

Reinstatement to F-1 Student Status

Ph: 512-245-7966, Email: international@txstate.edu
www.international.txstate.edu

F-1 students that violate the conditions of their visa by not complying with the Department of Homeland Security rules and regulations are considered **out-of-status. A student who is out-of-status is no longer eligible for F-1 status benefits such as on-campus employment, CPT, and OPT.**

Out-of-status students who wish to continue studying as an F-1 student at (or transfer to) Texas State University must regain valid status. To regain F-1 status, a student may apply for reinstatement in cases where the violation was outside of the student's control and the student continues to attend, or plans to attend, a program of study. Alternatively, you may request a new SEVIS record with a new I-20, depart the US and re-enter under a new I-20 with new SEVIS ID, a valid visa, and valid passport.

Important Notes:

- Traveling out and re-entering the US to re-establish F-1 status will affect practical training eligibility. Student must re-accumulate one academic year as full-time enrollment to qualify for either Curricular Practical Training (CPT) or Optional Practical Training (OPT).
- Working without authorization is a violation of your status that CANNOT be corrected through reinstatement. You can only regain status by departing and re-entering the US.

Reasons Why Students Fall Out-of-Status:

- Failure to maintain full-time status throughout the academic semester (*i.e. dropping a course in the middle of the semester or enrolling less than full-time without an approved [Reduced Course Load](#)*)
- Failure to maintain full-time status while concurrently enrolled
- Working off-campus without authorization or working beyond the conditions allowed for on-campus employment
- Failure to extend I-20 before the I-20 Program End Date deadline
- Failure to enroll by the start of the semester

Eligibility for Reinstatement:

Under federal regulation, an F-1 student is only eligible for reinstatement if all of the following conditions apply:

- 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 the Service regulations;
- 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;
- Not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act; and
- Establishes to the satisfaction of USCIS, 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 the student resulted in the need for reinstatement; or
 2. 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.

Final Consideration:

- See USCIS Form I-539 processing times: <https://egov.uscis.gov/processing-times/>.
- Students must maintain full-time enrollment while the reinstatement application is pending.
- Pending reinstatement students are not eligible for any F-1 student benefits unless and until reinstatement is approved.
- Travel outside of the US is not recommended while the reinstatement application is pending and may be considered an abandonment of the application.
- If **approved**, ISSS will notify you and you will regain F-1 benefits.
- If **denied**, you must depart the US otherwise you will begin to accrue unlawfully presence in the US. A denial cannot be appealed. The effect of a denial is very serious, and you should schedule an appointment with the DSO.

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Applying for Reinstatement

Step 1 – Call ISSS to schedule an appointment with a DSO

Prior to the appointment, review and complete **Legal Advice and ISSS Advising Statement of Understanding**.

Step 2 – Materials to Submit with Reinstatement Application

1. **Immigration documents:** all I-20s (from previous institution(s) and Texas State), color copy of unexpired passport and F-1 visa or I-797 Change of Status Approval Letter, and most recent I-94 (i94.cbp.dhs.gov/I94/) for you and any dependents.
2. Complete **Form I-539** – Application to Extend Status/Change Nonimmigrant Status: <https://www.uscis.gov/i-539>.
 - a. Indicate in Part 2 that the application is for reinstatement to student status (checkbox item 3)
 - b. Write "REINSTATEMENT" at the top of the form to further distinguish it from other uses of Form I-539
3. **Form I-539A** – required for every co-applicant (dependents) included on Form I-539. Parents may sign for children under 14 years old.
4. **A detailed, typed letter of explanation addressed to USCIS** explaining why you fell out of status. The letter should establish convincingly that the violation resulted from circumstances beyond the student's control or relates to a reduction in course load that would have been within the DSO's power to authorize. If related to a failure to obtain a reduced course load authorization, the letter will also have to establish the nature of the extreme hardship the student would face if reinstatement were not granted.
 - a. Describe your violation. You must state the reason for the status violation:
 - i. *how your violation of status resulted from circumstances beyond your control or that failure to be reinstated would result in extreme hardship,*
 - ii. *the effect of failure to receive reinstatement,*
 - iii. *you are currently pursuing or intend to pursue a full course of study at Texas State,*
 - iv. *specifically request that USCIS reinstate your F-1 student status.*
5. **Evidence of financial support** demonstrating ability to pay tuition and fees, and living expenses in the US for you and your dependents (if applicable). Must cover the cost of attendance for at least one academic year:
<http://www.international.txstate.edu/prospective/tuition.html>
 - a. **Academic assistance:** assistantship, scholarships, fellowships: Bring official award letter or email
 - b. **Personal funds:** bank statement or a letter on bank letterhead not older than 3 months
 - c. If your sponsor is not your parent and is either a US citizen or permanent resident, he/she will need to complete **Form I-134 Affidavit of Support** (<https://www.uscis.gov/i-134>).
 - d. **Governmental or home country scholarship:** Verified with a letter from your university or supplying agency. It should also state if you are eligible for resident tuition.
6. **Academic transcript** from all academic institutions attended in the US. Transcript should show current or next session full-time enrollment in courses. A class schedule can be helpful to demonstrate enrollment.
7. **Checks or money orders** payable to "U.S. Department of Homeland Security" for: \$370.00, Form I-539 filing fee and \$85.00, biometrics service fee for every applicant and co-applicant (dependents)
8. **New Reinstatement I-20** – request online: <http://www.international.txstate.edu/current/Reinstatement.html>
9. **Any other documentation** that helps establish the nature of the violation, to document that the violation occurred less than 5 months ago, or to justify why it should be accepted even if the violation occurred more than 5 months ago (i.e. medical documentation, or DSO letter if due to DSO's error)
10. **Proof of payment of the SEVIS I-901 fee**
 - a. Students out of status for *less than 5 months* do not have to pay a new SEVIS I-901 fee. Submit a copy of your original I-901 SEVIS Fee payment receipt. Ask the DSO to print your SEVIS profile page showing proof of I-901 fee payment.
 - b. Students out of status for *more than 5 months* have to pay a new SEVIS I-901 fee [[8 CFR 214.13\(d\)\(7\)](http://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-214/section-214.13(d)(7))], and include proof of payment with their reinstatement application.

Step 3 – Mailing Documents

Once you receive your new Reinstatement I-20, mail your reinstatement application with all required documents to the appropriate USCIS Service Center.

Find the direct filing address on the USCIS Form I-539 website: <https://www.uscis.gov/i-539-addresses>.

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Legal Advice and ISSS Advising Statement of Understanding

I understand that:

- International Student and Scholar Services (ISSS) offers best practices information on immigration processes such as Change of Status, Reinstatement, F-2, J-1, J-2, H-1B, H-4, and other related statuses as a courtesy to international students and their dependents under a Texas State University issued Form I-20. **Please note that all information provided is not considered legal advice.**
- I may choose to hire a board-certified immigration attorney to assist me in my immigration process at any time.

In signing this **Statement of Understanding**, I hereby acknowledge that I have read and understand the entire document, and I have been given the opportunity to ask questions and receive answers to my satisfaction. **I shall not hold Texas State University liable for any loss or damage to my immigration status, including any costs involved, as a result of any information given to me.**

Signature

Name (as per your passport)

Date (mm/dd/yy)