



Options for Reinstatement

It is the responsibility of all F-1 students to maintain their status. Failure to maintain status will result in the termination of your SEVIS record. Consequences of a terminated SEVIS record include:

- Loss of On- and Off-Campus Employment Authorization
- Prohibition from re-entering the United States on the terminated record
- Investigation by Immigration and Customs Enforcement (ICE)
- Termination of F-2 Dependent Records
- Accrual of Unlawful Presence for you and dependents age 18 and over

There is no grace period for termination for failure to maintain status. You will begin to accrue unlawful presence starting the day after the violation of your F status until you depart the country. Accruing too many days of unlawful presence can result in a 3- or 10- year reentry bar.

WHAT TO DO IF YOUR RECORD IS TERMINATED

Option 1: Reinstatement

You can use this option if you:

- Have been out of status for less than 5 months. If it has been more than 5 months you need to demonstrate that you were unable to file in the timely manner due to exceptional circumstances.
- Have not engaged in unauthorized employment.
- Are currently pursuing a full course of study or plan to begin as soon as possible.
- Have not repeatedly been in violation of status.
- Are in good academic standing and clear of all financial obligations to Tarleton State University.

You must establish that:

- Your loss of status violation resulted from circumstances beyond your control.
- Your loss of status was due to a reduction of course load that a DSO would have had the authority to authorize and failure to be reinstated would result in extreme hardship to you.

A DSO recommends reinstatement at their discretion and may decide not to recommend. A DSO can also withdraw their recommendation.

If you have been out of status for more than five months and want to reinstate, it is strongly recommended that you seek legal counsel and that you use an experienced immigration attorney to assist you with filing for reinstatement.

What you need to apply:

- Form I-539
- Official immigration documents
- Current financial documents
- Letter of explanation
- Departmental letter
- Transcript(s)
- I-901 Receipt (if applicable)

USCIS will make a decision whether to accept or reject the application. This is a very lengthy process and could take 12-15 months. If your application was filed in a timely manner (less than 5 months after your record was terminated) your accrual of unlawful presence will be tolled (paused) while USCIS adjudicates your reinstatement request. If you had been out-of-status for more than 5 months when you file your application, your unlawful presence days will continue to accrue while USCIS adjudicates your reinstatement request. You must take a full course of study and remain in compliance with F-1 regulations while your application is pending. Leaving the country could be seen as abandoning your reinstatement request. If your application is denied, there is no option to appeal the decision. If your application is denied you may receive a Notice to Appear (NTA) for immigration court.

Option 2: Travel and Re-Entry

You can use this if:

- You have engaged in unauthorized employment.
- Do not want to wait for USCIS to adjudicate your reinstatement case.
- You want to avoid accruing additional presence while waiting for adjudication from USCIS (applicable if you have been out-of-status for more than 5 months).

Things to Keep in Mind:

- The violation of status will be obvious and could prevent you from being re-admitted into the U.S.
- If you have too much unlawful presence, you will face a 3- or 10-year re-entry bar.
- You have to meet with a DSO to check in again after reentry.
- You must pay the I-901 SEVIS fee.

Which Option Is Right for Me?

Unfortunately, there is no quick fix or easy solution. There are risks associated with both methods. You should contact an immigration attorney to help you decide which of these options is best for your situation. Contact internationalstudents@tarleton.edu for more information.