

Reinstatement to F-1 Status after a Violation

Qualification Criteria: An F-1 student who has violated his or her status may be re-instated to lawful F-1 status at the discretion of USCIS and under the following limited conditions: student has not been out of status for more than 5 months, does not have a record of repeated or willful violations, is pursuing or intending to pursue a full course of study, and has not engaged in unauthorized employment.

Most common actions that violate status include: being enrolled in less than a full-course of study without prior authorization; not being enrolled at all; or not applying for an I-20/DS-2019 program extension in a timely manner.

Consequences of immigration status violations are serious, especially for those who have been out of status for more than 5 months. The ISSO urges students applying for reinstatement to consult with an **experienced immigration attorney** and inquire about ‘unlawful presence’.

If you are ‘out of status’ and qualify for reinstatement please follow the steps below:

1. Speak with an advisor in the International Student and Scholar Office

- If determined an application for reinstatement is recommended, continue to steps 2 and 3 below.
- An alternative option may be to travel and re-enter the U.S. thereby beginning your F1 status again. Please note that you will not be eligible for benefits (such as CPT or OPT employment) until 1 full academic year following your re-entry to the U.S.

2. Documents needed by the ISSO to apply for reinstatement: Please submit the items below to the ISSO so a new I-20 marked for reinstatement may be issued:

- Updated financial support documents
- Academic Certification Form
 - Both of the above items can be found on our web page about [Maintaining Status](#)

3. Support documents needed by USCIS for reinstatement application:

- New I-20 marked for reinstatement
- Letter from your international student advisor recommending reinstatement
- Paper form I-539 found at www.uscis.gov/i-539
- Include the application fee and biometrics fee (personal check, cashier’s check, or money order) as described at www.uscis.gov/i-539
- Attach the following documents:
 - copy of I-20
 - current I-94
 - copy of passport and visa page
 - evidence of financial support
 - copy of transcripts showing full-time enrollment
 - letter from the student explaining why the student fell out of status and how the situation was beyond his/her control
 - additional documentation or letters as advised by the ISSO
 - if you’ve been out of status for more than 5 months, you will also need to pay a SEVIS fee and include a receipt of payment www.FMJfee.com

Note: Processing times are inconsistent and can change frequently. Currently I-539 applications are taking anywhere from 6 to 12 months to process. Processing times are located at <https://egov.uscis.gov/cris/processTimesDisplayInit.do>.

Disclaimer: The ISSO staff serve as student/scholar services professionals and are trained to advise on F-1 and J-1 immigration regulations for UNC Charlotte students and other relevant visa categories for UNC Charlotte foreign-born faculty members. While the ISSO advisors are highly knowledgeable in these areas, they are not immigration attorneys and therefore cannot assist petitioners with some complex immigration forms or processes. Furthermore, the content on the ISSO’s website is informational only and does not constitute official legal advice.