

Student Visa Validity Following a Break in Studies [U.S. Dept. of State]

Students who are away from classes for more than five months will have to apply for and receive a new F-1 student visa to return to school in the United States. This pertains both to students who have fallen out of student status while in the United States and students who have spent more than five months outside the United States in an excused absence from school. Students in this situation should also check with SEU Admissions as it may be necessary to reapply to the university through that office.

Students who fall out of status while in the United States

Under immigration law, a student is no longer in student status if classes are not resumed within five months of the date of transferring out of the previous school or within five months of the date of program completion, whichever is applicable, although no formal finding of loss of status has been made.

Reinstatement of status:

In order for a student who is in the United States to resume study, he or she must apply for reinstatement of student status with the United States Citizenship and Immigration Services (USCIS). The student must complete [Form I-539](#), which should be accompanied by a properly completed SEVIS Form I-20. A student may pursue studies while reinstatement is pending.

If student status is restored by USCIS, then the student's F-1 or M-1 visa remains valid (assuming that the visa has not expired).

USCIS denial - reinstatement of status:

If the student is denied reinstatement, then the F-1/M-1 student status is lost, and any student visa in the student's possession, which has not expired, is invalidated per INA 222(g). **Because the period of authorized stay would end at the time that reinstatement is denied, the student must immediately depart the United States. The student would begin to accrue unlawful presence, for purposes of INA 212(a)(9)(B), on the day after the date of the denial.**

USCIS denial of reinstatement does not, in itself, provide a basis for refusal of another student visa, but when applying for a new visa, the students should be able to explain the circumstances surrounding why they ceased full-time study and lost status in the first place.

Students who depart the United States with valid student visas:

Students who are enrolled in schools in the United States may take a break from studies and return home for a semester or more, with their school's permission. An F-1 student returning to the United States from a temporary absence of five months or less may be readmitted for study upon presentation of a valid I-20. **However, when a student has been out of the country for more than five months (and is not pursuing studies overseas) the student's F-1 or M-1 visa is considered to be invalid, even though the actual visa may not have expired. In this situation a new visa is required for re-entry into the United States.** Students who have the approval of their schools to take an extended break from study must have their SEVIS record terminated for Authorized Withdrawal. When the student is ready to resume study, the school will issue the student a new initial Form I-20 with a new SEVIS number. These students must pay the SEVIS I-901 fee.

Students outside the United States for over five months, who are pursuing studies overseas:

This guidance does not pertain to students who have spent more than five months outside the United States but who were still enrolled in classes at a U.S. institution, and were pursuing studies outside the United States under the auspices of their school. In this case, schools are expected to maintain those students in an active SEVIS status. Since these students continue to maintain their student status while overseas, their F-1 visas are not considered to be invalid after an absence of more than five months.

http://travel.state.gov/visa/temp/types/types_2941.html