Reinstatement of F-1 Status

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DESCRIPTION

If an international student does not follow the rules and regulations for F-1 students, the student’s F-1 immigration record is terminated and the student is “out of status”. Being out of status is a serious matter; all F-1 benefits cease and the student can be subject to deportation.

Students who meet certain eligibility requirements can request reinstatement of their F-1 status. The following general information is meant only as an introduction to reinstatement issues. Please make an appointment with your International Student Advisor to obtain further details.

ELIGIBILITY REQUIREMENTS

To apply for reinstatement of F-1 status, you must

- Be academically eligible to begin/continue study at UT Tyler.
- Be enrolled full time in the semester for which your reinstatement is filed.
- Meet the following conditions:
  1. The violation resulted from either:
     a. Circumstances beyond your control; or,
     b. Failure to apply in a timely fashion for a reduced course load authorization from your International Student Advisor.
  2. The violation did not occur more than five months ago.
  3. You have not engaged in unauthorized employment.

APPLYING OUTSIDE THE US

You can reinstate your F-1 status by departing the US and applying for an F-1 visa at a US embassy or consulate.

Application Process

- Obtain a Reinstatement Guide from your International Student Advisor in person or through issfs@uttler.edu.
- Schedule an appointment with your International Student Advisor to review the process.
- Submit materials for an I-20 to your International Student Advisor.
- Pay SEVIS I-901 fee, if required, and print receipt. Online payment is possible at www.fmjfee.com. For more information about the I-901 SEVIS fee see: www.ice.gov/sevis/i901/index.htm.
- Obtain an appointment at the nearest US embassy or consulate.
- Attend the visa appointment with all necessary documents. (Canadian Students do not require this step.)
• If approved, re-enter US in new F-1 status within 30 days of the program start date. In order to retain your new visa status, you must provide copies of the new stamped I-20, stamped I-94 card and F-1 visa to your International Student Advisor.

**Required Documents to obtain a new I-20**

• Reinstatement Request Form  
• UT Tyler Financial Affidavit  
• Bank Statement, current within 6 months, with sufficient funds showing minimum amount listed on the Financial Affidavit (review Bank Statements section for more info).

**Required Documents to take as you travel**

• Passport  
• Initial I-20  
• SEVIS 901 fee receipt  
• Proof of financial support  
• Proof of maintaining F-1 status prior to termination  
• Proof of compliance with NSEERS requirements, if applicable  
• Miscellaneous supporting documents (optional)

**APPLYING INSIDE THE US**

You can remain in the US and petition the USCIS for reinstatement of F-1 status.

**Application Process**

• Meet with your International Student Advisor or send an email to issfs@uttyler.edu to receive the application forms.  
• Schedule an appointment with your International Student Advisor to review the process.  
• Submit materials for an I-20 to your International Student Advisor.  
• When notified by your International Student Advisor, pick up and sign the I-20 and receive mailing instructions.  
• Pay the I-901 SEVIS Fee, if required.  
• Mail the application to USCIS with a check or money order for the application fee along with a receipt for the I-901 SEVIS fee.  
• In 2-4 weeks, you will receive a receipt notice from USCIS with your application case number.  
• You will receive the stamped I-20 and your original I-94 stamped if the application is approved.

**Required Documents**

• Reinstatement Request Form
• Affidavit of Sponsor
• Bank statement, current within 6 months, with sufficient funds showing minimum amount required for attendance for one academic year.
• Dependent information, if any
• Form I-539
• Your original I-94 card
• Photocopy of passport identification page (copy must show the photo and the expiration date
• Photocopy of your current F-1 visa or I-797 Change of Status Approval Notice
• Copy of all academic transcripts from your studies in the United States
• Copy of all I-20s (front and back) from all institutions you have attended in the United States
• A letter of explanation detailing why you are asking for reinstatement
  o Explain that the violation resulted from circumstances beyond your control or failure to apply in a timely fashion for a reduced course load authorization
  o Describe why failure to receive reinstatement would result in extreme hardship
  o 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
• Any other documentation that might help establish the nature of the violation

WHEN TO APPLY

It is in your best interest to file the petition for reinstatement immediately after the violation. Meet with your international student advisor or send an email to issfs@uttyler.edu to request a reinstatement application packet. Then meet with International Student Advisor to review the process. USCIS processing times are highly variable and approval of a reinstatement can take six months or more.

BANK STATEMENTS

• Funds must be liquid assets, not investments.
• USCIS has indicated that bank statements from your home country are acceptable if translated into English and bank statements (even if obtained electronically) are preferred over Internet printouts.
• If funds are not in U.S. dollars, include an Internet printout of the value in U.S. dollars after calculating the rate of exchange.

FAQs

Can I depart the United States while my reinstatement is pending?
You cannot leave the United States while your reinstatement application is pending. Departing the United States while a reinstatement application is pending with the USCIS is considered an abandonment of the application.
What happens if my reinstatement is approved?
The adjudicating USCIS officer will update your SEVIS record to indicate that your reinstatement has been approved. Your International Student Advisor will receive an e-mail from the USCIS stating that you have been reinstated. The ISSFS will inform you when we have received notification that you have been reinstated. Your reinstatement I-20 and original I-94 card will be returned to the address that you used on the I-539. If the I-20 and I-94 card are mailed to your home address IT IS YOUR RESPONSIBILITY TO BRING A COPY OF THESE DOCUMENTS TO YOUR INTERNATIONAL STUDENT ADVISOR.

What happens if my reinstatement is denied?
If the adjudicating USCIS officer denies your application for reinstatement, your International Student Advisor will receive e-mail notification of the denial, and your SEVIS record will revert to the TERMINATED or COMPLETED status. Your Advisor will inform you of the denial. A denial notice, your original I-94 card and form I-290B, Notice of Approval of Motion, will be mailed to the address that you used on the I-539.

What are the consequences of a reinstatement denial?
I.N.A. 222G (overstay and visa cancellation) and 212(a)(9)(B) (unlawful presence) are two penalty provisions that can result if your request for reinstatement is denied. Your reinstatement denial would have the following effects, as of the date of your denial:

- Your visa that you used to enter the United States would automatically be cancelled
- You would be permanently limited to applying for US nonimmigrant visas in the future only in your country of citizenship or permanent residency
- You will begin accumulating days of “unlawful presence.” If you remain in the United States after the denial for more than 180 days, you will be barred from returning to the United States for three years; if you remain in the United States after the denial for one year or more, you will be barred from returning to the United States for ten years.

INTERNATIONAL STUDENT ADVISOR CONTACT INFO
- The International Student Advisors are available in ISSFS, UC 2160, Mon-Fri. 8:30-4:30 or you can call to schedule an appointment.
  - For students with last names beginning A-H:
    - Daoming Chen
    - 903-766-7479
    - dchen@uttyler.edu
  - For students with last names beginning I-Z:
    - Nancy Holloway
    - 903-565-5969
    - nholloway@uttyler.edu