

Reinstatement Process

PLEASE NOTE: It is recommended that individuals who are out of status obtain information from the KGI OISS *and* consult a qualified immigration attorney. KGI OISS will provide interested parties with information concerning the pros and cons of travel and re-entry vs filing a reinstatement based on the party's personal circumstances – it is up to the individual to determine which path is in their best interest, and that individual assumes all liability associated with any decision made. KGI OISS staff 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 [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 KGI OISS 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 will be subject to a 3-year ban on visiting the US; if you have been out of status for more than one year, you will be subject to a 10-year ban on re-entry.

I am eligible for reinstatement. How do I apply?

Contact KGI OISS 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. After consulting with the proper parties, you can decide to apply for reinstatement. To apply, you will need to make an appointment and bring the following documents:

- A completed [Form G-1145](#) (optional, but highly recommended)
- A completed [Form I-539](#). Complete this to the best of your ability. If you are unsure of an answer, leave it blank, and you will complete it at your appointment.
- Check or money order made payable to "U.S. Department of Homeland Security" for \$370 (\$367 for J-1 applicants)
- A letter requesting reinstatement which explains your situation and truthfully states why you failed to maintain your visa status. You need to explain why losing your status was beyond your control.
- Photocopies of all previously-issued I-20/DS-2019s
- Original I-94 or I-94 printout obtained at CBP.gov/I94
- Photocopy of passport identification and visa pages; do not send your passport
- Financial statements showing the amount in available funds that will be listed on the reinstatement I-20/DS-2019. It is recommended that you submit at least 3 months' worth of statements showing the availability of these funds.
- Current transcript and transcripts from all U.S. schools attended
- Supporting documentation (for example, a letter of support from a faculty adviser familiar with the circumstances of your case, doctor's notes, etc.)

When you have gathered all materials, email international@kgi.edu to arrange an appointment. At the appointment, you will be given a new reinstatement I-20 or DS-2019. A copy must be sent with the application materials listed above. You will also be provided with instructions on mailing your packet to USCIS (F-1) or Department of State (J-1).

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 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 KGI's refund deadline, you will forfeit any and all fees paid to the school.

How is unlawful presence accrued during reinstatement?

You began accruing unlawful presence the day after your status was terminated. Once USCIS receives your reinstatement application, the accrual will be paused until a decision is made. If approved, you will only have accrued the number of days between the termination and your approval. If denied, your accrual begins again, but does not count the number of days your application was pending. If you accrue a total of 180 days of ULP you are subject to a 3 year ban on reentry to the US; if you accrue 1 year or more of ULP, you are subject to a 10 year ban on reentry to the US.