

J-1 EXCHANGE VISITORS: REINSTATEMENT

The U.S. Department of State (DOS) Exchange Visitor Program regulations at 22 CFR Part 514 provide the policy and regulations on reinstatement for exchange visitors who have fallen out of program status.

I. How to determine if you will require reinstatement by the DOS

A. *Minor or technical infractions (**must be no more than 120 calendar days since the infraction**)*

1. Failure to extend the Form DS-2019 in a timely manner due to inadvertence, or neglect on the part of either of the exchange visitor or RO/ARO;
2. Failure on the part of the exchange visitor to conclude a transfer of program prior to the end date on the current Form DS-2019 due to administrative delay or oversight, inadvertence or neglect on the part of the exchange visitor or RO/ARO; or
3. Failure to receive prior approval and/or an amended Form DS-2019 before accepting an honorarium or other type of payment for engaging in a normally approvable and appropriate activity.

NOTE: In such cases, a RO/ARO (International student advisor) will issue a new DS-2019 without any interruption in validity dates. The RO/ARO signature will be dated as of the date the form is actually produced.

B. *Substantive violations that require **reinstatement***

1. Exchange visitor out of valid program status (DS-2019 has been expired) **no more than 120 days** and the infraction is NOT minor or technical;
2. Exchange visitor out of valid program status **more than 120 days, but less than 270 days; or**
3. Exchange visitor has failed to maintain a full course of study without prior consultation with the RO/ARO and the student's academic advisor.

C. *Violations for which **reinstatement will not be granted***

1. Exchange visitor knowingly or willfully fails to maintain required insurance coverage;
2. Exchange visitor has engaged in willful unauthorized employment (employment which is not normally approvable);
3. Exchange visitor has been suspended from the program;
4. Exchange visitor has failed to maintain program status for more than 270 days; or
5. Exchange visitor has received a waiver of the two-year home residency requirement.
6. Exchange visitor has failed to pay SEVIS fee.

Note: If the waiver request is still pending at the DOS, or if an earlier request was denied, then an exchange visitor may apply for reinstatement.

II. What to submit if you are required to apply for reinstatement

A. *The application for reinstatement is made by the RO/ARO and must include the following*

1. All copies of the exchange visitor's Forms DS-2019 and/or IAP-66s issued to date;
2. A new, completed DS-2019;
3. A personal check, money order, or cashier's check (drawn in U.S. dollars on a U.S. financial institution) made out to "U.S. Department of State" in the amount of \$198; and
4. A written statement from the RO/ARO (and documentary information supporting such statement):
 - a. Declaring that the exchange visitor is pursuing, or was at all times intending to pursue, the original program activity for which the exchange visitor was admitted to the U.S.; and
 - b. **One** of the following (if the exchange visitor committed a substantial violation and has failed to maintain valid program status for **no more than 120 days**):
 - 1) Showing that the exchange visitor failed to maintain valid program status due to circumstances beyond his or her control, or from administrative delay or oversight, inadvertence, or excusable neglect on the part of the exchange visitor or the RO/ARO; or
 - 2) Showing that it would be an unusual hardship to the exchange visitor if he or she is not granted reinstatement to valid program status.

NOTE: If the exchange visitor has failed to maintain valid program status for **more than 120 days, but less than 270 days**, then the letter must document and demonstrate **both** conditions 1) and 2) above.

B. *Send all materials to:*

Office of Exchange Coordination and Designation
U.S. Department of State
301 Fourth Street, SW, SA-44, Room 734
Washington, DC 20547

III. Guidelines for reinstatement

1. DOS will act on the request for reinstatement and respond to the RO/ARO within an estimated **45 days**.
2. A DS-2019 approved for reinstatement by DOS will be approved as of the date of receipt of the DS-2019 and will not be *nunc pro tunc* (effective back to the date on which the exchange visitor first failed to maintain program status). In the regulation, DOS states that the Immigration and Naturalization Service has made assurances that this gap will not result in any prejudice to the exchange visitor and will not make the exchange visitor "unlawfully present."