

## Out of Status: Re-Entry An Alternative to Reinstatement

**DISCLAIMER:** GCC ISO provides this guide for general information only. Information in this document does not constitute legal advice. Because immigration rules and interpretations can change, U.S. Citizenship and Immigration Services (USCIS) and the Department of State (DOS) may modify eligibility requirements or interpretations at any time. It is recommended that individuals who are out of status obtain information from GCC's ISO and consult a qualified immigration attorney.

### What is re-entry?

Re-entry is an option for students who have lost their F-1 status. It is used instead of [reinstatement](#). This is a good choice if you have been out of status for less than 180 days (see below). If you have lost your status more than once, you should talk to an immigration lawyer before choosing this option (see page 2). You will receive a new I-20. You must leave the United States and then return through a border, such as Canada or Mexico. When you come back, you will be treated as a new F-1 student. After re-entry, you must stay in status for at least 9 months (one academic year) before you can apply for Curricular Practical Training (CPT). USCIS will decide if you also need one full year in F-1 status before you can apply for Optional Practical Training (OPT). It is up to them if they will count your previous time in F-1 status towards this limit.

### What should I expect?

Your F-1 immigration record will show all terminations. You will be sent to Custom and Border Protection's secondary inspection room to discuss your termination. You may have to wait several hours to speak to someone. Be prepared to truthfully explain how you lost your status and what you have learned from this situation. You should express how you will avoid losing status again in the future. The officer must believe you intend to be a serious student in order to allow you back into the US. If asked, it is ok to tell the officer that your immigration advisor suggested you attempt re-entry as you have been out of status for a short period of time. **However, do not rehearse a script.** Speak respectfully, naturally, and calmly with the immigration officer. **Be honest and smile** – a positive attitude is very helpful in these situations. After you speak with the officer, the officer will decide if you will be allowed back into the US.

### What should I take with me?

Take the following items with you:

- New I-20
- Valid passport
- Valid visa
- Admission letter
- I-901 SEVIS Fee Payment Receipt (pay your fee at [fmjfee.com](http://fmjfee.com) after getting your new I-20)
- Proof of enrollment and tuition payments, if possible

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### ***An Alternative to Reinstatement***

#### **How early can I enter the US?**

You may enter the US up to 30 days before the start of your program (start date listed on I-20). Keep this date in mind. **Do not attempt re-entry too early.**

#### **Can I be refused entry?**

Yes. It is important to understand that every time you present yourself for admission, a Customs and Border Protection officer must make the determination that you are eligible for entry. Having said that, the chances of being refused entry are less if you have not been out of status long and if this is your first offense. We see much success with this option – especially when students have not been terminated long and are honest, calm, and respectful when explaining what happened. If, however, you are not allowed back into the US, you will need to be prepared to return to your home country immediately and attempt to re-enter the US from there.

#### **I have been out of status for more than 180 days. Should I travel and re-enter or file for reinstatement?**

You should contact a qualified immigration attorney to discuss your options. GCC ISO will assist you by providing an I-20 for whichever path you choose.

#### **I have previous terminations on my immigration record. Should I travel and re-enter or file for reinstatement?**

You should contact a qualified immigration attorney to discuss your options. GCC ISO will assist you by providing an I-20 for whichever path you choose.