

International Student Resource Center

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

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December 2025

The Department of Homeland Security proposes a regulatory change that will affect F-1 and J-1 visa holders and their F-2 or J-2 dependents. The rule, **if approved as proposed**, would affect the duration of their allowed stay in the U.S., and restrictions to program modifications and transfers.

This document provides a detailed summary of the rule provisions, if the rule is published as proposed. We will provide additional updates once the rule is published.

The rule proposes to:

- Remove the D/S notation currently given to students and scholars when they enter the U.S. and instead allow the length of stay to be the shorter of the duration of the academic program, or four years.
- Reduce 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.
- Allow 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.
- Require applications for extensions of stay, 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.
- Apply stricter standards for the approval of an extension and allow 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)
- Approve extensions only for the time needed to complete the program – not for an additional four years.

- Allow 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.
- Limit language students admitted to an ESL Program to a 24-month period of stay.
- Prohibit undergraduate students from transferring schools or academic programs within the first year of study, unless SEVP grants an exception for extenuating circumstances. The example they give of an extenuating circumstance is a natural disaster. If transferring schools, an undergraduate 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.
- Prohibit graduate students from changing academic programs or transferring to a different school in the U.S at any point during their degree program.
- Prohibit undergraduate 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…)
- Require students moving to a higher degree level to file an I-539 form with USCIS, along with the required fee.
- Require 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.
- Students filing 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 file for the OPT or AT work permission within a six-month period following the effective date of the final rule.
- Students filing for OPT or academic training AFTER the end of the six-month grace period following the effective date of the final rule to file the I-765 work card application (OPT) and the I-539 extension application

Transition period to the new rule

- For Fs and Js in the U.S., the final rule will become effective 60 days following publication.
    - The status of F-1 and J-1's in the U.S. would change to a date-certain end date. This will be the date listed on the I-20 form on the effective date of the final rule, but not to exceed four years from the final rule's effective date.
    - If they need additional time, they will have to apply for an extension to USCIS.
- 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.
- For Fs or J' 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.

Preparing for final rule implementation

Final publication date for the D/S rule is still unknown, but given that DHS stated in its Notice of Proposed Rule Making (NPRM) that the final rule will be published at least 60 days prior to its effective date and given the academic calendar (many students graduating in the spring) - we might expect the final D/S elimination rule in December or January.

Schools, DSOs and A/RO's 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 17% this fall (NAFSA Open Doors snapshot survey), regulatory changes making it more difficult to extend, modify, or transfer an academic program, will have additional negative impacts.

Presuming the rule content finalized as it is as proposed, those immediately impacted include the following.

1. Any Bachelors, Master's, or PhD student pre-graduation planning to apply for OPT.

Given that DHS stated in its NPRM that the final rule will be published at least 60 days prior to its effective date and given the academic calendar (many students graduating in the spring), we might expect the final D/S elimination rule to be published in December or January.

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 proposed 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.*

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 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 will 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*

- *Consider the use of the H-1B visa for post-docs*

6. PDSOs, DSO's, ROs, A/RO's, Admissions offices, Post-doc offices, Academic stakeholder offices, GME offices

This rule as proposed will significantly impact how international offices advise and support international students and scholars. If approved and finalized in the Spring of 2026, the timeframe to adjust information to current and new students and scholars will be short. 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.*