

International Student Resource Center

Review of Final Dept. of Homeland Security Rule: Loss of D/S

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July 21, 2026

The Department of Homeland Security has finalized a rule making significant changes that will affect F-1 and J-1 visa holders and their F-2 or J-2 dependents. The rule, has largely been published as proposed, affects the duration of their allowed stay in the U.S., and restrictions to program modifications and transfers. The rule as published allows a 60-day grace period before implementation. **The effective date of the rule will be 15 September 2026**.

Note: The rule is subject to the Congressional Review Act (CRA), and as such, may be delayed in implementation if Congress has issues with any of the rule's provisions or impacts. If the effective date is delayed, DHS will publish a notice in the Federal Register.

This document provides a summary of the rule provisions.

The rule has the following components.

General provisions for F and J individuals

- Removes the "D/S" (duration of Status) notation currently given to F-1 and J-1students and scholars and their F-2 and J-2 dependents when they enter the U.S. and instead allows the length of stay to be the shorter of the duration of the academic program, or four years.
- Reduces the 60-day grace period currently allowed for international students to 30 days for students entering the U.S. after the effective date of the rule.
- Allows students currently in the U.S. on the effective date of the rule to keep the 60-day grace period following the end of their program or period of OPT. If they depart the U.S. after the effective date and re-enter, they will have their grace period shortened to 30 days.
- Allows two possible processes for extensions of an academic program:
    1. Applications for extensions of stay from within the U.S., which are currently processed by the immigration advisor at the sponsoring school or institution, to be submitted in addition for approval to U.S. Citizenship and Immigration Services (USCIS). Biometrics (fingerprinting) would also be required. The school advisor would still have to recommend the academic program extension in SEVIS, but USCIS would have to adjudicate the application to extend the stay. This application would require the filing of Form I-539, with an application fee of $470 (paper application) or $420 (online application). Students would also need to provide evidence of funding for the extended period. If F-2 and J-2 dependents are in the U.S., they would need to be included with the principal F-1 or J-1 extension application. Biometrics may also be required.
    2. 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 Port of Entry. The CBP officer can admit the

student or scholar, and update the I-94 end date with the new end date of the academic program. It is critical to note that travel and re-entry is not a guaranteed process. Those from countries subject to travel bans or restrictions should consult with their immigration advisor and or an immigration attorney before planning travel.

- DHS has clearly pointed out that two paths for extensions exist: "POE extensions with CBP and EOS applications with USCIS are both available to aliens, and it will be the choice of each alien to decide if it is more convenient to travel abroad or to apply for EOS through USCIS. DHS believes both the NPRM and the final rule have explained these two options thoroughly, but to reiterate, both are distinct methods of obtaining a new AUD and new I-94. It is ultimately the alien's choice as to which method to choose…. both USCIS and CBP will have the same discretion and will look at the same factors for determining eligibility. They will also both use the program end date that is listed on the paperwork presented to the immigration officer to determine the AUD [Admit Until Date]. And, because CBP and- USCIS systems, along with DoS and SEVIS, are coordinated, *there should be no miscommunication between government agencies.*"[1]
- Automatic Revalidation provisions are still valid. It is not clear if an admission under automatic revalidation, however, would apply an extension to the I-94. The language of the regulation (22 CFR 41.112(d)) refers to the initial period of admission, or the extended period approved by DHS or State Department.
- Applies stricter standards for the approval of an extension and allows USCIS to use discretion in reviewing the reasons for the extension. Specifically:
    - A compelling academic reason
    - Illness with documentation from a doctor or psychologist
    - Other circumstances beyond the student's control (ie: natural disaster)
- Approves extensions only for the time needed to complete the program – not for an automatic additional four years.
- 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 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."[2]
- Limit language students admitted to an ESL Program to a 24-month period of stay.
- For Fs or Js who leave the U.S. and re-enter after the effective date — upon re-admission they will be given a date certain end date and will not then need to apply for an extension from within the U.S.

Changes to educational programs and transfers

- Prohibits students below the graduate level from transferring schools or academic programs within the first year of study, unless SEVP grants an exception for extenuating

[1] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45067.
[2] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45107.

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circumstances. The example they give of an extenuating circumstance is a natural disaster. If transferring between schools, a student would need to file an I-539 application with the fee, if the end date of the new program is beyond the allowed end date for the previous program. It would be possible to alternatively travel outside the U.S. with the new transfer I-20 form and re-enter – though this can be complicated.

- Prohibits graduate students from changing academic programs or transferring to a different school in the U.S at any point during their degree program unless SEVP grants an exception for extenuating circumstances. The rule allows for possible delays in technical changes to SEVIS regarding these restrictions and provides for the possibility of delaying the implementation of these provisions if needed, for up to two years.

  "Regarding implementation challenges in SEVIS, DHS has identified the necessary changes that will be needed to accommodate the provisions of this rule. For up to two years from the effective date of this rule, DHS may suspend the implementation of new 8 CFR 214.2(f)(5)(ii)(A) through (C), in its discretion, if it determines that implementation is infeasible for any reason"[3] (these regulations refer to the prohibition on grad student program changes, and lateral or reverse enrollment)

  - This provision allows for the possible delay in implementing these restrictions due to delays with SEVIS technical changes that may be required.
  - The rule allows that, "DHS recognizes the importance of supporting legitimate educational pathways and acknowledges the need for flexibility in certain circumstances, such as recognized bona fide educational tracks, graduate program specializations, and market-driven licensure requirements. DHS will provide updated guidance to clarify the application of these restrictions, particularly for graduate programs and specialized educational pathways."[4]

- Prohibits students below the graduate level, and graduate students from completing another degree at the same, or lower, academic level after *completing* a degree program, F and J students would only be able to move to a higher degree level. It is unclear if a student might be able to leave the U.S. after completing a degree program and return with a new I-20 form and new visa to attend the same, or lower level, degree program. It is sometimes also unclear as to what constitutes a higher or lower degree program (for example – master's vs. JD; JD vs LLM; MBA vs. MS or MA; PhD vs. MD; MD vs. DVM…), The public inspection rule makes this clarification:

  "In addition, an alien who has completed a program as an F-1 nonimmigrant at one educational level will be unable to maintain F-1 status, depart and be admitted in F-1 status, *or otherwise obtain F-1 status* (e.g., via a change of status) through a program at the same educational level or a lower educational level. See new 8 CFR 320 214.2(f)(5)(ii)(C)." [5](this sounds like a lifetime limit on a degree earned at a given level?)

- 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 with the new I-20 form and re-enter through a CBP Port of Entry.

[3] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45060.
[4] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45039.
[5] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45104.

- Concurrent enrollment in a lower degree program would be allowed. For instance, a PhD student may earn a master's degree while working on the PhD program.
- Requires students filing for reinstatement to file the application with USCIS by filing an I-539 form. If they need more than 6 months to complete their academic program after reinstatement is granted, they will also need to file a second I-539 form with an additional fee to apply for the extended period.

- DHS clarified that a student moving between campuses on a single I-17 form would not be considered to be a transfer or change in educational level. This is termed a "campus reassignment". SEVIS will be updated to allow this functionality. Transfers between I-17 forms would not be facilitated in SEVIS, and would be considered a transfer.

OPT Filings

- Under the transition provisions, students who are in the U.S. with D/S status on the effective date of the rule and who file for post-completion OPT within a six-month period following the effective date of the rule would not need to file for an extension with USCIS. This allows a six-month grace period to students filing for OPT or academic training ONLY IF they have the D/S notation, and file for the OPT or AT work permission within a six-month period following the effective date of the final rule.

  > "…aliens in F status who are subject to the transition and who are seeking post-completion OPT and STEM OPT employment authorization will be authorized to lawfully remain in the United States while the application is pending with USCIS if: (1) they are in the United States on the effective date of the final rule with admission for D/S; (2) they properly filed an application for employment authorization; (3) their application is pending on the final rule's effective date; and (4) they are not otherwise removable under the INA. **Unless otherwise advised by USCIS, they will not have to file for an EOS or re-file an application for employment authorization.** See new 8 CFR 214.1(m)(2)"[6]

- Students who are admitted with an "admit until date", OR who are filing for OPT or academic training *AFTER* the end of the six-month grace period following the effective date of the final rule will need to to file the I-765 work card application (OPT) and the I-539 extension application.

Travel and Extensions

- If a student files an Extension of Stay application (EoS) with USCIS and departs the US, the EoS application will **NOT** be considered abandoned. When readmitted, if the original period of admission is unexpired, the person will be admitted to that end date, and the EoS will remain pending.
- If a student files an EoS and departs and then re-enters with an updated / extended I-20 or DS-2019 form, the student may be admitted with the new extended end date, and the EoS application **MAY** be considered abandoned.

[6] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45101.

- If an application for employment authorization is pending and the student departs, the employment application will **NOT** be considered abandoned.
- The I-94 end date will be visible in SEVIS, presumably updated through the PoE entry process, and also by USCIS when an extension is approved. This may be a big assumption…
- The I-94 dates will always include the 30 day departure window.
    - For Fs or Js approved for post-completion OPT or AT before the rule's effective date — they may continue to work under OPT or AT until the end date of the work permission.
    - For Fs and Js applying for OPT or AT after the rule's effective date, BUT before the 6-month grace period ends — they must get a recommendation for OPT or AT from their immigration advisor at the school and then file the I-765 form (OPT) application with USCIS. *No I-539 application is required.*
    - For Fs and Js applying for OPT or AT after the rule's effective date, *AND* after the 6-month grace period — they must get a recommendation for OPT or AT from their immigration advisor at the school and then file *both* the I-765 form and the I-539 extension application with USCIS.
    - Students planning to apply for OPT who travel outside the U.S. and re-enter after the effective date of the rule will not be given the six-month grace period and will have to file the application for an extension with USCIS.

J-1 Provisions

- The public inspection rule did provide for a "temporary reprieve" for J-1s whose D/S status will expire shortly after the rule becomes effective: "…by allowing them to apply for EOS and continue to work for the duration of the time on their new Form DS-2019 regardless of how long the EOS application takes to adjudicate;… DHS is also allowing an alien whose J-1 status has expired but who timely filed an EOS application on or before 6 months after the effective date of the final rule (or longer if extended by DHS by publication of a notice in the Federal Register), to engage in J-1 activities, including authorized training and employment, as permitted by the alien's exchange visitor program, while the EOS application is pending with USCIS, for the period up to the program end date on the DS-2019 (or successor form) filed with the pending application."[7]
- The rule changes the required reporting period for an exchange visitor to report changes to their name and/or address to their ARO from 10 days to 10 *calendar* days. It also changes the time period in which the ARO or RO must report these changes in SEVIS from 21 days to 10 business days.
- There has been concern that some J-1 post-docs or scientists would be required to file extensions on a yearly basis, as often academic appointments are for one year at a time. The public inspection rule has clarified a method for indicating a longer contract period and has said that CBP and USCIS will use that contract end date to determine the allowed I-94 end date.
  "However, DHS and DoS have made operational changes that will avoid the need for those professions (e.g., alien physicians, professors, or research scholars) on a yearly contract from needing to apply for EOS every year. The DS-2019 will be filled out in more detail, and the free text field (question number 4) will not only list the name of the program but will

[7] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 44979.

now also list the full dates of the program. Question number 3 will continue to list the contract end dates. DHS (CBP and USCIS) will utilize the dates in question number 4 to determine the maximum duration of the J-1 nonimmigrant's stay up to 4 years subject to restrictions at 22 CFR part 62. No changes to the regulatory text or form are required to make this change. *It will be accomplished through training."*[8]

- J-1s will be subject to the same requirements for applying for an extension or traveling and re-entering with an extended DS-2019 form, to which Fs are subject.

Transition Period to the New Rule

- DHS has stated that training will be provided to DSOs during the 60-day period. They also indicate that SEVIS will be updated "…to make the implementation of the rule easier."[9]

- For Fs and Js in the U.S., the final rule becomes effective 60 days following publication. This would be **15 September 2026**
    - The status of F-1 and J-1's in the U.S. would remain "D/S". They will, though, be required to file for an extension of their program by the end date shown on the I-20 or DS-2019 form, or within 4 years, whichever is shorter.
    - "Those in D/S status when the rule takes effect will have up to 4 years to finish their programs without changing to a date certain while living in the United States. Only participants arriving after the effective date of the rule will be subject to all the provisions of the rule."[10]

Preparing for Final Rule Effective Date

Final publication date for the D/S rule is 17 July 2026. The effective date will be 15 September 2026.

Schools, DSOs and A/ROs will be impacted by this rule. Economic impacts, according to DHS estimates, will exceed $76 million to advise and track these changes for students, and $10–$11 million to learn the new rules and modify training and advising materials. (https://www.federalregister.gov/d/2025-16554/p-441)

The cost to F and J visa holders is estimated to exceed $304 million. (https://www.federalregister.gov/d/2025-16554/p-440)

The impact on international student enrollment at U.S. schools is hard to predict but following the actions of the government over the past year, this seems to be yet an additional obstacle for internationals studying and conducting research in the U.S. With enrollments estimated to be down

[8] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45052.
[9] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45003.

[10] https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14439.pdf Page 45003.

17% fall of 2025 (NAFSA Open Doors snapshot survey), regulatory changes making it more difficult to extend, modify, or transfer an academic program, will have additional negative impacts.

Those immediately impacted as of the effective date (15 September, 2026) include the following.

1. Any Bachelors, Master's, or PhD Student Pre-Graduation Planning to Apply for OPT

Planning:

- If possible, the international student might plan to submit the application for OPT to the DSO as early as possible and submit the I-765 application to USCIS before the end of the allowed 6-month grace period.
- International Student Services Offices may wish to prepare updates explaining the new regulatory changes to their orientation and advising content. They can be ready to publish quickly, when the rule is finalized.

2. Any 1st Year PhD Student

PhD programs can routinely exceed four years – the maximum duration allowed under the rule. Many PhD candidates might need to file multiple extensions in order to complete their degree.

Planning:

- If possible, process extensions for PhD students as early as possible in CY2026 or before the final rule becomes effective. Students and DSOs – A/ROs might consider adding in the costs of the extension applications to needed financial resources.
- Discuss this new requirement with Graduate Admissions offices and sponsoring departments.

3. Any Graduate Student, or First Year Undergraduate Student Wishing to Change Their Academic Program, or Transfer to a New School

The rule severely limits graduate students' ability to change transfer schools, and limits this for first year undergraduates as well.

Planning:

- If possible, process changes of level or transfer requests for all students before the final rule becomes effective.
- Alert Admissions offices and senior administration of these changes and collaborate with stakeholders on how to manage the impacts on students.
- Alert your incoming graduate students to these restrictions.

4. Students / Doctors Pursuing Graduate Medical Education

Foreign-born doctors participating in graduate medical education in the US will need to apply for extensions if their residency program exceeds four years.

Planning:

- Plan advising alerts to students in pre-med programs, and or medical school of the impacts of these changes.
- Communicate with the Medical School Admissions office, and with GME offices in any affiliated hospitals.
- Consider the use of the H-1B visa for medical residents.

5. Post-docs on J-1 Visas

If a postdoc is issued the DS-2019 for a 1- or 2-year increment because of funding limitations, they may have to apply for an extension to USCIS each year.

Planning:

- If possible, process extensions for post-docs as early as possible in CY2026 or before the final rule becomes effective.
- Review requirements for extensions with the Office of Post-doc Affairs, HR, or other units, to see if a longer-term extension is possible, rather than only an annual extension.
- Be sure to enter the longer contract dates in field 4 if possible.
- Consider the use of the H-1B visa for post-docs.

6. PDSOs, DSOs, ROs, A/ROs, Admissions Offices, Post-doc Offices, Academic Stakeholder Offices, GME Offices

This rule will significantly impact how international offices advise and support international students and scholars. The international office staff will not only have to update their international populations, but other stakeholder offices. In addition, the information and outreach between government agencies when significant regulatory changes are imposed has proven problematic in the past. We don't know what, if any, outreach is being done within DHS, and between ICE, CBP, USCIS, State Department – Consular Affairs and Bridge USA.

Planning:

- Communicating with your SEVP representative, Bridge USA liaison, and local Port-of-Entry contact (if you have one) may be useful.
- Alert your government liaison office as to these changes and possible issues that might arise.
- Consider advocacy efforts for increased training and advising needs to comply with pending changes.