



WILLIAM PATERSON UNIVERSITY

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Reinstatement Checklist (F-1 Students)

Please note that you **may only request a Reinstatement with the cooperation of a P/DSO from OISS**. OISS will work with you to determine whether a reinstatement is appropriate in your case.

Eligibility

You may be eligible for a Reinstatement to F-1 status if:

- You have not been out of status for more than 5 months prior to filing for reinstatement (unless you can show that there were exceptional circumstances that prevented you from filing during the 5-month period).
- You do not have a record of repeated violations.
- You are pursuing, or will in the next available term be pursuing, a full course of study.
- You are not engaged in unauthorized employment.
- You are not deportable on any grounds other than the status violation for which reinstatement is being requested.
- The status violation resulted from either:
 - Circumstances beyond your control; or
 - Failure to apply in a timely fashion for a reduced course load authorization from the DSO, but only if the violation relates to something that would have been within the DSO's authority to have approved, if it had been timely done, and that the student would experience extreme hardship if the application were not approved.

USCIS Reinstatement Application

Gather the required documents listed below. OISS will create a reinstatement I-20 through SEVIS. Once that is complete, you will submit a reinstatement application to USCIS.

OISS strongly recommends that you work with an immigration attorney for reinstatement.

Reinstatement documents:

- ☐ Reinstatement I-20, issued by OISS:
 - Complete an I-20 application and submit bank statements as evidence of funding.
 - Submit timeline of events and explanation of why your status was terminated and why it should be reinstated.
 - After OISS reviews and approves your request, you will receive the reinstatement I-20 and letter of support.
 - You must sign page 1 of the reinstatement I-20.

Reinstatement documents, cont.

- ☐ A signed letter to the USCIS (address it “Dear Adjudicating Officer”), stating the following:
 - why you are out of status (specify the violation)
 - the reason for the status violation
 - the effect on you of failure to receive reinstatement
 - a statement that you are currently pursuing or intend to pursue a full course of study, and
 - specifically request that USCIS reinstate you to F-1 student status.
- ☐ *Optional but recommended:* A letter of recommendation from your academic advisor, which might discuss things like your academic standing, your progress toward your degree, plans for finishing the degree, etc.
- ☐ Financial documentation that corresponds to OISS’ financial estimates for students’ estimated cost of attendance. (ex. the completed I–20 application and bank statements).
- ☐ A copy of the identification page of your passport, plus a copy of the extension page if the passport expiration date is not listed on the identification page.
- ☐ Copies of all previous I-20s
- ☐ Copy of your [I-94 record](#)
- ☐ Copies of your transcripts
- ☐ Copy of [I-901 SEVIS fee payment](#) receipt
- ☐ Any other documentation that might support your eligibility for a reinstatement

OISS’ role in your reinstatement:

- Issue a reinstatement I-20, which you must sign.
- Write a cover letter to the USCIS about your case (*if appropriate*).
- Stay in communication with you while your reinstatement is pending, particularly to confirm if/when USCIS approves the application.

After OISS issues your Reinstatement I-20, you will:

- ☐ File the Form I-539 online (www.uscis.gov)
- ☐ Upload all required documents, as listed above, online in your USCIS application portal.
- ☐ Pay the I-539 filing fee and biometrics fee.
 - <https://www.uscis.gov/feecalculator>
 - <https://www.uscis.gov/forms/filing-fees>

What happens next?

The application for Reinstatement can take 12-16 months to process. In the meantime, you should continue to study and must be registered full-time. You cannot work on- or off-campus while the application is pending. You should not depart the U.S. while your application is still pending. The USCIS will send you a receipt notice in the mail as well as in your online account, which will allow us to track the application's status online.

USCIS may contact you for a biometrics appointment. If you are scheduled for a biometrics appointment, you must attend.

What happens if the reinstatement is denied?

If your application is denied, then you might incur two types of penalties. INA § 222(g) (overstay and visa cancellation) and § 212(a)(9)(B) (unlawful presence) are two penalty provisions that can be activated if a request for reinstatement is denied.

Since reinstatement by definition consists of a finding by USCIS that there has been a status violation, the denial of a reinstatement application would in all likelihood be considered a "formal finding of a status violation... resulting in the termination of the period of stay authorized by the Attorney General." Under the most recent guidance on the applicability of INA 222(g) and § 212(a)(9)(B), 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 their 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, they will be barred from returning to the United States for three years; if they remain after the denial for one year or more, they will be barred from returning the United States for ten years. Also, whether the application is approved or denied there is an official record of a violation of status in DHS files. Status violations can have future impact on eligibility for immigration benefits such as adjustment of status.