



Returning to Lawful F-1 Student Status

Application Packet for Out-of-Status Students

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Introduction

This Application Packet is for F-1 students who are no longer in lawful status due to a violation of F-1 regulations. If you are an F-1 student and you fail to maintain lawful status, you lose your eligibility to remain in the US to continue your studies at the UO. Your F-1 SEVIS record will be terminated and you will no longer be able to receive F-1 benefits, including the following:

- I-20 travel signatures or I-20 extensions
- Reduced course load authorizations
- On-campus and off-campus employment, including practical training

Other useful benefits such as eligibility for a Social Security Number (SSN) or a driver's license extension may not be available if you are not in lawful F-1 status. In order to regain these benefits, you must return to lawful F-1 student status by taking the steps outlined in this packet.

→ **STEP 1: Meet with an International Student Advisor to understand why you are “out of status”**

You may be “out of status” due to one or more of the following violations of F-1 regulations. Your international student advisor will discuss your particular situation with you:

- Failure to apply for an extension of your I-20 before it expired
- Unauthorized under-enrollment (studying part-time without approval)
- Exceeding on-line credits (taking too many on-line credits)
- Failing to make normal, satisfactory academic progress toward completing your degree
- Unauthorized withdrawal from studies
- Unauthorized employment
- Other reasons _____

→ **STEP 2: Determine if you are eligible to return to lawful F-1 status**

Your international student advisor will talk with you to determine if you are eligible to return to lawful F-1 status. In general, you must meet the following requirements:

- You must be eligible to continue full-time studies toward your UO degree
- You are able to show that you (and your sponsors) have enough financial resources to pay for the required tuition, fees, and living expenses for your program

You are **NOT** eligible to return to F-1 status as a UO student if any of these apply:

- You have completed your UO degree program (you have no remaining requirements), or
- You have been suspended or disqualified from your UO degree program, or
- You do not have adequate financial resources to continue full-time study at the UO

**→ STEP 3: Decide which option you will take to return to lawful F-1 student status**

In order to return to lawful F-1 student status, you must decide on one of two options: (Option 1) by travel and re-entry or (Option 2) by applying for reinstatement to F-1 status. Your international student advisor will review each option with you:

☐ Option 1: Return to lawful F-1 student status through TRAVEL AND RE-ENTRY

- Main Requirements:
 - Apply for new **I-20 for Initial Attendance** (new SEVIS ID number generated)
 - Pay new I-901 SEVIS fee (currently \$200) after receiving new I-20
 - Leave and then re-enter the US using your new I-20
 - Check in with Office of International Affairs after returning to the US with new I-20
 - Maintain F-1 status after re-entry to US
- Important Notes:
 - Does not require applying for a new F-1 visa unless your current visa is expired or will expire by the time you return to the US
 - Affects eligibility for CPT and OPT – you must complete at least one academic year of full-time study (3 terms) after returning to the US before you will be eligible for these practical training benefits

☐ Option 2: Apply for REINSTATEMENT to lawful F-1 student status

- Main Requirements:
 - Apply for a new **I-20 for Reinstatement** (same SEVIS ID number)
 - Submit a I-539 application to US Citizenship and Immigration Services (USCIS) for reinstatement, along with filing fee and supporting documents
 - Remain in US and continue studying full-time while I-539 application is pending (average processing time is over six months)
 - Maintain F-1 status after reinstatement is approved
- Important Notes:
 - Does not require new I-901 SEVIS fee payment
 - No reduced course loads permitted while application is pending
 - No employment, including practical training, permitted while application is pending
- This option is **NOT** available if any of the following apply:
 - You are out of status due to unauthorized employment
 - Your status violation took place more than five months into the past
 - You have a record of repeated or deliberate violations of immigration regulations
 - You are considered deportable from the US for any reason other than the status violation
 - You need to travel outside US in the near future (next 3-4 months, on average)

→ STEP 4: Apply for a new I-20 for either Option 1 or Option 2

Once you have decided on which option to take, you must apply for a new I-20 for either “Initial Attendance” (Option 1) or “Reinstatement” (Option 2).



→ **STEP 5: Follow remaining steps for either Option 1 or Option 2**

After receiving your new I-20 for Initial Attendance (Option 1) or Reinstatement (Option 2), your international student advisor will advise you on the next steps.

→ **STEP 6: Maintain F-1 status after returning to lawful F-1 status**

After returning to lawful F-1 status, register full-time and make satisfactory progress toward your degree. Maintain lawful F-1 student status as required (see below for further details).

Option 1: Return to Lawful F-1 Status by Travel

This options allows to you return to lawful F-1 student status by applying for a new I-20 for Initial Attendance, leaving the United States, and re-entering the US using the new I-20.

1. Apply for an I-20 for Initial Attendance from the Office of International Affairs. Call 541-346-3206 to make an appointment with an advisor when you are ready to apply for your I-20. Bring the following documents with you:

- Completed New I-20 Application Form (see back page)
- Updated financial documents (such as bank statements, scholarship letters, or other financial documents) showing that you have sufficient financial resources for the remaining period of time you need to complete your studies, up to one academic year. The financial documents should not be more than six months old.
- Copy of your passport identity page
- Update your US mailing address and overseas permanent address in DuckWeb

An international student advisor will review your application for a new I-20. If acceptable, the advisor will issue a Initial Attendance I-20 to you. You will then be ready to take the next steps, which will require a follow-up appointment with your international student advisor.

2. Pay the I-901 SEVIS Fee after you have received your new I-20.

- a) Go to <http://www.fmiffee.com> to pay the fee
- b) When paying the fee, enter the SEVIS ID number from your new I-20, not your old I-20
- c) Print out a receipt of your I-901 fee payment and attach it to your new I-20

3. Leave the United States after you have received your new I-20.

- Your international student advisor will discuss with you when is the best time for you to leave and return to the US

4. Apply for a new F-1 visa (if needed) at your local US consulate.

- If you need to apply for a new F-1 visa before coming back to the United States, you should carry all of the documents listed in #5 below. Plan ahead to make sure you have enough time to get a new visa before you need to come back to the US.

**5. Be prepared to show the following documents upon your return to the United States:**

- Valid and unexpired passport
- Valid and unexpired F-1 visa
- New I-20 issued for Initial Attendance
- I-901 SEVIS Fee payment receipt
- Copies of financial documents
- Proof of registration for current and/or future terms
- Official transcript (go to <https://registrar.uoregon.edu/transcripts> for ordering instructions)

6. Check-in with the Office of International Affairs after returning to the US.

The process is NOT completed until you have returned to the US, and checked in with the Office of International Affairs. To complete the check-in, drop off the following documents at the Office of International Affairs front desk (write your name and UO ID number on any copies you leave):

- Your I-94 admission record (print out from <https://i94.cbp.dhs.gov>)
- Copy of your I-901 SEVIS Fee payment receipt (from <http://www.fmjfee.com>)

7. Register for a full course of study and continue to make full-time progress toward your degree. Maintain F-1 status as required.

Option 2: Return to Lawful F-1 Status by Reinstatement

This option allows to you return to lawful F-1 student status by applying for a new I-20 for Reinstatement. After receiving your I-20, you will apply to the US Citizenship and Immigration Services (USCIS) for reinstatement while remaining in the US and continuing full-time study.

1. Apply for an I-20 for Reinstatement from the Office of International Affairs. Call 541-346-3206 to make an appointment with an advisor when you are ready to apply for your I-20. Bring the following documents with you:

- Completed New I-20 Application Form (see back)
- Updated financial documents (such as bank statements, scholarship letters, or other financial documents) showing that you have sufficient financial resources for the remaining period of time you need to complete your studies, up to one year. The financial documents should not be more than six months old.
- Form G-1145 (download from <http://www.uscis.gov/g-1145>)
- Form I-539 (download <http://www.uscis.gov> and complete sections 1 – 5)
- Check or money order in the amount of \$370, made payable to “**US Department of Homeland Security**”
- Signed and dated letter that explains, in your own words, the following:
 - a) The reason why you fell out of status
 - b) When the status violation took place
 - c) That you are not out of status due to willful or deliberate intention to violate F-1 regulations



- d) That you would suffer hardship if you are not reinstated to F-1 status
- e) That you understand how to maintain lawful F-1 status and that you promise to pursue a full-time program of study until you complete your degree
- Copy of your passport ID page
- Copy of your most recent F-1 visa
- Printout of I-94 admission record (retrieve from <https://i94.cbp.dhs.gov>)
- Printout of I-901 SEVIS fee payment (retrieve from <https://www.fmjfee.com>)
- Copies of financial documents
- Printout of class schedule for next term of study (if available)
- Official transcript (go to <https://registrar.uoregon.edu/transcripts> for ordering instructions)

IMPORTANT: Once your packet is ready to be mailed, your international student advisor will make a copy of your entire application packet for you. Keep a copy of the application packet in your records.

2. Mail your application immediately to one of the following addresses. You should request delivery confirmation when mailing your application to USCIS.

Using Regular US Post Office Mail

USCIS
PO Box 660166
Dallas TX 75266

Using Express Mail (e.g. Federal Express, UPS)

USCIS
Attn: I-539
2501 S. State Highway
121 Business Suite 400
Lewisville TX 75067

- 3. Study full-time while waiting for a response from USCIS. Contact your international student advisor if you receive any letters or notices from USCIS regarding your application.** While waiting for your application to be approved, you must continue to study full-time and make progress toward completing your degree. You cannot work during this period. If your situation changes, or if you receive any notices or letters from USCIS regarding your application, contact the Office of International Affairs and speak to an international student advisor.
- 4. Once your application is approved, you will be back in lawful F-1 student status.** USCIS will mail you a Form I-797 Notice of Action to your mailing address. Bring a copy of the Notice of Action to the Office of International Affairs so that we can update your SEVIS record and your immigration files. Continue to make full-time progress toward your degree and maintain F-1 status as required.



Maintaining Lawful F-1 Status: Basic Tips and Rules

In many cases, F-1 students fall out of status due to avoidable reasons, such as failing to read or follow simple instructions from the Office of International Affairs. Always read your e-mails from the Office of International Affairs, and talk to an international student advisor whenever you are uncertain about how F-1 rules apply to you.

- Maintain a full course of study of 12 undergraduate credits or 9 graduate credits each term.**
- Request permission for reduced course loads.** A reduced course load of less than 12 undergraduate or 9 graduate credits requires the permission of an international student advisor, and can be granted in only limited circumstances.
- Do not exceed on-line credit limitations.** You must take 8 undergraduate credits or 6 graduate credits of in-person courses to meet the full course of study requirement. Only one on-line class of 4 undergraduate or 3 graduate credits counts toward full-time status.
- Request authorization for a temporary withdrawal from studies.** If you need to take a leave of absence, you must get the approval of an international student advisor.
- Extend your I-20 before it expires.** If you need more time to complete your degree requirements, you must apply for an extension of your I-20 before it expires. Once your I-20 expires, you no longer have lawful F-1 status if you have not finished the degree requirements for your program by that date.
- Update your I-20 as necessary.** Contact the Office of International Affairs if your I-20 needs to be updated due to a change of major or change of educational level.
- Make normal progress toward completing your degree.** Students who fail to make normal, satisfactory progress toward degree completion may not be eligible for extensions.
- Do not accept employment without authorization.** You may work on-campus up to 20 hours per week while classes are in session, or over 20 hours during your annual vacation term and any school breaks. Off-campus employment of any kind requires the authorization of the Office of International Affairs and/or the US Citizenship and Immigration Services.
- Update your US address and phone contact information in DuckWeb.** Address and phone updates must be made within 10 days.
- Depart the US in a timely manner, or take other steps to extend your stay after the end of your program.** After completing your degree requirements or any period of authorized post-completion Optional Practical Training, you have sixty (60) days to (a) depart the US, or (b) apply for post-completion Optional Practical Training, or (c) ask for a new I-20 for a new program at your school, or (d) ask for a transfer of your SEVIS record to another school to start a new program at that school.

Frequently Asked Questions (FAQs)

I don't understand what "maintaining status" or "out of status" means.

"Maintaining status" means following the required rules and regulations for F-1 students. Students who maintain status are in lawful F-1 student status. In contrast, F-1 students who are "out of status" no longer have legal status to stay in the US because they violated F-1 regulations. Students who are out of status cannot get benefits such as work authorization, travel signatures, extensions, or reduced course loads.



I didn't know that my actions could be a violation of F-1 rules. Why wasn't I told?

The Office of International Affairs makes every effort to inform students of their obligations through e-mail notices and our web site at <http://isss.uoregon.edu>. However, under US immigration regulations, it is up to you to know and follow F-1 rules. "I didn't know" is not considered an acceptable reason for violating F-1 regulations.

I understand the differences between Option 1 and Option 2. Which one is better for me?

Both options have advantages and disadvantages. Option 1 requires you to leave and re-enter the US, and you would have to pay for travel costs in addition of a new I-901 SEVIS fee. In addition, it requires that you complete at least one academic year of full-time study in order to become re-eligible for curricular practical training or optional practical training. As a result, it is not a good option if you expect to complete your studies in less than an academic year.

Option 2 requires you to apply to USCIS for reinstatement. This will require you to pay the filing fee, and you need to remain in the US and study full-time while waiting for a decision from USCIS. Also, reinstatement applications can take a long time to process (it may be six months or longer before you receive a decision), and if it is denied you may be required to leave the US. Also, you cannot work (on- or off-campus) while your application is being reviewed by USCIS.

Which option is the easiest or safest way to regain lawful F-1 status?

There is no entirely safe or guaranteed way to regain lawful F-1 status. You may be denied permission to re-enter the US (Option 1) or your application for reinstatement may be denied, requiring you to leave the US (Option 2). Your advisor can help you assess the risks.

I want to get back into F-1 status by traveling outside the US with my new I-20 (Option 1). Can I go to Canada or Mexico instead of my home country?

Technically, yes. However, you may need a Canadian or Mexican visa to go to one of these countries, and they may refuse to allow you to enter their countries if they determine you are no longer in lawful F-1 student status.

Can I still apply for OPT once I am back in F-1 status?

If you return to lawful F-1 status by travel (Option 1), you must complete at least one academic year (three terms) of full-time status before you will be eligible for OPT. If you return to F-1 status by reinstatement (Option 2), you can apply for OPT as long as your reinstatement is approved before you finish your studies or no later than 60 days after completing your degree.

Once I'm back in lawful F-1 status, that means I don't have to worry about my immigration record, correct?

Not necessarily. If you regain lawful F-1 status, you will be allowed to remain in the US to continue your program, and you will be eligible for benefits such as employment. However, a violation of F-1 regulations is still a part of your permanent US immigration record. It is always possible that your eligibility for future benefits (such as an H-1B work visa or US permanent residence) may be affected as a result of any F-1 status violation.

What happens to my F-2 dependents if I'm out of status?

Any F-2 family members lose F-2 status if you are no longer in lawful F-1 status. If you choose to leave the US due to a loss of F-1 status, your F-2 dependents must also leave with you. Speak to an international student advisor if you have any F-2 dependents and how they can return to valid status with you.



Application for I-20 to Return to Lawful F-1 Status

A. To be completed by the student

UO ID _____

Name _____ UO Email _____

Major _____ Non-UO Email _____

Second Major (if any) _____ Phone _____

Degree Level (circle one) BA/BS MA/MS PhD/EdD

I have decided to return to F-1 status by (choose ONE):

- Option 1:** Traveling outside of the United States and re-entering using a new I-20 for Initial Attendance
- Option 2:** Applying for reinstatement to F-1 status from inside the US using an I-20 for Reinstatement

I understand that by requesting a new I-20, I understand why I am no longer in lawful F-1 student status and will take appropriate steps to return to and maintain lawful F-1 student status in the future.

Signed _____ Date _____

B. Financial Documentation

In order to receive a new I-20, you must submit financial documents such as bank statements, scholarship letters, graduate employment offers, or other evidence of financial resources. The financial documents can be clear and readable photocopies, but you should keep the originals for your records. You must show that you have sufficient financial resources for a full-time program of study, including tuition, fees, and living expenses estimated at the following amount, for up to one year.

This amount must be documented (estimated costs for ____ terms)

Tuition and Fees	\$	_____
Living Expenses	\$	_____
Dependents (if any)	\$	_____
TOTAL	\$	_____

C. To be completed by the student's academic advisor or department / program coordinator

The Office of International Affairs is assisting the above international student with an application related to his/her immigration status. In order to assist the student, we need an estimate of the remaining academic work the student must complete in order to qualify for his/her degree. Please answer all questions below:

1. Student is eligible to continue in the program for future terms: ____ Yes ____ No
2. Student has approximately _____ credits of course work remaining to fulfill degree requirements
3. Student has a thesis / dissertation or similar requirement beyond course work: ____ Yes ____ No
4. Student should be able to complete all requirements by (mm/dd/yyyy) _____

Signed _____ Date _____

Name (Printed) _____ Email _____

Department _____

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