



Michigan Technological University

International Programs and Services

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Reinstatement to F-1 Visa Status

What are the consequences of being out of status?

Falling out of F-1 status is a very serious violation of your responsibilities as an international student, and it can have long-term consequences on your immigration benefits in the United States. A student who is out of status is not eligible for benefits such as practical training, on-campus employment, and travel signatures to re-enter the U.S. and you may not have the ability to obtain U.S. visas and enter the United States in the future. If you are currently out of status, you should take action IMMEDIATELY to regain F-1 status.

How do I regain F-1 status?

There are two ways to get back in status.

Apply for reinstatement by submitting an application to USCIS. You will need to provide documentation that you fell out of status due to circumstances clearly beyond your control, and an immigration officer will decide whether or not to reinstate you based on the information provided in the application. You are allowed to continue taking classes while you wait approximately 3-6 months for the reinstatement to be adjudicated, but you cannot work. There is some risk in this process: students who are denied reinstatement must leave the U.S. immediately.

Exit the United States and return on a new I-20 issued to you by IPS. In order to obtain a new I-20, you will need to provide the same kind of financial documentation you showed when you were first admitted.

You will only be considered for reinstatement as an F-1 student if you establish that the violation of status was due solely to circumstances beyond your control or that failure to reinstate you would result in extreme hardship; you are pursuing or will pursue a full course of study; you have not been employed without authorization; and you are not in removal (deportation) hearings.

What do I do now?

Schedule an appointment at IPS. Please be advised there is no guarantee that you will regain F-1 status. We will do our best to assist you, but the decision is ultimately up to Department of Homeland Security and/or Department of State officials.

If you choose Option 1, IPS will mail the application to USCIS for you and notify you of the response once it arrives. If you choose option 2, IPS will provide you with the new I-20 so that you can travel.

Reason for falling out of status

- Under-enrolled without permission
- Worked without authorization
- Did not report to IPS at beginning of program or term
- Academic expulsion or exclusion
- Otherwise failing to maintain status _____

I choose to try to regain F-1 status by:

- Traveling outside the U.S. and returning using a new I-20
- Submitting an application to USCIS

An application for reinstatement submitted to USCIS must contain the following items:

Provided by student

- I-539 form (go to: www.uscis.gov)
- Letter from the student stating:
 - The circumstances for being out of status that were beyond the student's control,
 - Reason(s) that failure to receive reinstatement to lawful status would result in extreme hardship to the student. The details of hardship must be provided by the student,
 - The student is currently pursuing, or intends to pursue, a full course of study,
 - The student has not engaged in unauthorized employment.
- I-94 form
- Financial documents — less than 1 yr. old and showing 3 months consistent balance/funds
- Photocopies of all past I-20's
- Certified transcripts from ALL schools attended in the U.S.
- Copy of biographic page of passport
- Proof of enrollment
- SEVIS fee (I-901) receipt — see www.fmjfee.com to know whether you need to pay this or not
- The filing fee for Form I-539 is \$370
- An additional biometrics services fee of \$85 is required for you and for each person included on a Form I-539A. After you submit Form I-539, USCIS will notify you about when and where to go for biometrics services.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Payments by Checks or Money Orders

Use the following guidelines when you prepare your checks or money orders for the Form I-539 filing fee and biometric services fee:

1. The checks or money orders must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the checks or money orders payable to **U.S. Department of Homeland Security.**

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Provided by IPS advisor

- New I-20 for reinstatement — student must provide financial documents before this is issued
- Letter from the DSO endorsing the application for reinstatement of the student