



# REINSTATEMENT TO F-1 STATUS APPLICATION PACKET

*Updated December 5, 2008*

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## 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 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 the University of Iowa
- you were engaged in unauthorized employment
- you failed to complete a school transfer procedure properly or on time
- you were registered less than full-time without OISS authorization during either a fall or spring semester
- you reported to the University of Iowa 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 adviser to apply for reinstatement?**

Yes. You need to make an appointment to see an adviser by calling 335-0335.

### **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. The regulations are significantly more restrictive and unforgiving:

- A 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 grounds 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.?**

No.

**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.

**What documentation do I need to submit?**

- *Application filing fee of \$300*
- *I-797 Receipt letter indicating payment of \$200 SEVIS fee (only if out of status 5+ months, see next section for details)*
- *Form I-539* (see instructions and example copy in this packet)
- *Your original Form I-94* (a small, white card stapled in your passport)
- *The original Form I-94 for any F-2 dependents you may have*
- *A photocopy of the visa page from your passport*
- *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 the University of Iowa and recommending reinstatement, and signed by you on page 1
- *Evidence of financial support* (e.g., letter from your department regarding the terms of the assistantship you have been offered and/or a bank statement showing personal or family funds sufficient to meet the expenses listed on your I-20)
- *Photocopies of all previous I-20s* issued to you by the UI or any other institution
- *A detailed letter from you 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 adviser* recommending reinstatement
- *An official and recent transcript from the Registrar's Office* (basement of Jessup Hall)
- *A printout showing current or next semester class registration*

**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 and J-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 and you have been **out of statue for MORE THAN 5 MONTHS**, you will be required to pay the SEVIS fee *before* you can mail in your reinstatement application. There are two ways to pay this fee:

To Pay Online (*highly recommended to pay this way instead of by mail*)

1. Find the Form I-901 at [www.FMJfee.com](http://www.FMJfee.com).
2. Complete the form online and supply the necessary Visa, MasterCard or American Express information. Be sure to write your name exactly as it appears on your I-20 form.
3. Print a copy of the online receipt.
4. 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.

To Pay By Mail (*this method is not recommended as it could delay your application by weeks*)

1. Obtain a Form I-901 "Fee Remittance for Certain F, J, and M Nonimmigrants" from [www.FMJfee.com](http://www.FMJfee.com) or request the form by phone at 1-800-870-3676 (inside the US)
2. Complete the Form I-901. Be sure to write your name exactly as it appears on your I-20 form.
3. Prepare a check, international money order or foreign draft (drawn on US banks only) in the amount of \$200 US Dollars, made payable to "The Department of Homeland Security" (OISS strongly suggests you use a personal check, since it is easy to trace these.)
4. Mail the completed I-901 and payment to the address listed on the Form I-901.
5. 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 application be denied, the SEVIS fee is not refundable.

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

The fee is **\$300**. Payment must be in the form of a **money order or cashier's check** issued in the exact amount and payable to "Citizenship and Immigration Services" (*personal checks are not accepted*).

### **Where should I mail my application?**

The OISS must mail your reinstatement application for you via overnight express mail. Once ALL of the above documentation, except the new SEVIS I-20, is ready, you will then meet with an OISS adviser 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 overnight mail to the USCIS.

Because of the excessive cost for sending the documents by overnight mail, we will require you to **provide us with a credit card number and expiration date, plus the 3-digit security code on the back of the card**, so the mailing expenses may be charged to you.

### **How long does it take for the US Citizenship and Immigration Services 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 California 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.

# SAMPLE I-539 Form – Follow these instructions carefully:

1. Go to <http://www.uscis.gov/files/form/i-539.pdf>
2. Fill out the form using OISS instructions below, **not** the instructions found on the USCIS website.
3. Print and bring the completed form to your meeting with an OISS adviser.

OMB No. 1615-0003; Expires 12/31/08

Department of Homeland Security  
U.S. Citizenship and Immigration Services

## I-539, Application to Extend/ Change Nonimmigrant Status

START HERE - Please type or print in black ink.

For USCIS Use Only

### Part 1. Information about you

Family Name Seedorff	Given Name Lee	Middle Name M
Address - In care of - c/o OISS Adviser - University of Iowa		
Street Number and Name 1111 University Capitol Centre	Apt. #	
City Iowa City	State IA	Zip Code 52242
Country of Birth United Kingdom		Country of Citizenship India
Date of Birth (mm/dd/yyyy) 07/27/1925	U. S. Social Security # (if any) 123-45-6789	A # (if any) Leave Blank
Date of Last Arrival Into the U.S.	Date from I-94	I-94 # From I-94 card
Current Nonimmigrant Status F-1	Expires on (mm/dd/yyyy) D/S	

Returned	Receipt
Date	
Resub	
Date	
Reloc	
Date	
Reloc Rec'd	
Date	
<input type="checkbox"/> Applicant Interviewed on Date	
<input type="checkbox"/> Extension Granted to (Date): _____	
Change of Status/Extension Granted New Class: From (Date): _____ To (Date): _____	
If Denied: <input type="checkbox"/> Still within period of stay <input type="checkbox"/> S/D to: _____ <input type="checkbox"/> Place under docket control	
Remarks:	

You must use the OISS address as shown here, not your own address.

### Part 2. Application type (See instructions for fee.)

1. I am applying for: (Check one.)

- An extension of stay in my current status.
- A change of status. The new status I am requesting is: \_\_\_\_\_
- Reinstatement to student status

2. Number of people included in this application: (Check one.)

- I am the only applicant.
- Members of my family are filing this application with me.  
The total number of people (including me) in the application is: \_\_\_\_\_  
(Complete the supplement for each co-applicant.)

### Part 3. Processing information

1. I/We request that my/our current or requested status be extended until (mm/dd/yyyy): D/S \_\_\_\_\_

2. Is this application based on an extension or change of status already granted to your spouse, child, or parent?  
 No  Yes. USCIS Receipt # \_\_\_\_\_

3. Is this application based on a separate petition or application to give your spouse, child, or parent an extension or change of status?  No  Yes, filed with this I-539.  
 Yes, filed previously and pending with USCIS. Receipt #: \_\_\_\_\_

4. If you answered "Yes" to Question 3, give the name of the petitioner or applicant:  
\_\_\_\_\_  
If the petition or application is pending with USCIS, also give the following data:  
Office filed at \_\_\_\_\_ Filed on (mm/dd/yyyy) \_\_\_\_\_

### Part 4. Additional information

1. For applicant #1, provide passport information: Valid to: (mm/dd/yyyy)  
Country of Issuance India 01/01/2075

2. Foreign Address: Street Number and Name Apt. #  
7 Race Course Road \_\_\_\_\_

City or Town State or Province  
New Delhi Uttar Pradesh

Country Zip/Postal Code  
India 123456

Be sure to fill out the remaining pages of the I-539, including employment information and/or financial support information. Ask an OISS adviser if you have any questions.

