the pending reinstatement application. If the student decides to do so, he or she will have to reenter on a new, initial attendance I-20 as well as pay the SEVIS fee
- Cannot work on or off campus (includes CPT or OPT)
- Is not eligible to apply for any student-related benefits while the reinstatement is pending.

**Procedure**

1. The student should first discuss his or her situation in detail with a DSO, who will assess the case; if the student is eligible for reinstatement, then the student should continue with the next steps. If the student is not eligible, the student should make plans to return home or contact an Immigration Attorney for assistance.

2. The student should provide the DSO with documents necessary to issue a new I-20.

3. The student should write a letter of explanation addressed to USCIS, stating the following: why he or she is out of status (specify the violation); the reason for the status violation; the effect on the student of failure to receive reinstatement; a statement that he or she is currently pursuing or is intending to pursue a full course of study; and specifically request that USCIS reinstate him or her to F-1 student status.

4. The student must complete and sign Form I-539 (Application to Extend Status/Change Nonimmigrant Status), indicating in Part 2 that the application is for reinstatement to student status. Part 2 of the most recent version of Form I-539 has a "Reinstatement to student status" checkbox at item 3 for this purpose. The form is available on the USCIS website.

5. Write a check in the amount of the fee for Form I-539 (check the USCIS Forms site for current fee and form information).

6. Students who have been out of status for more than 5 months will also have to pay a new SEVIS I-901 fee and include proof of payment with their reinstatement application.

7. It is the student’s responsibility to gather all of the materials together and mail them to USCIS for review.