

Reinstatement to F-1 Status

Request Form

Name: _____

Date: _____

Tel. #: _____

Email: _____

FDU ID#: _____

Reinstatement to F-1 Status

What is reinstatement?

Filing for reinstatement is a procedure that allows a student to explain to the United States Citizenship and Immigration Services (USCIS) the circumstances that caused a violation of F-1 visa regulations.

If a student has violated the terms of the F-1 visa, he or she may work with the Office of International Student Services to properly file a reinstatement application if the advisor agrees to support the application.

The advisor will support the application if it is documented that the violation of status was a result of “circumstances beyond the student’s control” and if the student has not previously violated the terms of their F-1 visa.

The advisor is not required to support a case for reinstatement.

If an F-1 student has violated status, all F-1 visa benefits are suspended until reinstatement is approved by USCIS. This includes benefits such as Optional Practical Training and Curricular Practical Training. The advisor will explain in detail how the violation of status will affect a student directly.

A student in violation of their F-1 visa may transfer to another institution. In this case, the advisor at the “transfer in” school will have to decide if they support an application for reinstatement. Being admitted to another institution does not relieve a student from filing for reinstatement. The student is still considered “out of status” until the reinstatement is approved.

When should I apply for reinstatement to F-1 status?

We strongly recommend that you apply for reinstatement within 5 months of your violation (i.e., the termination date on your SEVIS record.) Waiting more than 5 months to apply will most likely result in a denial of reinstatement to F-1 status.

Is there another option available?

A student may choose to travel and re-enter the United States rather than filing for reinstatement. The advisor will issue a new SEVIS I-20 for the purpose of travel and re-entry. The student will use this I-20 to apply for a new visa, if needed. **The new SEVIS fee does apply in this case.** (The student should discuss with the advisor if a new visa is required.) Although travel and re-entry is an option, there is an increased risk involved when traveling on an F-1 visa in this situation.

What is the SEVIS fee?

The SEVIS fee, set forth by the U.S. Department of Homeland Security, is required of all initial students requesting an F-1 or J-1 visa with an issue date of September 1, 2004 or later.

The fee also applies to continuing students in the following situations:

- If you choose travel and re-entry rather than submitting an application for reinstatement, the SEVIS fee **is required.** The fee must be paid prior to re-entering the U.S.
- If you are applying for reinstatement and have been out of status for more than 5 months, the SEVIS fee **is required.** The fee must be paid prior to submitting an application for reinstatement.
- If you are applying for reinstatement and have been out of status for less than 5 months, the SEVIS fee **is not required.**

What is needed to apply for reinstatement?

- Financial documentation and/or affidavit of support showing sufficient funds for education and living expenses.
- Your new original Form I-20 from Fairleigh Dickinson University, issued for 'Reinstatement requested' signed by applicant in blue ink on the bottom of page 1.
- Review USCIS instructions on Reinstatement located at <http://www.uscis.gov/files/form/i-539instr.pdf>
- Complete Form I-539 **online** using the PDF version located at the following website : <http://www.uscis.gov/files/form/i-539.pdf> You will need Acrobat Reader to open the file. **Print completed Form I-539 and sign in Blue Ink.** Write **REINSTATEMENT** on the top of page one
- Letter of explanation (see description below)
- Evidence proving that the violation was beyond control of the student.
- Proof of residency and intent to return to your home country.
- Proof of registration for the current and/or upcoming semesters.
- \$290.00 processing fee. Check or money order can be made out to: United States Citizenship and Immigration Services or USCIS.
- Receipt of SEVIS fee payment – if applicable. For information and payment of the SEVIS fee visit <http://www.fmifee.com>. New FDU I-20 is needed to make payment.
- Photocopies of passport, visa, all I-20s, and most recent I-94 card.

What is the letter of explanation?

The letter of explanation written to the Immigration Officer is perhaps the most crucial part of your application for reinstatement. This is your chance to explain *why* you have violated your visa, and how you will avoid doing so in the future. This is an opportunity to explain to USCIS why a denial of reinstatement would result in hardship to you.

When will I get an answer from the USCIS?

The USCIS may take 6 months or more to make a final decision regarding your reinstatement to F-1 status. In the meantime, you should continue to follow F-1 visa guidelines until a decision is made.

What if I get a “blue letter” from the USCIS?

A blue letter from the USCIS is notification that something is missing or incorrect on your application, or that the Immigration Officer handling your case would like more information regarding your case.

As soon as you receive this letter, it is critical that you notify the Office of International Student Services so we can help you to remedy the problem. **Do not delay!**

What are the consequences of a reinstatement denial?

- The visa that the student used to enter the United States is automatically cancelled.
- The student is permanently limited to applying for nonimmigrant visas in the future only in his or her country of citizenship or permanent residence.
- The student will begin accumulating days of “unlawful presence.” If the student remains in the United States after the denial for over 180 days, he or she will be barred from the United States for three years; if he or she remains after the denial for one year or more, he or she will be barred from the United States for ten years. [I.N.A. 222(g) and 212 (a)(9)(B)]

If you have any questions at all, please make an appointment to speak with an advisor.

Metropolitan Campus: (201) 692-2743 or College at Florham (973) 443-8672