Global Immigration alert

July 2026

United States

DHS final rule ends "Duration of Status" for F, J, and I nonimmigrants

Executive summary

On 17 July 2026, the Department of Homeland Security (DHS) published a final rule replacing the longstanding "duration of status" (D/S) admission framework for F-1 students, J-1 exchange visitors, and I representatives of foreign media, and their dependents, with fixed periods of admission that carry a set expiration date. It also establishes a formal extension of stay process for affected nonimmigrants.

The rule is currently scheduled to take effect on 15 September 2026, absent any additional legal or congressional review action. If there are any changes in effective date, DHS indicated it will publish a new notice in the Federal Register.

Background and analysis

For decades, F-1 students, J-1 exchange visitors, and I nonimmigrants and their dependents have generally been admitted to the United States for D/S, permitting them to remain in the United States as long as necessary to complete their programs or other authorized activities. Compliance for students and exchange visitors has been primarily monitored through the Student and Exchange Visitor Information System (SEVIS) and program sponsorship requirements rather than through periodic immigration filings with USCIS.

If the final rule takes effect as published, it will replace the long-standing D/S framework for F and J nonimmigrants with fixed expiration dates on Form I-94. It would also require students and exchange visitors to file extension applications with US Citizenship and Immigration Services (USCIS) to remain in the United States beyond their I-94 validity period, reduce the F-1 post-completion grace period from 60 days to 30 days, and impose additional restrictions on academic progression and educational mobility.

These and other significant changes that will result from the final rule include, but are not limited to:

- Individuals who need additional time in the United States beyond the expiration date listed on their Form I-94, will generally be required to submit a timely Form I-539, Application to Extend/Change Nonimmigrant Status to USCIS before their authorized stay expires. The filing process may include applicable fees, biometrics requirements, and, where requested, an interview.
- Undergraduate F-1 students generally may not transfer schools or change their major during their first academic year unless the Student and Exchange Visitor Program (SEVP) grants an exception based on extenuating circumstances.
- Graduate F-1 students generally will not be permitted to change their majors, after beginning their program of study.
- Graduate students seeking to transfer to another institution during their program generally may do so only if SEVP approves an exception based on extenuating circumstances.

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- F-1 students who complete a program at a particular educational level generally will not be permitted to pursue a new program at the same or a lower educational level.

The rule includes transition provisions for F and J nonimmigrants who were admitted for D/S and remain in the United States as of 15 September 2026. These individuals will be authorized to remain in the United States until the expiration date reflected on their employment authorization document (EAD) or end-date of their program, whichever is later. This period of stay, however, may not exceed four years from 15 September, plus the applicable grace period, which would be 14 November 2030 for F nonimmigrants and 15 October 2030 for J nonimmigrants.

F-1 students whose I-765 application for an OPT or STEM OPT EAD is pending with USCIS on the rule's effective date will not be required to file a separate Form I-539 application. Similarly, F-1 students who apply for OPT or STEM OPT within six months after the rule takes effect may file only the I-765 and will not be required to separately request an extension of status.

In the final rule, DHS indicated that it is considering expanding premium processing to Form I-539 extension of status applications. However, any F-1 student who departs the United States and seeks readmission on or after the rule's effective date will become subject to the new framework. In such cases, CBP will issue the student an I-94 with a set expiration date upon admission. Students with a timely filed extension will be permitted to continue pursuing a full course of study while awaiting adjudication of the application by USCIS.

Under the rule, an eligible F-1 student who timely files both an OPT EAD application and an extension of status application may begin employment only after USCIS approves both the Form I-539 and Form I-765. For students seeking a STEM OPT extension, the existing 180-day automatic extension of employment authorization remains available, provided the Form I-765 is filed before the expiration of the initial OPT EAD and the student files a corresponding Form I-539 extension request. In those circumstances, the student may continue working while the applications are pending until USCIS issues a decision or the 180-day automatic extension period expires, whichever occurs first.

What this means

For HR and global mobility teams, this new rule introduces a structural shift in how international student and trainee populations must be managed. Program timelines can no longer be passively monitored; instead, employers and institutions will need to actively track status expiry dates tied to fixed admission periods and coordinate timely extension filings. Late filings or missed deadlines may result in immediate loss of status and disruptions in work authorization for student and exchange visitor employees.

From a workforce planning perspective, organizations that rely on early-career talent pipelines (e.g., F-1 students transitioning to work authorization, interns, trainees, or researchers) should reassess end-to-end mobility processes. This includes aligning academic timelines, OPT/STEM pathways, and long-term employment sponsorship strategies with the new fixed-duration model. HR teams may need to build in additional buffer time for adjudication delays and account for increased variability in processing outcomes.

The rule also introduces increased administrative requirements and cost considerations. Additional USCIS filings, legal support, and internal tracking mechanisms will likely be required. Mobility teams should anticipate higher volumes of extension applications and increased need for employee guidance, particularly for populations unfamiliar with formal immigration processes. Employees will require clearer communication and closer support to ensure compliance with new filing obligations and timelines.

Organizations should consider implementing or enhancing immigration tracking systems, conducting internal audits of foreign national populations and developing clear protocols for managing extension processes. Close collaboration between HR, legal, business stakeholders and employees themselves will be critical to mitigate risk and maintain continuity of international talent pipelines.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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