

REINSTATEMENT TO F-1 STATUS

International Student and Scholar Services

Florida International University

Modesto Maidique Campus: SASC 230, Miami, FL 33199

Ph: (305) 348-2421 Fax: (305) 348-1521

Biscayne Bay Campus: Wolfe University Center, Room 363, North Miami, FL 33181

Ph: (305) 919-5813 Fax: (305) 919-4824

If you violate any of the immigration regulations under the F-1 (Student) non-immigrant visa classification, you will automatically be OUT OF STATUS and not eligible for any benefits (i.e., on-campus employment, practical training). Students who are out of status initially have two options to regain their F-1 status: apply for REINSTATEMENT through USCIS or RESTART F-1 status through travel and reentry.

In accordance with 8 CFR 214.2(f)(16)(i), a request for REINSTATEMENT will be considered by U.S. Citizenship & Immigration Services *only* if the student:

- (A) Has not been out of status more than 5 months at the time of filing the request for reinstatement;
- (B) Does not have a record of repeated or willful violations of immigration regulations;
- (C) Is currently pursuing a full course of study;
- (D) Has not engaged in unauthorized employment; and
- (E) Is not in removal proceedings.

Requesting a REINSTATEMENT may have serious implication if it is denied to include accruing unlawful presence, deportation, and potentially being barred from returning to the U.S. Therefore, you must seek advice from and file your application with the assistance of an immigration attorney.

Make an appointment with an ISSS advisor to discuss your case, to understand clearly why you are out of status, and to review your options. **NOTE:** Not knowing that you violated immigration regulations DOES NOT negate the violation.

To request a new I-20 to apply for REINSTATEMENT, you must submit the following prior to your reinstatement application appointment:

- _____ 1. **ISSS Document Request Form (indicate REINSTATEMENT on page 2 of the form).** Please note the processing of your I-20 may take up to 5 business days.
- _____ 2. **Proof of Funds** to show sufficient money to cover tuition, school fees and ALL other expenses for at least one academic year. Documents provided must be originals (not photocopies) and should be addressed to "U.S. Citizenship & Immigration Services." Valid documents to prove funds:
 - MUST BE IN ENGLISH
 - MUST SPECIFICALLY STATE TOTAL AMOUNT OF MONEY AVAILABLE to you in US dollars
 - MAY INCLUDE:
 - (1) current bank letter and (if not your own account) signed letter from sponsor
 - (2) current scholarship letter from sponsoring agency or organization
 - (3) official and current letter verifying educational loan awarded to you
 - (4) ISSS Graduate Stipend form completed by department and signed by the Dean

Your REINSTATEMENT application packet must include:

- _____ 1. **I-20** with ISSS advisor's recommendation for reinstatement.
- _____ 2. **Proof of Funds** as specified above.
- _____ 3. **Form I-539: Application to Extend/Change Nonimmigrant Status** – Download the form by visiting the USCIS website at <http://www.uscis.gov/portal/site/uscis>. Click on "Forms" and find Form I-539 by scrolling down the page. You should type all the information on the form (NOTE: under Part 3, in answer to question 1, indicate "D/S"), print it out, and sign where stated.

- _____ 4. **Application Cover Letter** - You must address this letter to "U.S. Citizenship and Immigration Services" and in it, you must include *at least* the following:
- _____ a. State how you violated your F-1 status (e.g. registered below required full-time credit hours, etc.)
 - _____ b. Explain why you committed the violation stated
 - _____ c. Attest whether you had engaged in any employment during the period that you were out of status (***NOTE: A record of employment during that period may result in automatic denial of your application and possibility of a deportation order.***)
 - _____ d. Request reinstatement to F-1 status (***NOTE: If you are trying to regain F-1 status in order for you to be eligible to apply for either Curricular Practical Training or if you are graduating within the semester and wish to apply for Optional Practical Training before the semester ends, please state so in your letter.***)
- _____ 5. **\$370.00 Application Fee** - Prepare a personal check or money order payable to "U.S. Department of Homeland Security." This is a NON-REFUNDABLE fee.
- _____ 6. **\$85.00 Biometrics fee** separate check made out to **U.S. Department of Homeland Security.**
- _____ 7. **Copies of your school transcripts** – If you attended another college/university in the U.S. prior to FIU, you will need to include transcripts from that school as well.
- _____ 8. **Immigration Documents:**
- _____ a. Photocopies of ALL I-20's issued to you by FIU and previous schools
 - _____ b. Photocopies of passport identification page and expiration/validity page
 - _____ c. Photocopy of F-1 visa in your passport
 - _____ d. **ORIGINAL Form I-94** Or electronic print out of I-94

Once ALL of these documents are prepared, An ISSS advisor will review your packet, however, you must seek legal advice from an immigration attorney. ISSS strongly advises filing your application with legal representation. By reviewing your application, ISSS does not take any responsibility for the accuracy, completeness or timely filing of your application. This is your responsibility.

Processing times for reinstatement applications vary. Adjudication may take 6 months or more from the time the application is received by USCIS.

IMPORTANT REMINDERS:

- You will remain out of status UNTIL your application is approved by USCIS.
- It is illegal to accept employment, whether on-campus or off-campus, whether paid or unpaid, while you are out of status.
- You may not travel outside the U.S. while your reinstatement application is pending.