

Reinstatement...Reinstate what? Overcoming your fears to the “R” word

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Scenarios



8 C.F.R. § 214.2(f)(16) : Reinstatement

Reinstatement

Dallas Baptist University

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We have 5500 students → 550 international students

Reinstatement Procedure

2 Parts

1. You are out of status and this is what that means / here is what you need to do
2. Helping with I-539 Packet

*Tip: Have translators
available if you can*



Part 1

- Give handouts
- Go over each part in detail
- Remind student I am not a lawyer
- Answer questions
- Often more than one meeting/phone call as they digest the information

Tips:

- *Give a handout that they can take and read... they will not remember everything
- *Expect the 5 stages of grief
- *Better to give news in person

Part 2

When student has completed forms and has collected all documents, they call and make an appointment (appointment only... 1 hour)

Make I-20 and cover letter at appointment

Read over I-539 – corrections done by student

Make copies for student and copies for our files

Question: When is it beyond the scope of your expertise?

Remind next steps and answer final questions

Student mails off (we provide pre-addressed envelope)

ORIGINAL SUBMISSION I-539
Reinstatement to F-1 Status
Cover Letter

TO: USCIS SERVICE CENTER
ATTN: I-539
PO Box 660166
Dallas, TX 75266

DATE: September 27, 2011

STUDENT:

SEVIS ID: N000

FIELD OF STUDY/ MAJOR:

Enclosures:

- I-539
- Payment of \$290.00 to U.S. Department of Homeland Security
- Original SEVIS I-20
- Letter of Explanation from Student
- Letter from DSO
- Copy of Financial Support Documents
- Copy of I-94 (front and back), Passport, and Visa
- Proof of Enrollment (official transcripts and class schedule for current/next semester)

School DSO: Timothy Watts
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Handout
Reinstatement

International Admi
F-1 Vr

Note: All information is subject to change without notice.

Violation of student status makes you illegal and may lead to removal from the USA. USCIS to re-establish your F-1 status through filing for reinstatement (form I-539). It is your decision. This handout will address the reinstatement process. Talk with your DSO to regain your status by leaving the USA and reentering on a new I-20.

Processing time

Reinstatement normally takes a minimum of 60 days to receive a response. There is no amount of time, and could take more than 6 months to get an answer.

Reinstatement Eligibility

You may file for Reinstatement if you meet the following criteria:

1. The violation resulted from one of the following:
 - a. Circumstances beyond your control, or
 - b. Failure to apply in a timely fashion for a reduced course load authorization from International Student Advisor.
2. You have been out of status for less than 5 months.
3. You have not engaged in unauthorized employment.

Reinstatement Procedure

As soon as you find out that you are out of status, contact your DSO immediately. The DSOs in International Admissions and Immigration Office. You may need 2 appointments to process reinstatement. The first appointment will go over the implications of your status and ask questions. The second appointment will go over your documents and collect your I-20 before you mail them off. Please bring all of your documents to the second appointment. When the appointment is done, you should be able to mail off your application to USCIS.

Document Checklist

- Completed and signed Form I-539 – pdf form can be downloaded from the USCIS website
- All current and previous immigration documents (I-20's, passport, visas and I-94 card).
- A new SEVIS I-20 that will be issued by your DSO for "Reinstatement"
- Typed personal letter to USCIS. Describe your violation. You must state: (1) how your violation status resulted from circumstances beyond your control or that failure to be reinstated would result in a permanent bar to reentry.

DBU Trend:

Main Reasons for going out of status

1. Fail to extend program before I-20 expires
2. Fail to transfer before end of 60 day grace period



Prevent Defense

- Check SEVIS alerts weekly and send letters for expiring I-20s or expiring OPT
- Make phone calls and send emails for expiring I-20s (goal is to actually talk to the person)
- Account for un-registered students during registration period (multiple offices)
- Pre-termination investigations finds data errors



How do you define *DSO Recommendation*

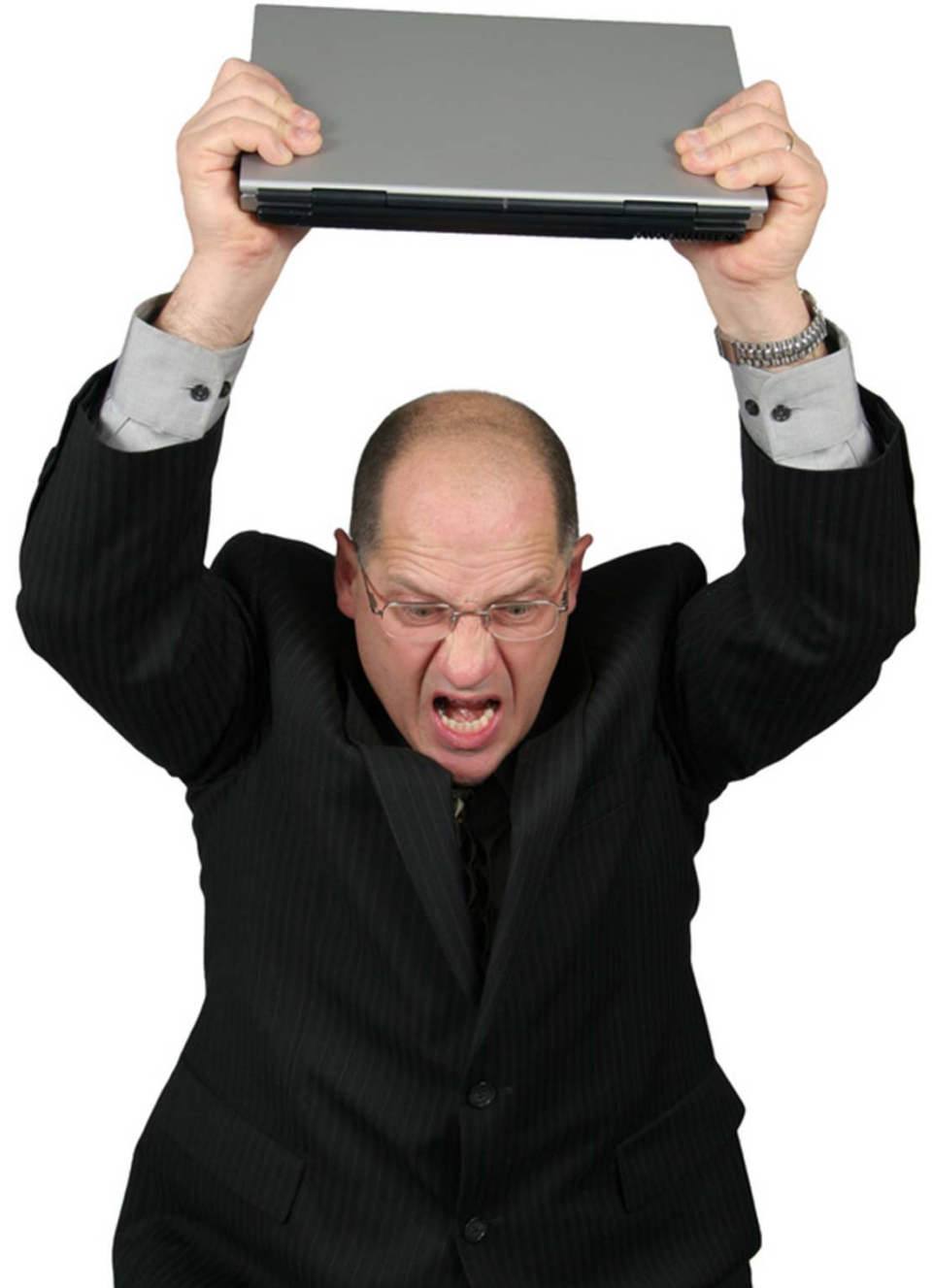
214.2(f)(16)(i)

(i) *General* . The district director may consider reinstating a student who makes a request for reinstatement on Form I-539, Application to Extend/Change Nonimmigrant Status, accompanied by a **properly completed SEVIS Form I-20 indicating the DSO's recommendation for reinstatement** (or a properly completed Form I-20A-B issued prior to January 30, 2003, from the school the student is attending or intends to attend prior to August 1, 2003). The district director may consider granting the request if the student:

Trends

1. Processing Time 6+ months
2. RFEs – more than half are getting RFEs
3. Required documentation – Everything including the kitchen sink

Tip: Watch NAFSA forums for questions and solutions... can often see trends and get ideas before a case comes up.



University of Houston- Clear Lake



- Meet with student to discuss violation
- Determine if there are any extra factors to take into consideration prior to termination (if applicable)
 - Eligibility for academic break?
 - Previous concurrent enrollment?

A close-up photograph of a person's hand holding a black pen, writing on a document. The document has some text and a signature. The background is slightly blurred, showing a grid pattern. The text is overlaid on the image in white.

Have student complete “Out of Status” Form

- Discuss Reinstatement
Risk & Benefits
- Discuss Travel
Risk & Benefits

University of Houston-Clear Lake



- If student chooses Reinstatement- review reinstatement checklist to prepare student for next appointment
- If student chooses Travel-
 - Request original recent bank statement & Affidavit of Support
 - During issuance of new I-20 put a hold on student's account requesting copy of I-94 (re-entry) and copy of initial stamped I-20

The University of Texas at Dallas

- a young, dynamic research institution
- 18,864 students, 3533 international, 19%

ISSO, 3 Teams:

Prospective, Current, Programming

- 622 Doctorate, 2327 Master's, 561 Bachelor's
- 650 OPT

Reinstatements at UTD

Jan. 2010 to Aug. 31, 2011

32 Reinstatements, 14 by Petition

Transfers	13
AEW	5
60 day / COL	5
Fail to enroll	4
Concurrent	2
Unauthorized drop	2
Local address	1

14 by petition

- 11 Reinstated
- 1 rejected
- 2 still pending

- 53-172 days; Average time 112 days
- Request for Further Evidence (RFE) for 4

Request for Further Evidence Letters

RFE requested the following information from the DSO:

- A chronological, dated, detailed explanation of the events that led up to the student's failure to maintain status.
- Reasons why the student is being recommended for reinstatement.
- Date the student fell OOS and why.
- Date DSO became aware of student's failure to maintain status.
- Date the student first contacted the DSO to resolve the issue.

Give students lots of heads up

Dear Student,

Our records indicate that...

Immigration/Regulations

Your options are...

Your deadline to take action is...

If you have questions contact us...

Regards,

Current Student Advising Team

Those Scary Emails

- Concurrent, Under enrolled/ Excessive on-line, Shorten Program/OPT:
2 weeks, 1 week, 3 days prior to deadlines
- Transfers: Transfer In list monitored daily, once students appear on list they are contacted, if self identify as transfer at Orientation contacted w/n 2 bus days. Prior to 30 days deadline advisors call, email
- Local address: 1st day of class, end of first week of class, 1 week before 30 day deadline