

Reinstatement

A student in F-1 status who has been informed verbally or by email that he or she may be “out of compliance/status” MUST schedule an appointment with the Sofia DSO. An F-1 student may fall “out of status/compliance” for violation of federal government regulations governing students in F-1 visa classification.

Examples of why a student may fall “out of status/compliance”:

- letting the program end date on the I-20 expire without requesting a program extension in a timely manner;
- taking too many online courses and not enough on ground classes;
- working without authorization;
- taking a leave from school without permission or not registering for a term that is required by the program; not making continuous progress towards the degree.

The International Office must terminate the SEVIS record of a student who is “out of compliance/status” in order to comply with Federal government regulations.

During the first weeks of the discovery of the violation, the international Office will work with the student to attempt to remedy the violation if possible. If there is no possible remedy, the student’s SEVIS record will be terminated. The student may seek to regain F-1 status provided that he or she is academically and financially qualified to continue and/or complete the degree program to which he or she was accepted. A student who has violated employment related regulations may have limited options.

When the student meets the DSO regarding the reasons for falling “out of compliance/status,” the DSO will determine if reinstatement and/or readmission is possible and provide further information about the process.

The process to regain valid F-1 status can be challenging. We want to discuss your options with you. We also encourage you to contact an immigration attorney so you can make an informed decision and consider the risks with both options.

Note: If you are a prospective SEVIS transfer student and your F-1 status is no longer active, please contact DSO@sofia.edu to learn more about your options to join Sofia University.

Option 1: Reinstatement

When requesting reinstatement, you must establish to the satisfaction of United States Citizenship and Immigration Services (USCIS) that you:

- Have not been out of status more than 5 months at the time of filing the request for reinstatement (or demonstrate that the failure to file within the 5-month period was the result of exceptional circumstances and that you filed for reinstatement as soon as possible under these circumstances).
- Do not have a record of repeated or willful violations of immigration regulations.
- Are currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the form I-20.
- Have not engaged in unauthorized employment.
- Are not deportable on any ground other than overstaying or failing to maintain status.

You must also establish that:

- The violation of status resulted from circumstances beyond your control. Such circumstances might include serious injury or illness, a natural disaster, or inadvertence, oversight, or neglect on the part of an Advisor, but do not include instances where a pattern of repeated violations or a willful failure on your part resulted in the need for reinstatement, or
- The violation relates to a reduction in your course load that would have been within the international student adviser's authority to authorize, and that failure to approve reinstatement would result in extreme hardship to you.

If USCIS approves the reinstatement request, the adjudicating officer will update your SEVIS record to indicate that you have been reinstated. If USCIS does not approve the reinstatement request, you may not appeal the decision and need to prepare to leave the U.S. immediately.

Option 2: Travel and Reentry

In some cases it may be advisable to depart the U.S. and re-enter with a new I-20, rather than applying for reinstatement. You may do this by obtaining a new I-20 from the school you are currently attending or wish to attend, then departing the U.S., applying for a new F-1 Visa and the F-1 visa stamp in your passport has expired, and returning to the U.S. A re-entry to the U.S. after a status violation is viewed by Immigration as "initial attendance" in F-1 status. As such, you are bound by restrictions placed on new students, such as the academic year waiting period for eligibility for practical training.