

Steps to Apply for Reinstatement to F-1 Student Status

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F-1 students that fail to comply with the Department of Homeland Security rules and regulations are considered to be out-of-status. When you are “out-of-status” you are no longer eligible to the F-1 status benefits such as on-campus work, CPT, and OPT among others. Students under this circumstance that wish to continue studying as an F-1 student at (or transfer to) Sam Houston State University must regain valid status. To regain F-1 status you can apply for reinstatement to the Department of Homeland Security (DHS) or, alternatively, you may leave the U.S. and re-enter under a new I-20, a valid visa, and current passport.

Important Notes:

- If you choose to travel and re-enter, it will affect practical training eligibility. You will have to re-accumulate one academic year as full-time student to qualify for practical training.
- Working without authorization is a violation of your status that CANNOT be corrected through reinstatement. You can only regain status by departing the U.S.

Reasons why a student might fall out of status:

- Failure to maintain full-time status while under concurrent enrollment.
- Working without proper authorization.
- Failure to extend I-20 before the expiration deadline.
- Failure to enroll.

ELIGIBILITY

Under federal regulation 8 CFR 214.2 (f)(16), an F-1 student is only eligible for reinstatement if all of the following conditions apply:

- Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or demonstrates that the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances);
- Does not have a record of repeated or willful violations of Service regulations;
- Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the Form I-20;
- 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; and
- Establishes to the satisfaction of the Service, by a detailed showing, either that:
 1. 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 repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement; or
 2. The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student.

HOW TO APPLY FOR REINSTATEMENT

Step 1

Call the Office of International programs and set-up an appointment with an international student advisor to assess your eligibility for reinstatement.

Step 2

Prepare the following documents:

1. All your I-20's, passport, and I-94 card
2. Form I-539 (download at <http://www.uscis.gov/files/form/i-539.pdf>). Complete Parts 1, 4, 5 and Supplement 1 only.
3. A detailed personal letter to Department of Homeland Security explaining why you fell out of status. *Describe your violation. You must state: (1) how your violation of status resulted from circumstances beyond your control or that failure to be reinstated would result in extreme hardship, and (2) you are currently pursuing or intend to pursue a full course of study at Sam Houston State University.*
4. Evidence of financial support demonstrating ability to pay tuition, fees and living expenses in the U.S.

Examples:

- GA's, RA's, TA's, & Fellowships: Provide letter from department.
 - Funds from a sponsor or personal account: Bring a current bank statement or a letter on official bank letterhead not older than 3 months.
If your sponsor is not your parent and is either a U.S. citizen or permanent resident, he/she will need to complete Form I-134 Affidavit of Support (download at <http://www.uscis.gov/files/form/i-134.pdf>).
 - Scholarships: Verified with a letter from your college or supplying agency. It should also state if you are eligible for resident tuition.
5. SHSU Transcripts.
 6. Money order, cashier or personal check payable to the Department of Homeland Security for \$290.00
 7. If possible, provide documentary evidence to support the reason for falling out of status, for example: doctor's notes, DSO letter if due to DSO's error, etc.

Step 3

Meet with the international student advisor to review final reinstatement application.

FINAL CONSIDERATIONS

- Processing times vary. Expect 3 – 4 months before receiving a response. You should continue your full-time enrollment while your reinstatement application is pending.
- You are NOT eligible for any F-1 student benefits unless and until you are reinstated.
- Travel outside the U.S. while your reinstatement application is pending may be considered an abandonment of the application.
- If the reinstatement is **approved**, you will receive notification from our office and you will regain F1 benefits such as campus employment (if you have any questions on how other work authorizations would be affected talk to the international student advisor).
- If the reinstatement is **denied**, you will begin to accrue unlawfully presence in the U.S. The effect of this denial is very serious and you will be asked to set-up an appointment with the international student advisor to discuss your options.