

Office of International Education
Nassau Community College
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F-1 Student Reinstatement

What is "Reinstatement"?

Reinstatement is a procedure that allows you to explain the circumstances that caused you to violate the terms of your F1 student status by filing an application with the U.S. Citizenship and Immigration Services (USCIS).

USCIS recognizes that students experience problems while pursuing their education in the U.S. You must be able to convince USCIS either that your violation of status resulted from circumstances beyond your control, or that it relates to a reduction in course load that your international student advisor would have been able to authorize due to qualifying academic or medical reasons.

How does a violation of status affect you?

1. **Your I-20 / F1 status has been terminated in SEVIS and you need to take action to regain your F1 status within 5 months.**
2. **Your privileges and benefits as an F1 student are terminated** until you are reinstated, including on and off campus employment. You may only work AFTER your reinstatement is approved. If you met the one academic year full-time lawful enrollment before losing your F-1 status, then you are eligible for OPT after immigration approves your reinstatement.

Is there another option instead of reinstatement?

Travel Option:

If you have plans to travel in the near future and have a valid F1 visa, we may issue you a new Form I-20 to travel and resume your F1 status through reentry to the U.S. This option is particularly useful if you believe that you will not succeed at reinstatement. However, there are some restrictions.

Since you will be considered a new F1 student, you cannot re-enter the U.S. more than 30 days before the program start date indicated on the "initial" I-20. In order for you to be eligible for employment, you will have to establish a year of full-time study again.

If you are refused re-entry to the U.S. at the port of entry, the Office of International Education cannot assist you in appeal of that decision and you should contact an immigration attorney for further assistance.

What are the rules for getting reinstated?

If you:

1. have not been in violation of your F1 status for more than five months.

If you have, you are considered to be ineligible for reinstatement unless you can prove that your failure to file a timely reinstatement application was the result of exceptional circumstances and that you have filed as promptly as possible considering these circumstances.

2. do not have a record of repeated or willful violations of F1 status.

3. are currently enrolled, or intending to enroll in the next semester. It may take up to several months for USCIS to answer your application. **You must continue to study full-time while pending reinstatement.**

4. have not worked without authorization.

5. are not in removal proceeding from the U.S.

6. must complete an application and write a CONVINCING explanation of what happened and why the violation was not your fault, or DEMONSTRATE that you would have qualified for an authorized reduced course load due to a qualifying academic or medical reason had you applied in time. Saying that you did not know that you were violating your status will not convince the Immigration officer. You are responsible for knowing the rules for maintaining your status and obeying them.

7. Evidence is crucial to a successful reinstatement. If you can think of any kind of evidence such as a letter from your academic advisor, former designated school official, Newspaper clippings about conditions at home, or an affidavit from someone who is familiar with the circumstances that caused the violation, it would be very helpful to your application.

8. A new Form I-20 is required for your reinstatement application. If your I-20 was issued a year ago or if your violation status had anything to do with finances, you will need to complete a new application for a Form I-20 and present new evidence of your financial ability to support the costs of studying and living in the U.S. for each year of study remaining in your program to USCIS.

9. Do not leave the U.S. while you have a pending application for reinstatement. It may take up to several months for USCIS to answer your application. You must continue your studies while you are waiting. Otherwise, your application will be denied.

10. If your application is DENIED, there is no grace period to leave the U.S. You will leave immediately; otherwise, you will accumulate days of unlawful presence. If you would like to appeal the decision, then you must contact an immigration attorney.

Application Procedure

(Once you are ready with your documents below, you must call 516-572-7053 to schedule an appointment. Application will NOT be reviewed without an appointment.)

- Complete “**Reinstatement Request Form**” (Page 4).
Make sure you provide us your current address and major so that we can update in SEVIS.
- Submit new financial documents for your I-20. Your financial documents will be reviewed by USCIS as well.
- Complete “Application to Extend/Change Nonimmigrant Status (Form I-539). You can download **Form I-539** from USCIS website: go to ***www.uscis.gov*** and click “**Forms**” and download “**Form I539**”.
- Write your own explanation letter.** You are pleading with Immigration to permit you to continue your studies at Nassau Community College. You must write your request with that in mind. For example:

Date:

To Whom it may concern,

I am applying for reinstatement because I (state your violation) during the _____ semester. This happened because (provide the reason especially emphasizing any circumstances beyond your control). I am taking full-time hours this semester (or always have taken full-time hours) (or plan to be full-time next semester). Since I have been in the U.S., I have not engaged in any kind of unauthorized employment. If I am not reinstated, it will result in extreme hardship because (list reason).

- \$370.00** Form I-539 Fee in the form of a money order or personal check. Make it payable to the **U.S. Department of Homeland Security**.
- Evidence. If any, attach documents that prove your case.
- Photocopies of **1)** all previous Form I-20(s) you have been issued by Nassau Community College and former schools (if any), **2)** visa and **3)** passport identification page.
- I-94: You can retrieve your electronic I-94 record at **www.cbp.gov/I94**
- Attach your transcript and/or registration for the current and or next semester.

New F1 Transfer Student to NCC only:

If you fell out of status with your previous school, please get a letter from your previous designated school official (DSO). The following information should be included on a letter:

1. A chronological, dated, detailed explanation of the events that led up to your failure to maintain status
2. Date you fell out of status
3. Date DSO became aware of your failure to maintain status
4. Date you first contacted the DSO to resolve the issue
5. Have you engaged in unauthorized employment to your knowledge?
6. Reason(s) why you are being recommended for reinstatement

Reinstatement Request Form

TODAY'S DATE: _____

NAME: _____

NCC- ID #: N _____ SEVIS ID#: N _____

I-94 (Admission) #: _____ Passport Expiration Date: _____

U.S. Mailing ADDRESS: _____

TELEPHONE #: _____ E-mail: _____

MAJOR: _____

Disclaimer

Date: _____

I, _____, understand that I am on violation of my F1 status and the Office of International Education (IE) is only helping me to file the application for reinstatement. I understand that IE cannot guarantee the successful outcome of my reinstatement.

While reinstatement is being processed, I must study full-time and cannot leave the U.S. Otherwise, my reinstatement application will be canceled.

If the case is approved, I will continue studying full-time. If the case is denied, I understand that I need to consult with an immigration attorney regarding my case or depart the U.S. immediately.

Signature of Student