



Policy Title: International Student Reinstatement Policy

Policy Number: ISO.105

Policy Owner: Director of International Student Office

Responsible Office: International Student Office

Revision Date: 11/16/2017

1. Purpose and Scope

The purpose of this policy is to provide general information regarding reinstatement. If an F-1/J-1 student fails to follow the regulations and requirements set by the U.S. government for F-1 students, the student's F-1/J-1 immigration record is terminated and the student is "out of status". Being out of status is a serious matter; all F-1/J-1 benefits cease and the student can be subject to deportation. Students who meet eligibility requirements can request that their F-1/J-1 status be restored at the discretion of the ISO.

2. Policy

A student who has had their I20/DS-2019 closed because of failing to maintain their student status may apply to be reinstated to lawful status with the help of the International Student Office (ISO).

The ISO must recommend the student for reinstatement by providing the student with an updated I20/DS-2019. The following conditions must be met for ISO to recommend reinstatement:

- The student has not been out of status for more than 5 months prior to filing for reinstatement (unless s/he can show that there were exceptional circumstances that prevented the student from filing during the 5-month period.)
- The student does not have a record of repeated violations.
- The student is pursuing, or will in the next available term be pursuing, a full course of study.
- The student has not engaged in unauthorized employment.
- The student is not deportable on any grounds other than the status violation for which reinstatement is being requested.
- The status violation resulted from either:
 - Circumstances beyond the student's control; or
 - Failure to apply in a timely fashion for a reduced course load authorization from the DSO, but only if the violation relates to something that would have been within the DSO's authority to have approved, if it had been timely done, and that the student would experience extreme hardship if the application were not approved.

3. Procedures

F-1 students who fall out of status must apply for Reinstatement to the US Citizenship and Immigration Services (USCIS) to regain F-1 status. In order to apply for reinstatement, the student should make an appointment with an International Student Office (ISO) at North American University for advice and to determine the eligibility for reinstatement. If the student is eligible for reinstatement, the ISO will issue a new I-20 for reinstatement to submit with the application to USCIS. The student should first discuss his or her situation in detail with the ISO, who will assess the case; if the ISO recommends that the student apply for reinstatement, the student should do the following, and submit the documentation to the ISO:

- Reinstatement Fee due to NAU

The reinstatement application must include the following documents:

- Form I-539 Application to Extend/Change nonimmigrant status, completed for reason "Reinstatement to student status"
- Application fee of \$370.00 made payable to the Department of Homeland Security, in the form of a check or money order
- New I-20 for reinstatement (will be issued during the appointment with the ISO)

- Financial documentation covering the tuition, fees, and living expenses for the program of study
 - USCIS requests three months of bank statements to be provided for each account used to prove the student's or sponsor's financial ability
- Documentation regarding current immigration/visa status including:
 - The original paper I-94 or I-94 record printout from Customs and Border Protection showing the most recent entry to the U.S. in F-1 status for D/S (Duration of Status)
 - Photocopy of passport identification page, expiration date, and F-1 visa page
 - Photocopy of the passport page containing the most recent U.S. entry stamp
 - Photocopies of all previous I-20s from the current and any previous schools
- A recent official transcript; transcripts can be requested from the Registrar Office
- A letter of explanation indicating the circumstances for which the student fell out of status. The letter should include the following:
 - Statement that the student is attending school full time
 - Statement that the student has not worked illegally during the period in which he/she has been out of status
 - Chronological order of events that led to the status infraction and steps taken to remedy the situation

J-1 visitors: Failure to maintain your J-1 non-immigrant status may require an application for reinstatement. Applications for reinstatement to J-1 status require adjudication by the U.S. Department of State. J-1 students must pay the SEVIS fee prior to any application for reinstatement to J program status. This applies to both standard reinstatement to J program status as well as J reinstatement - update SEVIS status. Pay the required processing fee through Pay.gov. In order to apply for reinstatement, the student should make an appointment with an International Student Office (ISO) at North American University to assess eligibility for reinstatement.

The RO/ARO will submit the Reinstatement Request via the Exchange Visitor Information screen in SEVIS RTI. If necessary, change the program end date on the Reinstatement Request screen and enter an explanation for the request in the Remarks text box and submit the request.

Reinstatement is a request that must be adjudicated by Department of State (DOS). After submitting the request in SEVIS, the following must be sent to DOS; 60 days after the request is submitted in SEVIS, the system will cancel the request if receipt of the fee and supporting documentation is not noted by DOS in SEVIS. The following documents will be submitted to the Department of State.

- A written statement, and documentary information supporting the statement, from the RO/ARO which contains a declaration that the exchange visitor is pursuing or was at all times intending to pursue the original program activity for which he or she was admitted to the U.S.; AND explains one of the following justifications regarding the failure to maintain valid program status:
 - 1) the failure to maintain status was due to circumstances beyond the control of the exchange visitor; or
 - 2) the failure to maintaining status was due to administrative delay or oversight, inadvertence, or excusable neglect on the part of the exchange visitor or RO/ARO; or
 - 3) that it would be an unusual hardship to the exchange visitor if DOS does not grant the reinstatement;
- Copies of all prior IAP-66s and DS-2019s issued to the exchange visitor
- Evidence that the SEVIS I-901 fee has been paid
- Pay the fee for Reinstatement through Pay.gov
 - 1) send a copy of the Pay.gov confirmation page showing payment of the required processing fee, along with the above supporting documents, to DOS. DOS will note the receipt of these items in SEVIS. The request will automatically be canceled if DOS has not noted in SEVIS the receipt of the fee and supporting documentation within 30 calendar days of submission of the request

Since sponsors of programs managed by the Academic and Government Programs Division [Government Visitor; International Visitor; Professor; Research Scholar; Student (College/University); Short-Term Scholar; Specialist.] have been instructed to scan and email the above documents to DOS at AGexchanges@state.gov, students can make an appointment with ISO to submit and send the aforementioned documents to the Department of State (DOS).

4. Who Should Read This Policy

- Students
- Vice President of Administrative Affairs
- Admission's Office
- Registrar's Office
- Provost, Department Chairs and Academic Advisors
- ISO

5. Related Documents and References

- Sample Letter Templates

F-1 REINSTATEMENT SAMPLE LETTER TEMPLATE

Explanation: If you have failed to maintain status, you may request for the Department of Homeland Security/USCIS to "reinstate" your F-1 status. You must prove the following:

- You have not been out of status for more than five months. If the violation occurred more than five months ago, you would need to prove that there were exceptional circumstances that prevented you from filing prior to five months. After five months, you may also be required to pay an additional \$100 SEVIS fee (not listed in template letter).
- You do not have a record of repeat violations.
- You are or will be pursuing a full course of study for the next available term. YOO must be able to register fulltime; therefore, there should not be circumstances that would prevent you from registering such as academic suspension/probation, Business Office holds, etc.
- You have not engaged in unauthorized employment.
- You are not deportable on any grounds other than the F-1 status violation.
- The F-1 status violation resulted from circumstances beyond your control.

Your reasons must be documented to explain how your F-1 status violation resulted from Circumstances beyond your control. The letter below is only a "template" to help you write up your individual circumstances. You may also wish to include any reason that failure to maintain status would cause some extreme hardship to you. Note the areas in [brackets and italicized] must be tailored to fit your current situation. You must include a SEVIS 1-20 produced by the International Student Office; therefore, please make an appointment with the Director to apply for reinstatement.

J-I students have a similar process but must apply to the **Department of State** for the reinstatement process.

[Date]

Department of Homeland Security/USCIS
2901 Metro Drive
Suite 100
Bloomington, MN 55425

To Whom It May Concern:

I am a student requesting reinstatement to F-1 student status. I [plan to enroll/or am currently enrolled] at Minnesota State University, Mankato for full-time study during the [Fall/Spring/Summer] semester.

I realize that I have failed to maintain my full-time F-1 student status and would like to explain the circumstances, beyond my control, which prevented me from enrolling in [12 undergraduate/6 graduate] credit hours last semester.

[Explanation of Circumstances]:

I would like to state that I have not been employed during this time, as I do not have authorization to do so.

Your consideration of my request for reinstatement will be greatly appreciated. I would very much like to continue my education in the United States and complete my degree in [major].

I am enclosing with this letter:

- Form 1-539
- \$200 fee
- Original 1-20 for Reinstatement
- Copies of immigration documents: 1-94, previous 1-20, passport
- Evidence/documents to support my case
- Financial Documents to prove I have sufficient funding to study at NAU
NAU transcript showing full-time enrollment

Sincerely,

[name]

[signature]

SAMPLE LETTER TEMPLATE

Date

United States Citizenship and Immigration Service

RE: F-1 Student Reinstatement

To Whom It May Concern:

In the first paragraph explain when you entered the U.S., in what status, and why. Explain what activities you have done since being in the U.S.

In the second paragraph explain why you are out of status and when the violation of status occurred.

Next, explain how you feel your violation of status was either (1) due to circumstances beyond your control or (2) that the violation relates to a reduction in your course load that would have been within the International Student Advisor's power to authorize and that failure to receive reinstatement would result in extreme hardship.

Next, explain why you feel you are eligible for reinstatement. You are only eligible for reinstatement if:

- (a) you have not been out of status for more than 5 months, or demonstrate exceptional circumstances if you have been out of status longer
- (b) you are currently or will be a full-time student,
- (c) you have not worked illegally, and
- (d) you have not done anything else to violate your status
- (e) you do not have a record of repeated or willful violations of your F-1 status.

Finally, reaffirm your non-immigrant intent by stating what your plans are following the completion of your degree. This should include returning to your home country.

Sincerely,

(sign your name)

REINSTATEMENT TO F-1 STUDENT STATUS SAMPLE LETTER

-For use only if applying for reinstatement with the regional office-

Date:

USCIS Officer
U.S. Citizenship and Immigration Services

Dear Sir/Madam:

(Request reinstatement and describe what happened.) Please accept my application for reinstatement to F-1 status. Recently I have become aware that ...

Choose one from the examples if it covers your case, or write your own explanation:

- I have failed to process my transfer from (name of previous school)
- I have failed to extend my stay before my 1-20 expired. (Explain why this happened)
- I failed to enroll full time for semester. (Explain why this happened)
- I received an EU grade as a result of not attending a class (Explain why this happened)

This was due to

Choose one example or rewrite:

- oversight on my part
- my misunderstanding of the F-1 regulations.
- Or your specific reasons (Cite your good points.)

I feel fortunate to be able to study in the United States. I have always attended school as a full-time student and have not engaged in unauthorized employment.

(Promise that this will not happen again and reiterate your request.) I am determined to be more careful from now on in order to make sure that I fully abide by the regulations. I sincerely hope that I can be reinstated to F-1 status and be allowed to complete my studies.

Thank you for your consideration.

Sincerely,
(Sign your name)