

International Student Resource Center

DHS Proposed Rule on Duration of Status (D/S) - FAQs for International Students and Scholars

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FAQs for international students or scholars regarding the pending Loss of D/S Regulation

April 2026

What is the current status of the proposed rule?

The rule is still pending as of April 10, 2026. While rumors of publication have been noted since December 2025, currently anticipated publication could be sometime in April or May 2026. There is no way to definitively tell when it will be published. Due to the scope and impact of the rule, it is best to try to be prepared for the impacts on international students, scholars, and academic immigration offices.

Where can I find the text of the rule as it is proposed?

The formal title of the rule is: “Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media”. You can access the text of the rule here.

What is changing?

The Department of Homeland Security is proposing to eliminate the "Duration of Status" (D/S) notation that F-1 and J-1 visa holders currently receive when entering the U.S. Currently, international students and scholars are admitted with a D/S notation, meaning “duration of status”. The allowed period of stay defaults to the end date on the I-20 form (for F-1 visa holders), or DS-2019 form (for J-1 visa holders), which is usually the academic or research program end date. Instead, under the new proposed regulation your allowed length of stay would be limited to the shorter of your academic program length or four years.

Under the existing D/S regulations, international students and scholars may apply for extensions of stay directly to their academic immigration advisors (DSOs or AROs), and do not have to apply for immigration extensions from a government agency, such as USCIS.

When will this rule take effect?

The final publication date is not yet confirmed. The rule will become effective 60 days after it is published. Based on the academic calendar, and the possible intention of the government to impact the admission cycle for 2026, a publication date of April or May of 2026 might be anticipated.

Does this affect me if I'm already in the U.S. as an F-1 or J-1 student ?

Yes. If the rule takes effect while you are already in the U.S., your status will be converted to a fixed end date — the date listed on your current I-20 or DS-2019, but no more than four years from the rule's effective date. If you need more time, you will have to apply for an extension through USCIS, with the support of your DSO or ARO, using Form I-539.

Is there some kind of a transition period to the new rules?

Yes. People in the U.S. who currently hold F-1 status and who are applying for post-completion OPT would have a six month period following the effective date of the rule in which to submit the OPT application *without* having to also file an I-539 form for the extension period of their academic program. Applications filed for OPT after the end of the 6 month grace period would also have to file the I-539 form with USCIS.

How would I apply for an extension if the new regulation is implemented?

In order to apply for an extension of your immigration status, you would need to first apply to your DSO or ARO in the International Services office for an extended I-20 form or DS-2019 form. You would then need to submit that signed form along with a completed and signed Form I-539 to USCIS to request an extension of stay. The USCIS fees for filing the application are found here.

What happens to my 60-day grace period after my program or OPT ends?

Students already in the U.S. when the rule takes effect will keep the current 60-day grace period after the end of their program or OPT. However, students who enter the U.S. after the effective date will only receive a 30-day grace period.

What do I need to know if my program takes longer than four years (e.g., a PhD)?

You would need to apply to USCIS for an extension of stay by filing Form I-539, which currently requires a fee of $470 (paper) or $420 (online). Extensions will only be approved for the specific time needed to finish your program — not for another full four years. PhD students may need to file multiple extension requests with USCIS over the course of their degree.

What are valid reasons for getting an extension approved by USCIS?

Currently, your immigration advisor, in conjunction with your academic department, can determine if there are justifiable reasons for a program extension (8 CFR 214.2(f)(7)). These can include medical or academic reasons, or delays in program completion due to a natural disaster. USCIS may apply stricter standards and use its own discretion when determining if a program extension is warranted. As it is proposed, the pending rule emphasizes that USCIS should be the governing agency in determining eligibility for a legal status extension, and they can use agency discretion to determine if an extension is warranted.

What are some reasons for why an extension request may be denied by USCIS?

If the delays in program completion were shown to be due to poor academic performance, failing classes, or otherwise failing to make normal academic progress, USCIS might deny an extension request. If the person is deemed to have exceeded the normally allowed time period for a given academic program, an extension also might be denied. Proof of sufficient financial resources for the additional time period will also be required, and an application could be denied if funding was deemed insufficient. USCIS may review cases as well for possible fraud issues, and violations of required non-immigrant intent - which requires F and J visa holders to maintain the intention of returning to their home country.

What should I do if my extension request is denied by USCIS?

If USCIS denies an extension application, you should first inform your DSO or ARO. It would probably be advisable to consult with an immigration attorney as well, about other options that might be available to you. With a notice of denial, your lawful status in the U.S. would end, and you would not be allowed the normal grace period to depart the U.S. Depending on your school or sponsor's policies and regulations, you also may not be allowed to continue your enrollment if you lack proof of lawful status. Remaining in the U.S. following an extension denial would be a serious violation of immigration regulations, and may subject you to the accrual of unlawful presence. This could result in you being barred from coming back to the U.S. for a certain number of years. (https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility)

Can I transfer schools or change my academic program?

The proposed rule significantly restricts this in certain circumstances. Undergraduate students may not transfer schools or change programs within their first year of study, unless SEVP grants an exception for extenuating circumstances. Graduate students would be prohibited from changing programs or transferring schools at any point during their degree.

Can I pursue another degree at the same level?

No. After completing a degree, F and J students would only be permitted to move to a higher degree level. Pursuing another degree at the same or lower level would not be allowed, though the proposed rule notes some ambiguity around how degree levels are defined (e.g., MBA vs. MS, MD vs. DVM, LLM vs. JD).

What about OPT? How will it be impacted?

It depends on timing. If you apply for OPT within six months of the rule's effective date, you do not need to file an I-539 extension — just the standard I-765 work authorization form. If you apply after that six-month window, you will need to file both the I-765 and the I-539 with USCIS, along with the associated fees. Note that if you travel outside the U.S. and re-enter after the rule's effective date, you lose the six-month grace period for

applying for OPT under the current process, and accordingly will be required to file both the I-765 and I-539 with USCIS.

Can I still work while my Form I-539 extension application is pending with USCIS?

Yes, for up to 240 days, provided your I-539 was received by USCIS before your academic program end date as listed on your I-20 or DS-2019. This applies to on-campus work, CPT, and pre-completion OPT.

I'm completing a Master's degree, and have been admitted to a PhD program. Will I have to file an I-539 extension application with USCIS in order to start my new academic degree program?

Yes. Changing your academic level to a higher degree program will require you to receive a new I-20 or DS-2019 form from your immigration advisor, and then to file an I-539 form with USCIS.

I have dependents (e.g., spouse or children) - what do I need to know?

Dependent visa statuses (F-2 and J-2) will need to have extensions as well as the F-1 or J-1. Dependents will need to be included in I-539 extension filings with the principal F-1 or J-1, but should not have to file with separate filing fees.

Do my dependents (F-2 or J-2) need to apply separately?

Dependents should be included in your principal I-539 extension application rather than filing separately. Note though that they need to complete the I-539 form as well - but would not need to file with separate filing fees.

I am an ESL student. I've been in my ESL program for almost two years. Do I need to file for an extension from USCIS?

Under the proposed regulation, ESL students are limited to a total ESL academic program of two years inclusive of any holiday breaks. You will not be eligible for an extension of your ESL program beyond two years.

What should I do now?

Talk to your international student advisor (DSO) as soon as possible. If you are planning to apply for OPT, transfer, change programs, or need a program extension, acting before the rule takes effect may allow you to minimize the impact of the new requirements and fees.

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