



# F-1 Student Reinstatement

International Student Services – Texas A&M University

**It is the student's responsibility to maintain legal status with U.S. Citizenship and Immigration Services (USCIS) while in the United States. International Student Services (ISS) can provide information about how to maintain legal status.**

Students who violate their F-1 status are not eligible for F-1 immigration benefits such as work authorization, co-enrollment permission, program extension, degree-level changes, school transfers, etc. Also, the ISS office cannot provide these students with certain services, letters or endorsements on some legal documents.

Students who lose legal F-1 status and who wish to apply to regain legal status have two choices:

1. **Reinstatement:** The student may file an application for Reinstatement with USCIS by filing a Form I-539, Application to Extend/Change Nonimmigrant Status, by mail or with the online Electronic Immigration System (ELIS) at <http://www.uscis.gov/elis>.

**Reasons USCIS may grant Reinstatement** (Note: The applicant for Reinstatement is very likely to be called by USCIS for an interview with a District Adjudications Officer at San Antonio – Fourwinds):

1. The student has not been out of status for more than five months at the time of filing the request for reinstatement.
2. The student does not have a record of repeated or willful violations of USCIS regulations.
3. The violation results from circumstances beyond the student's control or if failure to receive a reinstatement would result in extreme hardship to the student;
4. The student is pursuing or will pursue a full course of study at the school that issued the I-20 in the next major semester of term (Fall or Spring);
5. The student has not engaged in unauthorized employment (a student who has worked illegally should not apply for Reinstatement but discuss the possibility of a "New Entry" with an ISS Advisor – \*see below)
6. The student is not otherwise deportable.

2. **New Entry:** The student might choose to perform a New Entry by leaving and re-entering the United States.
  - This is the only option available to students that have engaged in unauthorized employment.
  - If you choose the option of a New Entry, it is necessary for you and any accompanying dependents to **check-in** with ISS upon your return. After you have re-entered the U.S., please bring your I-20's, passports and I-94 cards to our office so ISS can verify in the SEVIS system that you have checked-in and resumed your studies.
  - Once you return to the United States and begin your studies again, you must be enrolled full-time for one academic year before you will become eligible for Practical Training.

## **Important Information about Reinstatement:**

- A student cannot be employed while out of legal status. This includes the time that the application is pending with USCIS.
- If USCIS grants Reinstatement, it is the student's responsibility to notify the employer (Texas A&M employees should contact their departmental payroll office) so that a new I-9 can be issued and suspended work may be resumed. A copy of the processed I-20 must be presented.
- Students who are out of legal status should discuss the situation with an ISS Advisor before traveling outside the U.S. This requires that a new I-20 be processed at a U.S. port-of-entry, and may not be possible for all situations. It may also require the student to obtain a new visa stamp in his/her country, even if the visa stamp looks current. Your re-entry will be treated as an initial attendance. You will then have to be full-time for one academic year before becoming eligible for Practical Training.
- Students must be registered full-time at Texas A&M while the application is pending, or the first available major semester (Fall or Spring) after it is granted by USCIS.
- Sponsored students must see a Sponsored Student Programs (SSP) Advisor before applying.

## F-1 REINSTATEMENT REQUIRED DOCUMENTS

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Federal regulations require a student to request Reinstatement after falling out of legal immigration status. The ISS Advisor will issue a new Form I-20 for the student and the student will submit the Reinstatement application to U.S. Citizenship and Immigration Services (USCIS) Office. The following items are needed by ISS to complete the Reinstatement request:

1. **Current evidence of all sources of financial support for the F-1 student and dependents :**  
(i.e. student's bank letter, financial sponsor's letters with financial sponsor's bank letter, employer's letter, assistantship letter, etc.). Financial bank documents must be presented on letterhead, dated, and signed by an official. Please ask the bank official to include the account holder information, the account number, the date the account was opened, the current balance, and the average balance. An ISS Advisor can supply exact amounts of funding required by Texas A&M. No matter what other sources of support exist, if the student is funded by Texas A&M, he/she must provide a departmental letter (from the departmental payroll office) stating: job title, dollar amount of award or monthly/hourly salary, expected duration of the funding (i.e. 9 months or 12 months), and whether it makes the student (and any dependents) eligible for in-state tuition and/or health insurance benefits. For more information, please see the ISS website: <http://iss.tamu.edu/Current-Students/Estimated-Cost-of-Attendance>.
2. **Official immigration documents:** Original valid passport, visa, I-94 card, and all issued I-20's or DS-2019/IAP-66 forms for the student and any F-2 dependents.
3. **Student's letter of explanation** addressed "To Whom It May Concern" including:
  - a) Reason(s) for falling out-of-status (breaking one or more F-1 regulations) and a request to be put back in legal status to complete specific degree requirements (if possible, list requirements remaining);
  - b) All the applicable reasons the student deserves a reinstatement (see list on the other side of this handout);
  - c) The expected graduation date (month and year) agreed upon by the student and academic advisor;
  - d) A statement that the student has not worked illegally in the U.S. or a full explanation of any illegal employment (name and location of employer, dates of employment and reasons for working). (Please note, if the student engaged in unauthorized work this will require a New Entry rather than Reinstatement.);
  - e) If applicable, an explanation about all major semesters in a U.S. school in which student registered for and/or completed less than the minimum number of credit hours. (Copies of Full-Course Waivers and Co-enrollment forms should be included in the application);
  - f) A statement that the student will follow F-1 regulations if reinstated.
  - g) If doing a new entry, a statement that the student will check-in with ISS after re-entering the U.S.
4. **Departmental letter** addressed "To Whom It May Concern." The letter must state the following: (a) when the student began the present program, (b) that the student is a full-time student in good academic standing, (c) the specific program requirements remaining, and (d) the student's expected date of graduation (month/year). Titles and printed names should accompany all signatures.
  - o For undergraduate students, this must be written and signed by the Academic Advisor.
  - o For graduate students, the letter must be written and signed by the academic advisor and also signed by the graduate faculty member identified by the Office of Graduate Studies as authorized to sign as Department Head (Department Graduate Advisor).
5. **Sponsored Students** should take documents listed above to an appointment with a Sponsored Student Programs (SSP) Advisor who will write a letter indicating the sponsor's permission for the extension through the expected date of completion (month and year). Please bring the letter and the other documents listed above to your appointment with an ISS Advisor.

### **Additional Items Needed for Reinstatement/New Entry:**

1. **Transcript(s)** from all schools attended in the U.S. as an F-1, including Texas A&M. You must obtain unofficial copies from all U.S. schools at the Transcript Office in the General Services Complex (GSC) for your ELIS application or visa interview.
2. **I-901 Receipt (SEVIS Fee), if applicable.** If you are completing a New Entry or if you have been out of legal status for five months or more, then you must pay the SEVIS Fee at <https://fmjfee.com>. Do not pay the SEVIS fee until after receiving the new I-20.
3. **Submit Application for Reinstatement/New Entry:**
  - o **Reinstatement Applicants:** Complete **Form I-539** via ELIS at <http://www.uscis.gov/elis>. *You will also be required to pay the application fee electronically through ELIS.* This is not necessary if the student is doing a "New Entry."
  - o **New Entry Applicants:** Complete the **DS-160** electronic form through the Department of State at <https://ceac.state.gov/genniv/> and complete any additional requirements for a New Entry (visa interview, pay the visa application fee, travel, etc).