Reinstatement

The following general information is provided to assist Texas A&M-Texarkana students who wish to resolve a status issue. It is not meant as legal advice. Students are encouraged to consider obtaining the services of an immigration attorney who has experience assisting F-1 students with reinstatement.

DESCRIPTION

If an international student fails to meet F-1 regulatory requirements, the student’s Student and Exchange Visitor Information System (SEVIS) immigration record is terminated and the student is “out of status”. This is a serious matter. All F-1 benefits cease and the student is required to leave the U.S., file for reinstatement or be eligible for deportation.

If you are out of status and take action in a timely manner, you may be able to return to valid F-1 status. After reading the following, discuss your options with an International Student Advisor or immigration attorney.

GENERAL

There are two ways to correct F-1 status:

1. **File for reinstatement.** Send an application to USCIS and remain in the U.S. You must follow F-1 requirements while application is processed, including full-time enrollment.*

   Pros – You remain in the U.S. while the application is pending.
   . You can continue to make progress toward your educational objective while the application is pending.
   . If, prior to the status violation, you met the off-campus employment requirement of one academic year of full-time study and you are reinstated, the eligibility is also reinstated.

   Cons – Current applications are taking 10-13 months of processing.
   . While the application is pending you can’t leave the U.S. or change schools.
   . You are not allowed any work benefits.
   . You may not be able to renew your driver’s license.
   . If denied, you will have to leave the U.S. and may be barred from returning for up to 10 years due to accrued “unlawful presence.”

   *If you do not maintain F-1 requirements, such as full-time enrollment, your reinstatement I-20 will be canceled, cancelling your reinstatement application.

2. **Start a new status.** Obtain an Initial I-20, leave the U.S. and re-enter in a new status.

   Pros – The process is much quicker.
   Cons- Any time you leave the U.S. there is a risk that you may not be able to return.
   You will have to pay the SEVIS I-901 fee again
   You cannot re-enter the U.S. more than 30 days before the Program Start Date on your Form I-20.
   If the visa in your passport has expired, you will have to go through the full visa process at a consulate.
   Any other pending USCIS applications may be affected by your U.S. departure.
You will have to enroll full-time for at least one academic year before being eligible for off-campus work authorizations, such as CPT or OPT.

**When to Apply**

It is in your best interest to file the petition for reinstatement soon after the violation. Regulations limit eligibility to five months after the violation unless you can demonstrate extraordinary circumstances causing a delay. After reading this reinstatement information, contact your International Student Advisor and/or Immigration Attorney. USCIS processing times are highly variable and can take a year or more.

**Eligibility Requirements to Obtain a Form I-20 (travel or submission)**

To apply for reinstatement of F-1 status, you must
- Be academically eligible to begin/continue study at UT Tyler.
- The violation resulted from either:
  - Circumstances beyond your control; or,
  - Failure to apply in a timely fashion for a reduced course load authorization from your International Student Advisor.
- The violation did not occur more than five months ago.
- You have not engaged in unauthorized employment.
- You can provide proof of sufficient finances for at least one year of study.

**Bank Statements**

- Dated within the last six months, showing bank’s name and address on company letterhead.
- Funds must be liquid assets, not investments.
- If funds are not in U.S. dollars, include a printout of currency conversion.

**While You Wait for a Decision**

You will be expected to follow F-1 regulations while your application is pending. This includes full-time enrollment each fall and spring semester. If you do not maintain enrollment, your reinstatement I-20 will be canceled, canceling your reinstatement application.

**Applying Outside the U.S.**

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<tr>
<th>Process</th>
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<tr>
<td>1. Read the Reinstatement Handout and note any questions.</td>
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<td>2. Meet with your International Student Advisor and/or Immigration</td>
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<td>3. Submit materials for an I-20 to your International Student Advisor</td>
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<tr>
<td>a. Reinstatement Request Form</td>
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<td>b. Certification of Financial Responsibility</td>
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<tr>
<td>c. Proof of funding for at least one year of study (dated within last</td>
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<td>six months)</td>
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<tr>
<td>4. Pay SEVIS I-901 fee and print receipt. Online payment is possible at</td>
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<td><a href="http://www.fmjfee.com">www.fmjfee.com</a>. For more information about the I-901 SEVIS fee see:</td>
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If you will be applying a new visa, also:
- Obtain an appointment at a U.S. consulate.
- Attend the visa appointment with all necessary documents. (*Canadian Students do not require this step.*)
- If approved, re-enter U.S. in new F-1 status no more than 30 days before the I-20 start date.
- Provide copies of your F-1 visa and I-94 to your International Student Advisor.

**Required Documents to Take as You Travel**

- Passport
APPLYING INSIDE THE U.S.

Process

- Read the Reinstatement Handout and note any questions.
- Meet with your International Student Advisor or Immigration Attorney to review the process and your questions.
- Submit materials for an I-20 to your International Student Advisor.
  - Reinstatement Request Form
  - Certification of Financial Responsibility
  - Proof of funding for at least one year of study (dated within last six months)
- Complete an I-539 Form from uscis.gov (application). Your advisor or attorney can assist you with some of the questions on the form.
- Optional – Complete a G-1145 Form from uscis.gov (request for text/email notification in addition to regular mail.)
- Pay the I-901 SEVIS Fee, if required. Print a receipt.
- Mail the application to USCIS with a check or money order. In 2-4 weeks, you will receive a receipt notice from USCIS with your case number. You can check the status of your case using that number on uscis.gov.
- You may receive a Request for Further Evidence that must be answered by the deadline noted on the letter.
- Months later - You will receive a letter indicating approval or denial of your petition. Provide a copy to your International Student Advisor so your record can be updated.

What happens if my reinstatement is denied?
A denial letter will be mailed with instructions. Usually it indicates you must leave the U.S. or File a Motion to Reconsider within a certain time period. Your reinstatement denial would have the following effects:
- Your visa used to enter the United States would automatically be cancelled
- U.S. government agencies are currently debating if students who are out of status are accumulating days of “unlawful presence” as soon as the status violation occurs or not until receiving a decision letter. Any non-immigrant who accrues than 180 days of unlawful presence is barred from returning to the U.S. for 3 years. If the student remains more than one year, the bar is 10 years.

Required Documents for Package

- Check or Money Order for application fee ($370)
- Student letter explaining what happened
  - Explain how/why the violation occurred.
  - Did it result from circumstances beyond your control?
  - Was it because you worked without CPT authorization?
  - Was it because you didn’t file a timely request for a reduced course load authorization?
  - Describe why failure to receive reinstatement would result in extreme hardship
  - Include a statement that you have never been employed off-campus without USCIS authorization and that you are currently pursuing or intend to pursue a full course of study in the next long semester
- Certificate of reinstatement
- Reinstatement I-20
. Bank statement, current within 6 months, showing funds for at least one academic year.
. Copy of passport identification page
. Copy of your current F-1 visa or I-797 Change of Status Approval Notice
. I-94
. Copies of all academic transcripts from your studies in the United States
. Copies of all I-20s from all institutions you have attended
. Any other documentation that might help establish the nature of the violation