



SMU®

International Student & Scholar Services Office

Reinstatement by Mail

Failure to maintain status is grounds for removal from the United States (deportation) under I.N.A. 237 (a) (1) (c) (i).

It is illegal to work anywhere when out of status.

Step One: Make an appointment with an International Student Adviser.

Step Two: Please compile the following information for your reinstatement application and bring it with you when you come for your appointment:

- Updated financial documents (original, plus 2 copies). The documentation must not be older than six months.
- Affidavit of Support (if sponsored by someone in the US/available; original plus 2 copies)
- Original I-94 card for you and dependants.
- 3 copies of all I-20s
- Official transcripts (one original set)
- Letter of support from your department (original, plus 2 copies) stating *normal academic progress* and program completion date.
- 3 copies of passport (including picture, name, and expiration date), visa and I-94 (front and back).
- 3 copies of dependent's documents if applicable: I-20s, passport (including picture, name, and expiration date) and visa.
- Obtain a cashier's check or money order made payable to the Department of Homeland Security. Please check the USCIS Web site for the exact amount (www.uscis.gov)
- Write a letter of explanation addressed to the Department of Homeland Security (original, plus 2 copies) stating the following:
 - Identify the status violation.
 - Give the reason for the violation.
 - Explain the negative impact that failure to obtain reinstatement would have on you.
 - If the violation is for failure to obtain authorization for reduced course load, demonstrate that it would have been within the International Adviser's power to authorize reduced course load if proper procedures had been taken in a timely manner.
 - State that you are currently pursuing a full course of study or that you are making arrangements to pursue a full course of study at the next possible semester.
 - Specifically request that DHS reinstate you to your F1 student status.

Step Three: The student will need to mail the application to the Vermont Service Center following their appointment:

**U.S.C.I.S
Vermont Service Center
ATTN: I-539
75 Lower Welden
St. Albans, VT 05479-0001**

Criteria for reinstatement eligibility:

- Student has not been out of status over 5 months.
- Student does not have a record of repeat offenses.
- Student is pursuing a full course of study and will be for the next semester.
- Student has not engaged in unauthorized employment.
- Student is not deportable on any other grounds.
- Status violation results from circumstances beyond the student’s control or results from failure to apply in a timely fashion for 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 approve, and that the student would experience extreme hardship if the application were not approved.

Consequences of reinstatement denial:

- Current visa will be automatically cancelled.
- Student will be permanently limited to applying for visas in home country.
- Student will begin accumulating “unlawful presence days”. If student stays in the U.S. for 180 days following reinstatement denial, he/she will be barred from the U.S. for 3 years. If student stays in the U.S. for one year following reinstatement denial, he/she will be barred from the U.S. for 10 years.
- Official record of violation will be recorded with DHS.

If the reinstatement is approved, the following will be the consequences for employment eligibility:

- If the student has accrued 9 consecutive months of valid status **prior** to falling out of status, he/she will be immediately eligible for CPT or OPT when the reinstatement application is approved within the U.S. This does not apply to reinstatement by travel.
- If the student has not accrued 9 consecutive months of valid status **prior** to falling out of status, the clock will start again once the reinstatement application is approved within the U.S., and the student will not be eligible for CPT or OPT until he/she has accrued 9 consecutive months of valid status.
- The student will be eligible for campus employment when reinstatement is approved.

Alternative to reinstatement application: Travel and reentry

- A student may exit the U.S. and reenter to clear a status violation. If the student does not have a valid visa, a new visa must be obtained in their home country.
- Clearing status by travel and reentry requires a student to accrue 9 consecutive months of valid student status before being eligible for CPT or OPT.
- Student will be eligible to work on campus immediately after clearing status by reentry.
- Reentry is based on the determination of DHS officials at the port of entry.
- 8 C.F.R. 214.2 (f) (16) (i) (A) to (F) A.M. 3.16 A.M. 3.9.