



OFFICE OF INTERNATIONAL
STUDENT AND SCHOLAR SERVICES

521 Lancaster Avenue • Whitlock 455, CPO 69
Richmond, KY 40475

Phone: 859-622-1478 • Fax: 859-622-1552

Email: international@eku.edu

<http://www.international.eku.edu>

REINSTATEMENT OF STATUS REQUEST

OVERVIEW

An F-1 student is expected to comply with immigration regulations pertaining to F-1 status. An F-1 student, who violates these regulations, will be considered “out of status”. Violation of F-1 regulations will result in the loss of a student’s legal status in the United States as well as loss in the following F-1 benefits eligibility:

- On-campus and off-campus employment, including practical training (i.e. CPT or OPT)
- Reduced course load authorizations
- I-20 travel signatures to re-enter the U.S. or extension of I-20
- Application for a driver’s license

An F-1 student who is out of status may be eligible to apply for reinstatement inside the United States depending on the type of status violation and the specific set of circumstances of the situation. In order to regain legal F-1 status and these benefits, you must take the steps outlined in this document.

STEP 1: MEET WITH AN OISSS ADVISOR TO DISCUSS WHY YOU ARE OUT OF STATUS

If you have been informed or think that you may be out of status, please visit OISSS immediately. An international student advisor will be able to explain to you the nature of and reasons for the violation.

Reasons why a student may fall out of legal status include, but are not limited, to the following:

- Failure to enroll in classes
- Enrolling less than full-time or dropping below full-time without authorization
- Unauthorized withdrawal from classes
- Unauthorized Employment
- Expulsion and suspension from the university
- Expired I-20 – Failure to apply for extension of your I-20 before the end-date listed.
- Failure to report to OISSS for initial registration in SEVIS upon your arrival (For new and transfer-in students).

The OISSS is required to terminate the I-20 SEVIS record of a student who is “out of status” in order to comply with Federal government regulations.

STEP 2: DETERMINATE IF YOU ARE ELIGIBLE TO REGAIN F-1 STATUS

The international student advisor will determine if reinstatement and/or travel and re-entry admission is possible and provide you further information about the process. You may consult an immigration attorney if you wish. To be eligible for reinstatement, the student:

1. Must have not been out of status for more than 5 months at the time of filing reinstatement.
2. Does not have a record of repeated or willful violations of USCIS regulations.
3. Is currently pursuing, or intending to pursue a full course of study in the immediate future.
4. Has not engaged in unauthorized employment.
5. Is not deportable on any other grounds.
6. Establishes to the satisfaction of USCIS that:
 - The violation of status resulted from circumstances beyond the student's control (such as serious injury or illness, a natural disaster, or a mistake made by the international student advisor).
 - The violation relates to a reduction in course load that would have been in the international student advisor's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student.

OISSS can assist students with reinstatement petitions only if all of the conditions above apply. Students who do not meet the above eligibility requirements will need to consult with an immigration attorney.

Important: *You CANNOT apply for reinstatement if you have worked without authorization.*

STEP 3: DECIDE WHICH OPTION YOU WILL TAKE TO REGAIN LAWFUL F-1 STATUS

In order to regain lawful F-1 student status, you must decide on one of two options:

- **Option 1: Travel and re-entry**
- **Option 2: Apply for reinstatement inside the U.S.**

OPTION 1: TRAVEL AND RE-ENTRY

In some cases, it may be advisable for you to depart the U.S. and re-enter with an initial attendance I-20, rather than applying for reinstatement. You must leave the U.S. as soon as possible after violation of status if you plan to regain F-1 status through readmission to the U.S. To use this option the follow this procedure:

PROCEDURE

A. Request an Initial I-20

To request an Initial I-20, please submit to OISSS the following documents:

- New I-20 Request Form – from the last page of this guide
- Financial documents (e.g. 3 months' bank statements or scholarship letter) not older than 6 months showing you have sufficient funds for the remaining period of your studies
- Copy of a valid passport biographical page
- Copy of student's F-1 student visa (except for Canadians and Bermudians)

B. Receive your new I-20

After reviewing these documents, OISSS will create an initial I-20 with a new SEVIS ID number for your travel & reentry. You will receive an email from OISSS when your I-20 is ready for pick up. After receiving your new initial I-20 you must:

- Pay the I-901 \$200 SEVIS Fee at <https://www.fmjfee.com> and print out payment receipt.
- Schedule a visa interview appointment with a U.S. Embassy/Consulate if your current F-1 visa has expired, otherwise skip this step.

C. Travel outside of the U.S. and re-enter to regain your legal F-1 status

- You may enter **up to 30 days** before the start date indicated on the new initial I-20
- Report to OISSS immediately upon your return to EKU and bring your passport, new I-94 and I-20. Failure to do so in timely manner may result in cancellation of your SEVIS record.
- Enroll full-time immediately and to follow all the other F-1 regulations to maintain status

ADVANTAGES AND DISADVANTAGES OF THE TRAVEL AND RE-ENTRY OPTION

a) Advantages

- In some cases, this is a faster method to regain status.
- You can work on campus upon re-entry after enrolling full-time.

b) Disadvantages

- You cannot re-enter the U.S. more than 30 days before the program start date indicated on your I-20
- It is more expensive due to travel expenses, SEVIS fee and student visa application fee
- There may be interruptions in study if you encounter a delay in the visa application process
- Since you are basically starting over as new F-1 student, you will be required to enroll full-time for one academic year before becoming eligible to apply for off-campus employment such as CPT or OPT
- F-1 students in their last year of study will lose Optional Practical Training

OPTION 2: APPLY FOR REINSTATEMENT INSIDE THE U.S.

This option allows to you regain your lawful F-1 student status by applying to the U.S. Citizenship and Immigration Services (USCIS) for reinstatement while remaining in the U.S. and continuing as a full-time student. To use this option the follow this procedure:

PROCEDURE

A. Request an Initial I-20 and Submit Required Documents

Submit to OISSS the following documents:

- New I-20 Request Form – from the last page of this guide
- Check or money order of **\$370**, made payable to “U.S. Department of Homeland Security” or Form G-1450, (available from <https://www.uscis.gov/g-1450>) if paying credit card.
- Form G-1145, available from <http://www.uscis.gov/g-1145>
- Form I-539, available at <http://www.uscis.gov/i-539>
- Copy of a valid passport biographical page
- Copy of F-1 student visa (except for Canadians and Bermudians).
- I-94 printout (available from <https://i94.cbp.dhs.gov/>) or paper card (front & back)
- Financial documents (such as 3 months’ bank statement or scholarship letter) showing you have sufficient funds for the remaining period of your studies. The financial documents should not be older than 6 months.
- Copies of all previous Forms I-20 which were issued to you from any school attended in the U.S.
- Proof of payment of the \$200 I-901 SEVIS Fee (<https://www.fmjfee.com>). (Only required if you have been out of status for **more than 5 months**). *Other students do not have to pay this fee.*
- Signed and dated personal letter addressed to USCIS explaining why you are in violation of status. The letter should:

- Identify the violation, when it first occurred and the reasons for it
- Request USCIS to reinstate you to your F-1 student status
- Explain that the violation was not done willfully
- State that you are currently enrolled full-time or planning to enroll full-time in the next semester
- Explain the negative impact if USCIS does not reinstate you to F-1 student status.

- Official Transcripts from EKU and from any other school you attended in the U.S. while in F-1 status
- Class schedule for current and/or for next semester (if applicable)

A. Receive your new I-20

After reviewing these documents OISSS will issue the following documents:

- Designated School Official (DSO) Letter of Support and
- A new “Reinstatement I-20” with a current SEVIS ID number

You will receive an email from OISSS when your I-20 is ready for pick up. After receiving your “Reinstatement I-20” you must:

- Pay the I-901 \$200 SEVIS Fee at <https://www.fmjfee.com> and print out a payment receipt (*Only required from those out of status for more than 5 months*). Other students do not have to pay this fee.

B. Mail your application packet to USCIS

You are responsible for mailing your own application. Here are what you must send to USCIS:

1. Check or money order for \$370 or Form G-1450 for credit card payment
2. Original completed Form G-1145
3. Original completed Form I-539
4. Photocopy of a valid passport biographical page
5. Photocopy of F-1 student visa if applicable
6. Printout of I-94, Arrival/Departure Form or copy of I-94 card (front and back)
7. Financial documents
8. Photocopy of the new “Reinstatement I-20” signed and dated on page 1.
9. Photocopies of all previously issued I-20s (pages 1 and 3 or pages 1 and 2).
10. Proof of payment of the \$200 I-901 SEVIS Fee (if applicable)
11. A signed and dated personal letter addressed to USCIS
12. Designated School Official (DSO) letter of support from OISSS
13. Official transcripts from all school attended in the U.S. while in F-1 status
14. Class schedule for current and/or for next semester (if applicable)

Please mail your application packet to one of the following USCIS mailing addresses:

<p>U.S. Postal Service to USCIS Dallas Lockbox</p> <p>USCIS P.O. Box 660166 Dallas, TX 7526</p>	<p>By USPS Express Mail (and UPS, FedEx, etc.):</p> <p>USCIS ATTN: I-539 2501 S. State Highway 121 Business, Suite 400 Lewisville, TX 75067</p>
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USCIS will send you a receipt notice with a receipt number. You may then use the receipt number to check the status of your application from the USCIS web site at <https://egov.uscis.gov/casestatus/landing.do>.

C. What happens next?

a) While application is pending:

Once your application is received by USCIS, you should expect some or all of the following:

- An e-mail and/or text message to confirm your application has been received **within 2-3 weeks**
- Official I-797 Receipt Notice with a receipt number within **3-4 weeks**. You may then use the receipt number to check the status of your application from the USCIS web site at <https://egov.uscis.gov/casestatus/landing.do>.
- Request for Evidence (RFE) requesting that you submit additional documentation. Please contact the OISSS immediately if you have received an RFE letter.

b) When application is approved:

- The adjudicating officer will update your SEVIS record to indicate the approval, and email the decision to OISSS.
- USCIS will send you Form I-797A, Approval Notice and I-94 by mail.
- Please bring a copy of these documents to the OISSS.

c) When application is denied:

- The adjudicating officer will update your SEVIS record to indicate the denial, revert the record to terminated or completed status, and email the decision to OISSS.
- USCIS will send you a denial notice by mail.
- You must depart the United States as soon as possible
- A denial of an application for reinstatement cannot be appealed, although a motion to reopen or reconsider may be filed if warranted.
- If you feel you are eligible for this option, please contact an immigration attorney to file a motion to reopen or reconsider your case.

d) Consequences of a reinstatement denial

The reinstatement denial would have the following effects effective the date of the denial:

- Your visa is automatically cancelled;
- You will be permanently limited to applying for any future U.S. nonimmigrant visas **ONLY** in your country of citizenship or permanent residence;
- You will begin accumulating days of "unlawful presence" that can lead to being barred for years from the U.S. as follows:
 - 180 days of unlawful presence - you will be barred for **3 years**;
 - 1 year or more of unlawful presence - you will be barred for **10 years**.



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NEW I-20 REQUEST FORM FOR REGAINING F-1 STATUS

PART I: TO BE COMPLETED BY THE STUDENT

Family Name: _____ First Name: _____

EKU ID#: _____ EKU Email: _____

Do you have dependents? Yes No. If yes, how many? _____

U.S. Street Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____

Foreign Address: _____

City: _____ Province/State/Region: _____

Country: _____ Postal Code: _____

Major: _____ Level: Bachelor Master Doctoral

I would like to regain my status by (choose one):

- Traveling outside the U.S. and re-entering using a new initial I-20
- Applying for reinstatement to USCIS inside the U.S.

PART II: TO BE COMPLETED BY THE STUDENT'S ACADEMIC ADVISOR

The OISSS is helping the above-named international student with an immigration related application. In order to help the student, we would like to know his/her expected graduation date.

Is the student academically eligible to continue at EKU? Yes No

Number of credits remaining to complete degree: _____

Anticipated degree completion term: Fall Winter Spring Summer. Year: 20_____

Advisor's Name: _____ Phone: _____

Signature: _____ Date: _____