

International Student Resource Center

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

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July 17, 2026

What is the current status of the proposed rule?

The rule is final as of July 17, 2026. The effective date of the rule is currently set for September 15, 2026. No provisions of the rule will be implemented before this date.

Where can I find the text of the final rule?

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 final rule here.

What is changing?

The Department of Homeland Security is eliminating 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 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.

The new regulations requires extensions to be processed **either** through an application to USCIS, **or** by departing the U.S. and re-entering with an extended I-20 or DS-2019

form, and getting an end date added to your I-94 form from Customs and Border Protection (CBP).

In addition, the new rule restricts certain academic program changes for undergrads in their first year of study, and graduate students, at any point during their academic program.

When will this rule take effect?

The final publication date is July 17, 2026, so the effective date of the rule is 60 days later – September 15, 2026.

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

Yes, but not to the extent it would if you were initially entering the U.S. If you are already in the U.S., your status as D/S will continue, though your actual program end date will default to the shorter of your I-20 form or DS-2019 form end date, or four years, whichever is shorter. If you need more time, you will have to apply for an extension by filing form I-539 with U.S. Citizenship and Immigration Services (USCIS), with the support of your DSO or ARO, using Form I-539. You could also get an extension if you departed the U.S. with an extended form and were approved for re-entry by Customs and Border Protection (CBP).

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

Yes. There is a 60-day period before the rule is in effect (September 15, 2026). Also, 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 then have two choices:

1. 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.
2. Alternatively, you could take the extended I-20 or DS-2019 form and depart the U.S., and re-enter showing the extended form. In order to do this, you would have to have a valid visa, and also NOT be on a travel ban or restriction list.

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 at the end of four years, 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.

Alternatively, you could take the extended I-20 or DS-2019 form and depart the U.S., and re-enter showing the extended form. In order to do this, you would have to have a valid visa, and also NOT be on a travel ban or restriction list.

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. In the final rule, the Department of Homeland Security 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. It is not clear if an extension through re-entry and inspection with CBP would apply the same standards.

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

Generally, 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 can 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 rule significantly restricts this in certain circumstances. Undergraduate students may not transfer between schools or change programs within their first year of study, unless SEVP grants an exception for extenuating circumstances. Graduate students are

prohibited from changing academic 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 are only permitted to move to a higher degree level. Pursuing another degree at the same or lower level is not allowed.

Note that there is some ambiguity regarding how educational levels are defined, for example, professional degree levels (e.g., MBA vs. MS, MD vs. DVM, LLM vs. Juris Doctor (JD). DHS indicates in the final rule that it generally relies on NCES' definition of educational levels and anticipates providing guidance on educational levels to clarify how it utilizes the NCES definitions of education levels.

What about OPT? How will it be impacted?

It depends on timing. If you are in the US with a D/S status notation, and 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. Alternatively, you could take the extended I-20 or DS-2019 form and depart the U.S., and re-enter showing the extended form. In order to do this, you would have to have a valid visa, and also NOT be on a travel ban or restriction list.

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 if their application accompanies the principal alien application.

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-539A 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 final 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. You should be able to be admitted to a new degree program, and change educational level and start that program after your extension is approved.

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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