

Overview

A student who has failed to maintain F-1 student status and wishes to continue studying at (or transfer to) the University of Pennsylvania must regain valid status. One way to regain F-1 student status is to apply to US Citizenship and Immigration Services (USCIS) for reinstatement. Alternatively, students may leave the US and reenter using a new I-20 with a new SEVIS number. Either option to regain status should be discussed with an advisor at International Student and Scholar Services (ISSS) in detail. (*Those planning to transfer to another institution must apply for reinstatement through the new school using the I-20 from that school.*)

Reasons why a student may fall out of F-1 student status:

- Failure to extend I-20 before the expiration deadline
- Failure to complete the F-1 transfer procedure in a timely manner
- Failure to take less than a full course of study without prior written authorization from ISSS for an excusable academic or medical reason under USCIS regulations

Note: a student who has worked without authorization is also out of status, but is not eligible for reinstatement.

If you think that you may be out of status, please visit ISSS immediately. The longer you wait to address the problem, the more difficult it can become. Furthermore, only students in valid F-1 status are eligible for F-1 benefits from the USCIS (e.g. authorization to work on-campus, practical training work authorization).

Eligibility

Under federal USCIS regulation 8 CFR 214.2(f)(16), an F-1 student is only eligible for reinstatement if all of the following conditions apply to the student:

- *Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances)*
- *Does not have a record of repeated or willful violations of [USCIS] regulations*
- *Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the Form I-20*
- *Has not engaged in unauthorized employment*
- *Is not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act*
- *Establishes to the satisfaction of the [USCIS], in detail showing, either that:*
 - *The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight, or neglect on the part of the DSO, but do not include instances where a pattern of violations or where a willful failure on the part of the student resulted in the need for reinstatement*

or

- *The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student*

ISSS will assist students with a reinstatement petition only if all of the conditions above apply. Students who do not meet the above eligibility requirements will need to consult with a US immigration attorney. (If counsel is required, we highly recommend that you seek advice from a lawyer who is a member of the American Immigration Lawyer's Association (AILA). A list of AILA attorneys can be obtained from ISSS.)

Procedure for Reinstatement of F-1 Student Status

Step One

Meet with an ISSS advisor to assess your eligibility for reinstatement.

Step Two

Prepare the following documents:

1. A personal check or money order for \$300 payable to "US Department of Homeland Security" (A check is preferable because, if necessary, you can determine if and when it is cashed.)
2. USCIS form I-539, available on the USCIS web site at: <http://www.uscis.gov/forms>. In Part 2, question 1, check "C". In Part 3, question 1, write "D/S". In part 4, question 3e, check "yes". **PRINT REINSTATEMENT IN RED INK AT THE TOP.**
3. A cover letter from you requesting reinstatement to F-1 status and explaining your circumstances. You should explain that the violation of F-1 status resulted from circumstances beyond your control and/or that the failure to be reinstated would result in extreme hardship. Attach any additional supporting documents.
4. A new SEVIS I-20 issued by Penn for purposes of reinstatement (signed by you and an ISSS advisor)
5. A photocopy of your previous I-20 form(s)
6. A photocopy of your financial support documents to show evidence of continued funding—documents should be recent (no more than 12 months old)
7. A photocopy of your passport photo page—include any other pages that contain the expiration date, any extensions, or any biographical information. Your passport should be valid for at least 6 months into the future.
8. A photocopy of your most recent visa (stamp), used to enter the US
9. Your original I-94 card (be sure to copy front and back clearly showing the red USCIS stamp for your records)
10. A photocopy of your transcript and course registration from Penn InTouch

Step Three

Meet with ISSS advisor to review final application for reinstatement

Step Four

Copy your entire application for your records and mail original to the **USCIS Vermont Service Center**. Mail your application for reinstatement by *Certified Mail, Return Receipt Requested* with the US Postal Service or by a courier service that maintains tracking records, such as *Federal Express, DHL, or UPS* to the following address:

USCIS Vermont Service Center
ATTN: I-539
75 Lower Welden Street
St. Albans, VT 05479

Note: Be sure to address the envelope with a reference to *F-1 Reinstatement*. The USCIS National Customer Service Center telephone number (800) 375-5283 is needed if you will be sending your application by courier service.

Final Considerations

- A decision to reinstate an individual to F-1 student status is at the discretion of the USCIS.
- Processing times at USCIS vary greatly. Expect to wait 2-4 months before receiving a response.
- You are **NOT** eligible for any F-1 student benefits, such as practical training employment authorization or working on campus, unless the USCIS reinstates you to F-1 student status.
- Travel outside the US while a reinstatement application is pending may be considered an abandonment of the application. If you need to leave the US while your application is pending, you must meet with an ISSS advisor prior to travel.
- If the application is **approved**, USCIS will endorse the new I-20 form and return it to the mailing address listed on the I-539 form. ISSS will contact you if we receive any updates on your behalf. Please also contact ISSS when you receive information from USCIS. (F-2 dependent status is automatically reinstated with the reinstatement of the F-1 student.)
- If the application is **denied**, you will begin to accrue days of unlawful presence in the US (accrual of more than 180 days of *unlawful presence* could subject a person to a 3-year or 10-year bar from reentering the US.). Students who are denied reinstatement have the option to file and appeal with the USCIS, but we strongly encourage these students to hire a competent immigration attorney.