DHS Proposal to Shorten F and J Length of Stay

The Department of Homeland Security (DHS) published a Notice of Proposed Rulemaking [1] on September 25th regarding the permitted length of legal stay in the U.S. for several immigration categories including F and J visas. These are proposed changes; they are not in effect. There will be a 30-day public comment period after which, DHS is required to read and consider all comments and only then publish a final rule. This is a protracted process and the current proposal could very well change, be held up in the courts or completely withdrawn. Notable immigration attorney and Cornell Law Professor Steve Yale-Loehr said “…students and people advising international students and scholars in higher education should not panic – these are not immediate changes”

There are many elements to the proposed rule, but at its essence DHS is proposing that F and J visa holders, upon entry to the U.S. be granted a stay of no more than 2 years or 4 years. At present F and J visa holders are granted “Duration of Status” [2] (D/S) which allows a stay for as long as their Form I-20 or DS-2019 are valid and they remained engaged in the academic program for which they were admitted to the U.S. For example, a PhD student might have a 6 year Form I-20. Under this proposal some students would only be granted a 2-year stay, others a 4-year stay. The F and J visa holders would then have to apply to USCIS (no travel required) and pay a fee to request an extension.

President Salovey, supported by many Yale leaders and community members, has stated on multiple occasions the university’s “steadfast commitment to our international students and scholars; they are vital to the university community.” This proposal is very concerning and OISS is working with Yale leadership, our peer schools, and the higher education associations, including NAFSA: Association of International Education [3] and the American Association of Universities, to develop a formal comment rejecting the DHS proposal. OISS will update our website with all new developments with the DHS proposal.