

An Overview of the U.S. Department of Homeland Security Final Rule Ending Duration of Status

Office of International Programs and Compliance

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U.S. DHS published the final rule ending Duration of Status on July 17, 2026, which introduces significant changes to the admissions process for F, J, and I nonimmigrants in the United States. Key updates include the replacement of "duration of status" admissions with fixed end dates on Form I-94, necessitating that students and exchange visitors submit formal extension applications to USCIS if they wish to stay beyond their I-94 "admit until date" (AUD). Additionally, the F-1 post-completion grace period has been reduced from 60 days to 30 days, alongside new restrictions on academic flow and educational mobility.

The Department of Homeland Security (DHS) asserts that these modifications will enhance oversight, program integrity, and national security. However, educational institutions may encounter increased compliance costs, legal risks, and a heavier advising workload, potentially affecting enrollment figures.

Transition provisions are available for F and J nonimmigrants admitted for D/S on their Form I-94 and present in the U.S. as of September 15, 2026, the effective date of the final rule. These individuals will not be required to immediately apply for a date-certain I-94 but must seek an extension of stay to maintain their status beyond the program end date on their current Form I-20 or DS-2019, or within four years from the effective date, whichever is shorter. They will also be subject to the new academic restrictions in diverse ways. Notably, if someone from this transition group exits the U.S. and reenters on or after September 15, 2026, they will be readmitted with a Form I-94 that includes a date-specific AUD.

The final rule will take effect on **September 15, 2026**, which is 60 days after its official publication in the Federal Register on July 17, 2026, unless litigation or Congressional review under the Congressional Review Act changes this timeline. Until that effective date, the current rule will remain in full effect, and existing regulations will continue to govern all aspects of F and J practice.

Significant Changes in the DHS Final Rule

I. Admissions to the United States with Fixed Dates

1. Starting September 15, 2026, individuals applying for admission or a change of status to F or J status (including F-1 students, F-2 dependents, J-1 exchange visitors, and J-2 dependents) will be granted admission for a specific date, which will be recorded on their Form I-94. This replaces the previous "duration of status" (D/S) approach that has been in place since 1991 for F students and 1993 for J exchange visitors.
2. The **"Admit Until Date" (AUD)** will correspond to the program end date listed on their Form I-20 or DS-2019, with a maximum duration of 4 years, plus an additional 30 days after the program ends.
3. The grace period for F-1 students and their dependents will be shortened from 60 days to 30 days for those entering or reentering the United States on or after September 15, 2026.

II. Process for Extending Stay with USCIS via Form I-539

1. Individuals requiring additional time beyond their Admit Until Date (AUD) for reasons such as program extensions, school transfers, advancing academic levels, or utilizing post-completion practical training must file a complete Form I-539 extension of stay application with USCIS before their AUD expires. This application must include the required fee, biometrics, evidence of funding for the extended period, and may involve an interview.
2. There are two paths for extensions of an academic program:
 - A. **EOS application with USCIS:** Applications for extensions of stay from within the U.S.
 - B. **POE extension with CBP:** Departure from the U.S. with an updated/extended I-20 form or DS-2019 form, and re-entry to the U.S. through a CBP POE.
3. The final rule outlines the eligibility criteria for EOS, including medical or academic circumstances such as changes in educational level, starting a new program of study, post-completion OPT, STEM OPT extension, and school transfers, etc..

III. Transition Provisions

1. The transition provisions apply to F and J nonimmigrants who were admitted under the duration of status (D/S) designation on their Form I-94 and who are physically present in the United States on September 15, 2026, the effective date of the final rule.

2. These individuals do not need to apply for a date-certain I-94 immediately; however, they must apply for an extension of stay to maintain their status beyond the program end date on their current Form I-20, DS-2019, or OPT EAD card, or four years from the effective date, whichever is shorter. They will also be subject to new academic restrictions in various ways.
3. F-1 students in this transition group will keep their existing 60-day grace period even after September 15, 2026. However, if they leave and reenter the United States or apply for an extension of stay on or after the effective date, they will receive a 30-day grace period under the new rule.
4. If a member of this transition group exits the United States and reenters on or after September 15, 2026, CBP will readmit them with a Form I-94 that specifies a date-specific AUD, which includes a 30-day grace period.
5. Allows continued employment for work on-campus, or under CPT or pre-completion OPT, **while the extension application is pending, for up to 240 days**, if the I-539 form is received by USCIS before the academic program end date as listed on the I-20 or DS-2019 form. This applies to approvals for Severe Economic Hardship approvals as well. For Special Student Relief (SSR) employment, the rule states: "USCIS may grant SSR employment authorization for the duration of the Federal Register notice validity period, but the period of authorization may not exceed the F-1 student's academic program end date."

IV. Limitations on Altering Educational Objectives and School Transfers

1. Undergraduate students can change their educational objectives, such as switching majors or transferring schools, only after completing their first year of study. Exceptions may be granted by SEVP on a case-by-case basis for extenuating circumstances (i.e., a natural disaster).
2. Graduate students cannot change their educational objectives, including majors or educational levels, at any point during their program.
3. Graduate students may transfer schools during their program, but this also requires SEVP approval for extenuating circumstances. It is important to note that the proposed rule did not include an SEVP exception for graduate transfers, which is addressed in the final rule stating, "Prohibiting F-1 students at the graduate education level or above from transferring at any point during their program of study, **unless an exception is authorized by SEVP for extenuating circumstances.**"

V. Ban on Lateral or Reverse Matriculation

1. F-1 students cannot enroll in a new program at the same or lower educational level after completing a program. The Department of Homeland Security has clarified that this restriction applies only to programs completed after the effective date of the final rule.
2. Requires students moving to a higher degree level to file an I-539 form with USCIS, along with the required fee. There may also be an option to travel on the new I-20 form and re-enter through a CBP Port of Entry.

VI. Limit on ESL Admission Duration

The new rule establishes a maximum admission period of 24 months for F-1 students in English language training programs, along with a 30-day grace period after completion. The Department of Homeland Security (DHS) argues that this measure helps prevent abuse of the program. However, there are concerns regarding its impact on language programs and pathways for conditional admission.

It is important to note that the 24-month limit encompasses any breaks or vacations taken during the program but does not include the 30-day grace period following program completion.

VII. The I-94 "Admit Until Date (AUD)"

1. *Under the new rule, F, J, and I nonimmigrants will be admitted only until their program end date, which cannot exceed four years, plus a 30-day grace period. This is referred to as the "Admit Until Date (AUD)" and will be indicated on the Form I-94 for all individuals entering or reentering the United States in F or J status after the effective date of the final rule. Any extension beyond the AUD will require filing with USCIS. This change moves away from the flexible D/S admissions approach to a more structured system with clear deadlines and formal application processes.*
2. Previously, individuals applying for admission or a change of status to F or J status (including F-1 students, F-2 dependents, J-1 exchange visitors, and J-2 dependents) were admitted for "duration of status" (D/S) since 1991 for F students and 1993 for J exchange visitors. Now, they will be admitted only until the program end date specified in their Form I-20 or DS-2019, not exceeding four years, plus an additional 30 days after their program ends.

3. F and J nonimmigrants who wish to extend their stay beyond the AUD must first seek a recommendation for an extension from their P/DSO or A/RO, along with a Form I-20 or DS-2019 that reflects this recommendation. This process is like the current issuance of I-20 or DS-2019 forms. If the P/DSO or A/RO recommends the extension, the F-1 or J-1 nonimmigrant (and any F-2 or J-2 dependents) must promptly apply for an extension of stay (EOS) using Form I-539 with USCIS to remain in the U.S. beyond the AUD indicated on their I-94.
4. The four-year maximum admission period is not a cumulative limit on the total time spent on F-1 or J-1 status. Instead, it represents the maximum duration for which an F or J nonimmigrant may be admitted based on the end date specified on their Form I-20 or DS-2019 certificate of eligibility (COE), or, in the case of post-completion or STEM OPT, the employment end date of their OPT EAD.
5. **This rule does not alter the program duration that a school or program may specify on an I-20 or DS-2019; rather, it limits the admission period granted by CBP or USCIS as reflected on the F or J's Form I-94.**

VIII. Shortening the F-1 "Grace Period" from 60 Days to 30 Days

1. DHS has halved the F-1 grace period from 60 days to 30 days, aligning it with the J and M classifications. This change means students will have less time to prepare for departure, change their status, or file for extensions after completing their studies or training, increasing pressure on both students and advisers.
2. Currently, F-1 students have 60 days after completing their studies and any practical training to prepare for their departure from the United States, as outlined in [8 CFR 214.2(f)(5)(iv)] ([https://www.ecfr.gov/current/title-8/part-214/section-214.2#p-214.2\(f\)\(5\)\(iv\)](https://www.ecfr.gov/current/title-8/part-214/section-214.2#p-214.2(f)(5)(iv))). The final rule reduces this post-completion grace period to 30 days, matching the period for J exchange visitors and M-1 students.

IX. OPT, AT, and J Employment

1. Students who apply for post-completion Optional Practical Training (OPT) within six months of the final rule's effective date do not need to file an extension of stay application with USCIS. This six-month (6) transitional grace period applies only to students who submit their OPT or Academic Training

(AT) employment authorization application within six months of the final rule's effective date.

2. Under the transition provisions, F-1 students seeking post-completion OPT or STEM OPT employment authorization may lawfully remain in the United States while their application is pending with USCIS if they: (A) were physically present in the United States on the effective date of the final rule and admitted for duration of status (D/S); (B) Properly filed an application for employment authorization; (C) Had a pending application on the effective date of the final rule; and (D) Are not otherwise removable under the Immigration and Nationality Act (INA).

Unless otherwise directed by USCIS, these students do not need to file an Extension of Stay (EOS) application or refile their employment authorization application.

3. Students who apply for OPT or Academic Training after the six-month grace period ends must file both the Form I-765 employment authorization application (for OPT) and the Form I-539 extension of stay application, as required.
4. J-1 nonimmigrants who are authorized to work for a specific employer can continue their employment for up to 240 days under the current regulations if their status expires while their timely filed Extension of Stay (EOS) application is pending. In contrast, J-2 dependents must apply for employment authorization through an Employment Authorization Document (EAD) and lose their work authorization as soon as the EAD expires.

X. Travel and Extensions

1. If a student files an Extension of Stay (EOS) application with USCIS and then departs the United States, the EOS application will not be considered abandoned. If the student is readmitted before the expiration of the original period of admission, they will be admitted through the original end date, and the EOS application will remain pending.
2. If a student files an EOS application, departs the United States, and subsequently re-enters using an updated or extended Form I-20 or DS-2019, they may be admitted through the new extended end date. In this situation, the EOS application may be considered abandoned.
3. If an application for employment authorization is pending and the student departs, the employment application will NOT be considered abandoned.