

Out of Status: Reinstatement Process

Disclaimer: It is recommended that individuals who are out of status obtain information from Cal Poly Humboldt's International Immigration Advisor and/or consult a qualified immigration attorney. Your advisor will provide you with information concerning the pros and cons of travel and re-entry vs filing a reinstatement petition based on your personal circumstances – it is up to the student to determine which path is in their best interest, and the student assumes all liability associated with any decision made. Your campus immigration advisor will provide regulatory and practice information as it stands at the time of the consult. Due to the fluid nature of governmental interpretation, applicants must understand that Department of State (DOS) and Department of Homeland Security (DHS) reserve the right to change their interpretation of immigration regulation or requirements to establish eligibility for benefits at any time.

What is reinstatement?

Reinstatement is used by students who have lost their immigration status. This process asks the US government to give back (or reinstate) your immigration status. We also advise that you consider the option of travel and re-entry in place of applying for reinstatement.

Who can apply for reinstatement?

You may apply for reinstatement if you have been out of status for less than 180 days. You may apply for reinstatement **only** if you lost your status due to circumstances beyond your control. You may not apply for reinstatement if you knowingly violated the rules of your visa (for example, if you simply decided not to attend class knowing that your visa requires you to study full time or decided to work without authorization). If you have been out of status for more than 180 days, please contact a qualified immigration attorney to discuss your options.

I do not believe I am eligible for reinstatement. What can I do?

Contact your campus immigration advisor and a qualified immigration attorney for guidance. Depending on the details of your case, it may be suggested that you use the process of re-entry to enter on an initial (new) I-20/DS-2019. Your status will start over in this case. NOTE: If you have been out of status for more than 180 days, you may be subject to a finding of unlawful presence (ULP) by the Department of Homeland Security and/or an immigration judge. If ULP is applied this carries a 3-year ban on visiting the US; if you accrue more than one year of ULP, you will be subject to a 10-year ban on re-entry.

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I am eligible for reinstatement. How do I apply?

1. After consulting with the proper parties, you can decide to apply for reinstatement.
2. Prepare the following evidence (scan items cleanly):
 - Most recent I-94 record from the [Customs and Border Protection \(CBP\) website](#). (Dependents too)
 - Proof of ability to pay for your tuition and living expenses in the U.S. (copy of financial documentation that demonstrates your ability to pay for your studies and support yourself and any dependents). This documentation should match the cost of attendance as outlined on your reinstatement I-20.
 - Written Statement/Evidence that your violation of status resulted from circumstances beyond your control, and that failure to approve reinstatement would result in extreme hardship to you.
 - Reinstatement I-20 – more on this below. You will need to request and obtain this updated I-20 from your campus immigration advisor prior to submitting your USCIS I-539 petition for reinstatement.
 - Understand that you will need to be prepared to pay the filing fee of \$420 at the time of submission. Filing fees can change without much notice, so review USCIS website for up-to-date fee information. You may also choose to pay for Premium Processing. Premium Processing fee is an additional \$1,965.00 on top of the \$420 I-539 fee. Premium processing guarantees a USCIS decision within 30 days of filing.
 - While not officially required, you may want to be prepared to upload a copy of your passport photo page, F1 visa stamp, current academic transcripts and any other supporting documents (Ex: letter of support from a faculty adviser familiar with the circumstances of your case, doctor's notes, etc.).
 - Complete Form I-539 online in DRAFT form.
 - [Create your United States Citizenship and Immigration Services \(USCIS\) account](#), or log into your USCIS account if you already have an account with USCIS.
 - Select "File a form online" under "My Account."
 - Choose "Application to Extend. Change Nonimmigrant Status (I-539)."
 - Follow the instructions and complete each step, in the order they are presented to you.
 - You will be completing Form I-539 in a DRAFT form. You will not be submitting the form yet.
 - Once you have completed the form in DRAFT, download and email your draft I-539, along with the supporting evidence, to your campus immigration advisor for review. **Do Not Submit your application until we have reviewed the draft I-539 and have issued the reinstatement I-20.**
3. Download the draft copy of the I-539 and submit it to your campus immigration advisor by email to international@humboldt.edu requesting your reinstatement I-20. Your advisor will review the I-539 for completion and process your reinstatement I-20 in SEVIS. You will be emailed the I-20 needed to complete your application online. DO NOT submit your application without it.



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4. Next, print and physically sign the I-20 sent to you showing your reinstatement request. Upload a scanned copy of the 1st and 2nd page of this new I-20, signed by you, to your draft application.
5. Review your application one more time to ensure all required materials are uploaded, and submit within 30 days of receiving your new I-20.
6. After submission, return to your pending applications to download your application receipt. Email a copy of your receipt to international@humboldt.edu. Note, you will receive notices from USCIS when there is movement on your case. **If you receive a Request For Evidence (RFE) please contact your campus immigration advisor immediately for assistance.**

What happens after I apply for reinstatement?

You must study full time while the application is pending. **You do not have any work benefits – including on campus employment – during this time.** If your reinstatement is approved, your status will be reinstated. In other words, it will appear as if no violation was made, and you will lose no time spent in status. If your application is denied, you will be given a date by which to leave the US. You must comply with this date. Please note that if this date is past Humboldt's tuition refund deadline, you will forfeit any and all fees paid to the school.