Regaining F-1 Student Status

If you have violated the terms of your F-1 student status and plan to continue studying in the United States, you must take steps to regain your status. It is very important that you regain your status.

Being inside the U.S. while out of status can make you subject to Immigration and Customs Enforcement (ICE) investigation, and can affect your ability to travel, study, work, and live in the United States for many years to come.

There are two ways to regain your status: ‘Reinstatement’ or ‘Travel and Re-entry’. Both options have benefits as well as challenges and risks. It is VERY important that you discuss your situation with your International Student Advisor before taking any action to regain status. An International Student Advisor can also help determine if you are eligible for Reinstatement. Below is an overview of the benefits and challenges of each option.

REINSTATEMENT (Remain in the U.S.)

Benefits

- If approved, you may have fewer issues related to the status violation when applying for a new visa or traveling.
- If approved, you are eligible for F-1 benefits as if you had not fallen out of status (such as CPT and OPT).
- You will not have to pay the $200 SEVIS fee and the cost of travel to regain status. However, there is a $290 application fee for reinstatement.
- You may remain in the United States and continue studying while the reinstatement application is pending.
- You will keep the same SEVIS ID, which matches your visa.

Challenges/Risks

- You CANNOT leave the United States while your application is pending or it will be automatically cancelled.
- You MUST pursue a full course of study, or do so the next available term, while your application is pending.
- You cannot work while your application is pending; if you are working on campus you will have to quit your job.
- It can take 3-5 months for your application to be adjudicated.
- If your application is denied, your visa will be cancelled, the denial will remain on your immigration record, and you must leave the U.S. immediately or risk accruing unlawful presence. This may affect your ability to get visas and travel to the U.S. in the future.
- You must demonstrate that the status violation was outside of your control and that failure to be reinstated will cause extreme hardship. You must also show that you do not have a pattern of repeat status violations.

TRAVEL AND RE-ENTRY (Departure from and return to the U.S)

Benefits

- You can regain your student status quickly; once you successfully re-enter the U.S., you are back in status.
- You may work on campus immediately after regaining status (as long as you are maintaining your new status).

Challenges/Risks

- The status violation will remain on your immigration record as a ‘flag’. From now on, you may have trouble getting a new visa or traveling to the U.S. due to the status violation. This may also affect your ability to return to the U.S. to regain your status.
- You will have to pay the $200 SEVIS fee and the cost of travel.
- It can disrupt your program. You should not remain in the U.S. while you are out of status.
- Your eligibility timeline resets for some F-1 benefits, such as CPT and OPT.
- You will have a new SEVIS ID that will not match your current visa. This can prompt increased questions from U.S. Consulate and CBP officers, and can possibly increase the risk of travel or visa issues.