What happens when an F-1 student falls “Out of Compliance/Status”?

A student in F-1 status who has been informed verbally or by email that he or she may be “out of compliance/status” will need to schedule an appointment at the Office of Global Services (OGS) to meet with the OGS advisor responsible for reinstatements by calling 617.373.2310.

An F-1 student may fall “out of status/compliance” for violation of federal government regulations governing students in F-1 visa classification. Examples of why a student may fall “out of status/compliance” include: letting the program end date on the I-20 expire without requesting a program extension in a timely manner; taking too many on-line courses; working without authorization; taking a leave from school without permission from his or her college and the OGS; not registering for a Summer term that is required for completion of studies; not making continuous progress towards the degree; as well as other reasons. The OGS must terminate the SEVIS record of a student who is “out of compliance/status” in order to comply with federal government regulations.

During the first weeks of the discovery of the violation, the OGS and the Academic Advisor or SEVIS Contact will work with the student to remedy the violation. If there is no possible remedy, the student’s SEVIS record is terminated, and the student may seek to regain F-1 status provided that he or she is academically and financially qualified to continue in and/or to complete the degree program to which he or she was accepted. A student who is dismissed from his or her program is not eligible for reinstatement. A student who has violated employment related regulations may have limited options.

Ways to Regain Status

In order to resume studies in proper F-1 status, a student must seek to regain status. A student who falls “out of compliance/status” may regain status in one of the following ways:

- Depart the U.S. and regain status through readmission to the U.S. with a new initial I-20
- If eligible, seek reinstatement while remaining in the U.S. by filing an application for reinstatement.

Departing the U.S. and Regaining Status through Readmission (Option 1)

For this option, a student must leave the U.S. immediately or as soon as possible after termination of the SEVIS record and will need to regain F-1 status through readmission to the U.S. A new initial I-20 will be issued by the OGS for this purpose once the I-20 request and evidence of sufficient financial support are submitted to the OGS, and confirmation that you are allowed to continue in your program and the expected date of program completion are received by the OGS from your college or graduate school. The student will leave the U.S., obtain a new visa from a U.S. Embassy in their home country if needed, pay the SEVIS fee again, and re-enter the U.S. for the next available term to be decided in advance of the student’s departure. It is important to remember that any student seeking to regain F-1 student status by readmission may lose eligibility to apply for Post-Completion Optional Practical Training (OPT) after completion of studies.

Upon return to the U.S., a student who is regaining F-1 status through readmission will be required to:

- Enter on or up to 30 days before the start date indicated on the new initial I-20
- Upon arrival at the University, check in with the OGS Advisor who handles reinstatements so that the OGS can activate your new SEVIS record
- Immediately register for a full course load
- Check in with the Academic Advisor to make sure you are taking the appropriate courses.

Please schedule an appointment with an OGS advisor for further information about this option.
Seeking Reinstatement While Remaining in the U.S. (Option 2)

How to determine if you are eligible to seek reinstatement within the U.S.
If you have not violated any of the following criteria, you may be able to remain in the U.S. and apply for reinstatement to F-1 student:

- You have not been “out of compliance/status” for more than 5 months
- You do not have a record of willful or repeated violations
- You are enrolled in or have intentions of pursuing a full course of study. (You have not been dismissed from your program or have completed your program).
- You have not engaged in unauthorized employment.
- To the best of your knowledge, you are not removable by the U.S. Citizenship and Immigration Services (USCIS) on other grounds (other grounds may include previous violations at other schools).

If eligible, you may remain in the U.S. and file an application for reinstatement (I-539) with the U.S. Citizenship and Immigration Services (USCIS). A student who is filing for reinstatement must work with his/her College or Graduate School to rectify the violations that have caused him or her to fall “out of compliance/status.” If a student is withdrawn for financial reasons from the University, the student must pay the balance owed in order to be permitted to continue full-time enrollment. A financial hold or any other “holds” Then, the student must make an appointment with the OGS Advisor responsible for reinstatement applications. The student must follow the required procedures and submit the reinstatement application to USCIS once it is completed (documents for a reinstatement application are listed on the next page). While a reinstatement application is pending, the student should not leave the U.S. and will be required to maintain their F-1 status. **While applying for reinstatement, no on-campus employment, co-op or internship assignments are permitted.**

The reinstatement process may take anywhere from **six to eight months** from the date USCIS receives your application. **The OGS cannot guarantee that USCIS will approve your reinstatement.** If you receive a denial, you will need to revert back to the first option described in this guide to regain your F-1 student status.

Preparing and Submitting the Reinstatement Application
A student seeking reinstatement within the U.S. should come to the OGS or call 617.373.2310 to schedule an appointment with the OGS Advisor in charge of reinstatement. After the student explains the reasons for falling “out of compliance/status,” the OGS Advisor will determine if reinstatement within the U.S. is possible and review documentation to be prepared by the student for the reinstatement application.

**Documentation to be prepared for appointment with OGS Advisor and for submission to USCIS:**
1) Letter written by you requesting reinstatement to be reviewed by the OGS Advisor. **For assistance writing your letter, please reference the “Reinstatement letter format guide” at the end of these instructions.**
2) Form I-539, available at: uscis.gov/sites/default/files/files/form/i-539.pdf (please write the word “REINSTATEMENT” at the top of the I-539)
3) $290 filing fee in the form of a personal check or money order payable to “U.S. Department of Homeland Security”
4) Financial support documentation (originals only)
5) I-94 (most recent date of entry into U.S.) printout available at https://i94.cbp.dhs.gov
6) Copies of all previous I-20s (pages 1 and 3 of older version(s); pages 1 and 2 of new version) (please sign the bottom of all I-20s)
7) Copy of passport information page(s)
8) Copy of most recent U.S. F-1 visa stamp page in passport
9) Letter of support from Academic Advisor or graduate school on college letterhead
10) Official transcript from Registrar’s Office
11) Copy of Reinstatement I-20 to be provided by OGS Advisor (please sign the bottom of the I-20)

Where to send your Reinstatement Application: Once all required forms, documentation and filing fee are assembled, mail the application (obtaining a tracking number from shipping service is recommended) to one of the following Lockbox facilities:

For U.S. Postal Service:  
USCIS  
P.O. Box 660166  
Dallas, TX 75266

For express mail & courier service such as FedEx, UPS, DHL:  
USCIS  
Attn. I-539  
2501 S. State Highway 121  
Business Suite 400  
Lewisville, TX 75067

When will you hear from USCIS?: Once your application for reinstatement has been received by USCIS, you will receive a notification/receipt with a receipt number, usually within fifteen days (by inputting the receipt number into the USCIS website, you will be able to view the progress of your reinstatement application through the USCIS web site). Please keep the OGS and USCIS informed of any change to your local address to ensure that important information and documentation can be delivered to you.

Request for Further Evidence (RFE): If USCIS sends you a “Request for Further Evidence” (RFE) requests that you submit additional documentation, please contact the OGS Advisor immediately.

Abandoning the Reinstatement Application: Leaving the U.S. while a reinstatement application is pending is considered as abandoning the reinstatement application. If you decide to leave the U.S. after you file a reinstatement application, you should withdraw the application by writing to USCIS and submitting a copy of the receipt for the filing fee and making reference to the receipt number for your case. Inform the OGS Advisor prior to abandoning a reinstatement application and give the OGS Advisor a copy of your letter. If you abandon the reinstatement application by leaving the U.S. and still wish to return to the U.S. in F-1 status, you will need to pursue OPTION 1 discussed previously in these instructions.

What happens if reinstatement is approved?: The OGS will be informed by SEVIS of the approval or denial of your reinstatement and you will receive a letter from USCIS informing you of the approval or denial of your reinstatement. The Advisor will update your new SEVIS record and issue you a continued attendance I-20 and email you to let you know it is ready for you to pick up at the OGS.

What happens if reinstatement is denied?: A student who is denied reinstatement will have to exit the U.S. and seek reinstatement by readmission to the U.S. described under the first option in these instructions.

Do you have additional questions?: Visit the OGS, 405 Ell Hall or make an appointment with the OGS.

Instructions for writing your letter requesting reinstatement: While your letter will be reviewed by the OGS Advisor handling reinstatement applications, you are required to bring a completed letter requiring little or no edits to your meeting with the Advisor. Please remember that if the letter does not clearly explain why you fell “out of status” and how you are remediying this problem, you will not be reinstated. Simply state the facts of what happened. Your letter does not have to be long, but it should to be accurate. Please see the Reinstatement Letter Format Guide that follows for guidance on writing your letter.
Reinstatement Letter Format Guide

You should format and address the letter as follows (the letter is addressed to the Vermont Service Center even though you will be mailing it along with the entire application to one of the Texas lockbox facilities listed above in "Where to send your Reinstatement Application"): 

Date (month/day/year)

USCIS Vermont Service Center  
ATTN: I-539 75  
Lower Weldon Street  
Saint Albans, VT 05479

RE: Request for Reinstatement to F-1 student status; SEVIS ID No. (enter the SEVIS ID number from the top of your SEVIS I-20, which starts with the letter “N”).

Dear Sir/Madam:

In the first paragraph of the letter you should introduce yourself. State when you first came to the U.S. in F-1 status, and indicate what country you are from. Mention what you are studying and what school you are attending (for example: Northeastern University’s College of Professional Studies).

In the second paragraph you should explain how you came to fall “out of status”. Explain what was beyond your control that made this happen. You must state how you will remedy this problem. For example, if you failed to enroll for part of one term, you should explain that you are now enrolled fulltime for the next term.

In the third paragraph you should explain that you understand and regret your error and are now requesting to be reinstated and allowed to remain the U.S. to complete your program. You should be courteous in asking for this favor. Explain what would happen to you if you could not complete your program and how this would make you and perhaps your parents feel.

In the last paragraph, you should state that you are including supporting documentation and paying the requisite filing fee and hope for a favorable response. Don’t forget to thank them for reviewing your case.

Sincerely,

(Write your signature here)

(Type your name below signature)