

REINSTATEMENT OF F-1 STATUS

As a student in F-1 status, you are expected to comply with immigration regulations. If you fail to comply with these regulations, you will be "out of status". When you are out of status, you are no longer eligible for on-campus employment, practical training, recertification of your I-20 for re-entry to the US, or any other benefits of F-1 status.

Procedure: Please read the following packet of information carefully and turn in this form as well as financial information to receive a new I-20 with indication to reinstate your status. After receiving a new I-20 from the International Center, you will apply for reinstatement directly to USCIS or through travel. The Center for International Education (CIE) Coordinator does not have a role in approving your application. Only USCIS can reinstate your status. While the CIE does not have a role in approving your application, the CIE coordinator is available to review your application before you submit it, if you wish.

An F-1 student who has failed to maintain F-1 student status and wishes to study or continue studying at Florida Southwestern State College must reinstate to a valid F-1 status through the United States Citizenship and Immigration Services (USCIS). The sole decision to reinstate an individual to F-1 student status is at the discretion of the USCIS. The International Education Office strongly advises individuals who are out of status and wish to attend FSW to first review the eligibility requirements to file for reinstatement.

Under the USCIS code of federal regulations; [8 CFR 214.2\(f\)\(16\)](#), an F-1 student is **only** eligible for reinstatement if all of the following conditions apply to the applicant:

- Has not been out of status for more than 5 months at the time of filing the request for reinstatement.
- Does not have a record of repeated or willful violations of USCIS regulations
- Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the SEVIS I-20 Form.
- Has not engaged in unauthorized employment.

- Is not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act
- Establishes to the satisfaction of the USCIS, in detail showing, either that:
 - 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 violations or where a willful failure on the part of the student resulted in the need for reinstatement
 - or
 - The violation relates to a reduction in the student's course load that would have been within an International Student Advisor/Designated School Official's (ISA/DSO) power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student

The Center for International education (CIE) will only assist individuals with the preparation of the reinstatement application if all of the above conditions are met. However, the FSW reserves the right to deny a reinstatement request if the individual has not provided requested documents and/or supporting evidence to submit with the reinstatement packet.

Any individuals who have been out of status for **5 months or more** will need to consult with an attorney if they wish to apply for reinstatement at FSW. The individual will have to submit a completed I-539 application signed by the attorney along with a written statement from the attorney requesting the Reinstatement SEVIS I-20 form from FSW.

PROCEDURES TO FILE FOR REINSTATEMENT

Step 1 – Schedule an appointment to meet with a DSO at the CIE Office to assess your eligibility for reinstatement and to review other possible options.

Step 2 – Prepare and submit the following documents to the CIE.

- Complete USCIS I-539 application <https://www.uscis.gov/i-539> , available on the USCIS web site at: <http://www.uscis.gov/forms>. Secure the \$290.00 fee payable in the form of a personal check or money order payable to the US Department of Homeland Security (DHS).

- Submit a written personal statement requesting reinstatement to F-1 status and explaining the circumstances for having fallen out of status. The following topics should be addressed in the personal statement along with all relevant information that addresses the reinstatement eligibility requirements:
 - Explain the reason for having fallen out of status (specify the violation and include dates);
 - Explain the reason for the status violation (include evidence and dates, if applicable)
 - It is strongly recommended to include the following information: provide a chronological and detailed explanation (include dates) of the events that led up to your failure to maintain status; what date did you realize that you are no longer in F-1 status and when you contacted the CIE to resolve the issue; include reason/s why you may consider the violation beyond your control; include a statement of how or why a denial of the reinstatement would cause extreme personal hardship to you.
 - Include a statement of currently pursuing or intending to pursue a full course of study. Include your career and educational plan and goals.
 - Include a statement attesting that you have not been engaged in any unauthorized employment.
- Submit photocopies of your previous SEVIS I-20 form(s), US visa stamp, and passport. The passport should be valid for at least 6 months into the future.
- Official financial support documents to demonstrate evidence of having the financial resources to study in the USA. The financial documents must be within the last three months.
- Original I-94 card
- Secure original transcripts from all the US colleges/universities attended since securing F-1 status.

Step 3 - Meet with a DSO to provide the above documentation (if applicable) to secure a SEVIS I-20 form and a personal statement from the DSO. Please note that it will take CIE approximately 10 business days (or longer) to review and issue a SEVIS I-20 form for reinstatement and prepare the reinstatement packet once all of the above supporting documents have been provided.

Mail your I-539 Reinstatement Application to USCIS

Photocopy the completed I-539 application <https://www.uscis.gov/i-539> along with the supporting documents for your personal records. We advise that you send your completed application by Certified



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Mail, Return Receipt Requested or by express mail with tracking. Once the above steps have been completed, the I-539 application and all supporting documents should be mailed to:

For U.S. Postal Service:

**USCIS
P.O. BOX 660166
DALLAS, TX 75266**

For Express mail and courier deliveries:

**USCIS
ATTN: I-539
2501 S. STATE HIGHWAY 121 BUSINESS
SUITE 400
LEWISVILLE, TX 75067**

*Please consult the USCIS website www.uscis.gov for the most current mailing instructions.

Or file electronically

Electronic filing of reinstatement applications through USCIS ELIS

Reinstatement I-539s may also be filed electronically through [USCIS ELIS](#). For applications filed through ELIS, the student must scan and upload to ELIS all required supporting documents.

USCIS will send you a receipt notice (I-797C Notice of Action) regarding the I-539 application. Upon receiving any notice from USCIS in reference to your I-539 application please provide CIE with a copy. Please make sure to add your FSW ID number to any document submitted to CIE. USCIS will be communicating with you directly regarding your I-539 application. If you change your mailing address, please immediately notify USCIS at 1-800-892-4829 and also notify ISS.

FINAL CONSIDERATIONS

- Processing times at USCIS vary greatly. Expect to wait at least 4 months before receiving a response. While the I-539 application is pending with USCIS, the applicant is required to enroll in a full course of study. Failure to enroll in a full course of study will result in the denial of the I-539 reinstatement application. Please notify CIE of any communication you receive from USCIS.
- When an applicant is out of status, they are no longer eligible for on-campus employment, practical training, authorization to drop below a full course of study or any other F-1 visa student benefit until the I-539 application for reinstatement is approved by USCIS and a copy is submitted to the ISS.
- Travel outside the US while an I-539 reinstatement application is pending is considered an abandonment of the application. If you need to leave the US while your I-539 application is pending, you are required to meet with a Designated School Official at the CIE prior to traveling outside of the USA to discuss all the implications your departure might have.
- If the I-539 reinstatement application is approved or denied, USCIS will send a Notice of Action explaining the details of the decision. Please submit all documents received by USCIS to a DSO at the CIE.
- If the request for reinstatement is denied by USCIS, you will begin to accrue days of unlawful presence in the US (accrual of more than 180 days of unlawful presence could subject a person to a 3-year or 10-year bar from reentering the USA). Students who are denied reinstatement have the option to file an appeal with USCIS, but we strongly encourage individuals in this situation to consult with an immigration attorney to guide you through the USCIS appeal process.
- The F-2 dependents must also file for reinstatement along with the F-1 reinstatement applicant. Please notify the DSO who is processing your SEVIS I-20 form for reinstatement if you have any F-2 dependents.



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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.)*** Failed to comply with the full time and/or on campus enrollment/ or other reasons.

(Explain why this happened.) This was due to ***(Choose one example or rewrite.)*** oversight on my part/ my misunderstanding of the F-1 regulations. ***(Add 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)