

INTERNATIONAL STUDENT SERVICES
DELAWARE STATE UNIVERSITY
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REINSTATEMENT APPLICATION PACKET

FREQUENTLY ASKED QUESTIONS (FAQ) ABOUT REINSTATEMENT TO F-1 STATUS

When do I need to file an application for reinstatement to F-1 status?

You need to file for reinstatement if you violated the United States Citizenship Immigration Services (USCIS) regulations with regard to maintaining your F-1 status, including the following situations:

- Your I-20 expired while you were still engaged in study at DSU
- You were engaged in unauthorized employment
- You failed to complete a school transfer procedure on time
- You were registered less than full-time without OISS authorization during either a fall or spring semester
- You reported to DSU as an F-1 student new to the United States, but your visa specifies another school

Do I need to make an appointment with an OISS advisor to apply for reinstatement?

Yes. You need to make an appointment to see an advisor by calling 302-857-6474.

How likely is it that I will be granted reinstatement to F-1 status?

It is impossible for the OISS to predict what may happen. These regulations are significantly more restrictive and unforgiving:

- Student cannot have been out of status for more than 5 months, unless he/she can demonstrate it was due to “exceptional circumstances.”
- The violation of status must have resulted from circumstances beyond the student’s control. The USCIS specifically lists such examples as, “serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight, or neglect on the part of the DSO.”
- This means simply “forgetting” that your I-20 expired is very unlikely to be an acceptable ground for regaining F-1 status! The USCIS holds YOU responsible for knowing when your documents expire and when you need to take appropriate steps to address the problem. Nor will the USCIS grant reinstatement in “instances where a pattern of repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement.”

Do I need to stop working if I am currently employed as a teaching assistant or hold an on-campus job, while my application is pending?

No. You may continue working on campus while waiting for a decision on your reinstatement application, if you were already employed before you fell out of status.

Is it possible to be reinstated to F-1 status simply by re-entering the U.S.?

It is no longer clear. With the advent of the U.S. VISIT system at Port of Entry, it may make it more challenging for someone who is out of status to be allowed back into the U.S. If you are considering this option you will want to discuss your situation with an OISS advisor before making any plans. This may require obtaining a new F-1 visa.

Will I be eligible for F-1 benefits such as Curricular and/or Optional Practical Training after my reinstatement application is approved?

Yes. You will be eligible for F-1 benefits as long as you had maintained your F-1 status for at least nine months *before* falling out of status. But you cannot apply for CPT or OPT until the reinstatement is approved.

However, students who are regaining status by re-entering the U.S. are “beginning” a new F-1 program and therefore must maintain status for nine months *after* re-entry to be eligible for F-1 employment benefits that require an academic year of lawful F-1 status.

When you have completed your reinstatement application package, please contact the OISS to schedule an appointment to submit your package. All documents must be completed prior to the appointment.

What documentation do I need to submit?

- **Cashiers Check or Money Order** payable to US Department of Homeland Security for **\$290**
- **Receipt letter indicating payment of \$200 SEVIS fee** (only if out of status 5+ months, see next section for details)
- **Form I-539 (you can download the form at www.uscis.gov) click on forms**
- **Your original Form I-94** (<https://i94.cbp.dhs.gov/I94/request.html>)
- **The original Form I-94 for any F-2 dependents** (if applicable)
- **A photocopy of the visa**
- **A photocopy of the page(s) from your passport** showing your photo and identification information, and showing your passport expiration date.
- **Original SEVIS I-20** issued to you by DSU and signed by you on page 1
- **Financial Statement for F-1 or a copy of the award letter** from your department regarding the terms of the scholarship/assistantship you have been offered to meet the expenses listed on you I-20)
- **Affidavit of Support for Room & Board** with attachments (if applicable)
- **Photocopies of all previous I-20s** issued to you by DSU or any other institution

- **Form I-539 Attachment Form** explaining:
 - Why you are out of status
 - How being out of status was due to circumstances beyond your control
 - That you have not been out of status for more than 5 months, or how being out of status more than five months was due to exceptional circumstances beyond your control and you filed for reinstatement as quickly as possible under these circumstances
 - How failure to reinstate you could result in extreme hardship
 - You are pursuing or intend to pursue a full course of study
 - You have not been employed off campus without authorization
 - You are not deportable or involved in removal proceedings
- **A letter from the OISS advisor recommending reinstatement**
- An official and recent transcript from the registrar's Office of DSU or the school you just left.
- Acceptance letter from DSU (if applicable)

What is the SEVIS fee, and do I have to pay it?

The SEVIS fee is the new charge, effective September 1, 2004 assessed by the U.S. Department of Homeland Security, whereby all F-1 visitors to the U.S. must pay a fee of **\$200** to supplement federal government expenses involved in the maintenance and Administration of the Student and Exchange Visitor Information System (SEVIS).

If you are applying for reinstatement to F-1 status using a reinstatement I-20 issued on September 1, 2004 or later, and you have been **out of status for MORE THAN 5 MONTHS**, you will be required to pay the SEVIS fee at www.FMJfee.com before you can mail in your reinstatement application.

1. The Form I-901. Be sure to write your name exactly as it appears on your I-20 form.
2. Prepare an international money order or foreign draft (drawn on US banks only) in the amount of \$200 US Dollars, made payable to "USCIS"
3. Mail the completed I-901 and payment to the address listed on the Form I-901.
4. A Form I-797 receipt notice should be mailed within 3 days of processing the fee. Be sure to make copies of your receipt, and keep it with your other important immigration documents. You will need to submit a copy of this receipt along with your other reinstatement application material.

Remember, your reinstatement application cannot be mailed until the SEVIS fee is paid and you have a receipt proving payment. Should your reinstatement be denied, the SEVIS fee is not refundable.

What is the fee that I need to enclose with my application?

The cost of filing the I-539 is **\$290.00**. Payment must be in the form of a **money order or cashier's check** issued in the exact amount and payable to USCIS (*personal checks must have your name and address printed on the check.*)

Where should I mail my application?

The OISS must mail your reinstatement application for you by certified mail. Once ALL of the above documentation, except the new SEVIS I-20, is ready, you will then meet with the OISS advisor to get your new I-20 recommending you for reinstatement. As soon as the new I-20 is created, we will immediately mail your documents via certified mail to the USCIS.

How long does it take for the USCIS to process my application?

The USCIS can take several months to process reinstatement applications.

How will I be notified that a decision has been made on my application?

The USCIS office in Vermont will return your I-20 noting the approved reinstatement to F-1 status to the OISS, along with your I-94 card (and that of any F-2 dependents) showing the reinstatement approval stamp. The OISS will notify you when these documents arrive.

What if I am denied reinstatement to F-1 Status?

If your application cannot be approved, you will receive an explanation for the denial. The OISS may be able to answer questions about the denial, but the USCIS indicates denials may not be appealed. The OISS can also provide you with a list of immigration lawyers who might be able to assist you.

Consequences of a reinstatement denial

The reinstatement denial would have the following effects, as of the date of the 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 returning to 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 returning the United States for ten years.

