

Reinstatement to F-1 Visa Status

International Student Services
Albany State University

What are the consequences of being out of status?

Falling out of F-1 status is a very serious violation of your responsibilities as an international student, and it can have long-term consequences on your immigration benefits in the United States. A student who is out of status is no longer eligible for benefits such as practical training, on-campus employment, and travel signatures to re-enter the U.S. If your violation remains unresolved, it will have a very negative impact on your ability to obtain visas and enter the United States in the future. If you are currently out of status, you should take action IMMEDIATELY to regain F-1 status.

How do I regain F-1 status?

There are two ways to get back in status.

1. Apply for reinstatement by submitting an application to USCIS. You will need to provide documentation that you fell out of status due to circumstances clearly beyond your control, and an immigration officer will decide whether or not to reinstate you based on the information provided in the application. You are allowed to continue taking classes while you wait approximately 3-6 months for the reinstatement to be adjudicated, but you cannot work. There is some risk in this process: students who are denied reinstatement must leave the U.S. immediately. The checklist of documents needed for this application is on the back of this handout.
2. Exit the United States and return on a new I-20 issued to you by an ISS advisor. In order to obtain a new I-20, you will need to provide the same kind of financial documentation you showed when you were first admitted to Albany State. If you currently have a valid F-1 visa, you can travel to a different country and show your new I-20 when you re-enter the U.S. If you do not have a valid F-1 visa, you will need to make a visa appointment in your home country, obtain the visa, and then return to the U.S. using your new I-20. Choosing this option means that you will have to wait two academic terms after you return before you are eligible for practical training.

You will only be considered for reinstatement as an F-1 student if you establish that the violation of status was due solely to **circumstances beyond your control** or that failure to reinstate you would result in extreme hardship; you are pursuing or will pursue a full course of study; you have not been employed without authorization; and you are not in removal (deportation) hearings.

What do I do now?

An international advisor will discuss your situation with you and help you decide which of these two options might be the best for you. Remember that whatever your decision is, there is no guarantee that you will regain F-1 status. We will do our best to assist you, but the decision is ultimately up to Department of Homeland Security and/or Department of State officials.

If you choose Option 1, International Education will mail the application to USCIS for you and notify you of the response once it arrives. If you choose option 2, International Education will provide you with the new I-20 so that you can travel.

Refer to the back of this sheet for more information on the documents required for a reinstatement application.

Reason for falling out of status

- Under-enrolled without permission
- Worked without authorization
- Did not report to OIE at beginning of program or term
- Academic expulsion or exclusion
- Otherwise failing to maintain status _____

I choose to try to regain F-1 status by:

- Traveling outside the U.S. and returning using a new I-20
- Submitting an application to USCIS

An application for reinstatement submitted to USCIS must contain the following items:

Provided by student

- I-539 form (available on www.uscis.gov)
- Cover letter explaining the details of how you fell out of status, in what way it was beyond your control, and any other information to support your case

‘Dear Immigration Officer’

If applicable include, ‘have not worked without authorization’

- Original I-94 form (available on www.uscis.gov)
- Financial documents — less than 1 yr. old and showing 3 months consistent balance/funds
- Check or Money order for \$370 made out to ‘Department of Homeland Security’
- Photocopies of all old I-20’s
- Certified transcripts from ALL schools attended in the U.S.
- Copy of biographic page of passport
- Official evidence of current enrollment or enrollment in the next term
- SEVIS fee (I-901) receipt — see www.fmjfee.com to know whether you need to pay this or not

Provided by International Student Services advisor

- New I-20 for reinstatement — student must provide financial documents before this is issued

Advisor Comments:

Statement of Understanding

I, _____, understand that OIE is assisting with my application based on the information I submitted, and OIE cannot guarantee that my application will be approved. It is my responsibility to maintain my F-1 status in the United States, and it is also my responsibility to apply in a timely manner for reinstatement to F-1 status if I am not currently in status. OIE will notify me as soon as they receive my receipt notice, any other notices from USCIS, and my approval/denial notification. I understand that if my reinstatement request is denied I must leave the United States immediately.

Signature _____ Date _____