

DHS Proposes to Replace Duration of Status with Fixed Periods of Stay for F & J Nonimmigrants

August 28, 2025



On Thursday, August 28, 2025, the Department of Homeland Security (DHS) published a proposed rule in the Federal Register to [end "duration of status" \(D/S\) for F and J nonimmigrants](#) [1].* Please note that this is a proposed rule and will not become effective until the public has a chance to comment, and DHS reviews the comments, possibly makes revisions, and publishes a final rule. More on this below.

What is Duration of Status?

For more than 30 years, certain nonimmigrants, including students and scholars in F and J status (which includes F-1 students, F-2 dependents, J-1 students and scholars, and J-2 dependents), have been admitted to the United States for a period known as "duration of status" (D/S) rather than until a specific date. An F and J individual's I-94 record (arrival and departure record) has an "admit until date" of "D/S," which stands for "duration of status." In general terms, this means that an F or J individual could stay in the U.S. for as long as they have a valid I-20 or DS-2019 and as long as it takes them to complete their activity, such as completing a program of study or research period (with certain limits and rules for eligibility for extensions).

What are some of the proposed changes?

Under the new proposal, instead of being admitted for "duration of status" (D/S), individuals applying for admission in either F or J status would be admitted only until the program end date noted in their I-20 or DS-2019, not to exceed 4 years, plus a period of 30 days following their program end date. Individuals who need time beyond their authorized period of stay for any reason (e.g., additional time to complete a program, transferring between schools, moving to a higher academic level, or using post-completion practical training [F-1 OPT and STEM OPT, or J-1 Academic Training]) must file an extension of stay (EOS) application with USCIS in a timely manner before their specified period of stay expires. A request for an extension of stay (EOS) is generally filed to USCIS while a nonimmigrant is in the U.S. on Form I-539, Application to Extend/Change Nonimmigrant Status. An EOS is usually required to prevent unauthorized stay in the U.S.

There are other changes proposed beyond the elimination of "duration of status" with this rule as well. Under the proposed rule:

- The current 60-day grace period for individuals in F status, during which time they can remain in the U.S. and prepare to depart, transfer to another program, or apply to change status, would be replaced with a 30-day grace period, which is currently the case for individuals in J status.
- Undergraduate F-1 students would not be allowed to change programs, majors, or educational levels within

the first academic year of their program. F-1 students at the graduate degree level or above would not be allowed to change programs at any point during their program of study.

- If an international student completes a program at a particular level, they would not be eligible for F-1 status to undertake a program at the same level or a lower level.
- Unless an exception has been authorized by SEVP (Student and Exchange Visitor Program), an F-1 student would not be allowed to transfer to another school until they completed an academic year of a program of study at the school that initially issued their I-20.
- F and J individuals traveling with a pending extension of stay (EOS) application may be readmitted for the balance of their previous admission period, in which case the pending EOS is not considered abandoned. Alternatively, depending on the documentation presented at the port of entry, the CBP (Customs and Border Protection) officer can admit them for the requested extended period, in which case the EOS is deemed abandoned.
- There are also complex transition provisions for the treatment of individuals who have already been admitted for the duration of status (D/S) before the effective date of the rule. OISS will provide additional guidance on these provisions as soon as possible.
- If they do not timely apply for an EOS or depart the U.S., F and J individuals would begin accruing unlawful presence as soon as their specified admission period expires. Under the current policy, F and J nonimmigrants admitted for D/S do not accrue unlawful presence until the day after USCIS formally finds a status violation, or on the day after an immigration judge orders the individual excluded, deported, or removed, whichever comes first.

What is next?

This is published as a proposed rule, which means that any member of the public (as an individual or a group) will now have the opportunity to comment on the rule during the periods specified below. Organizations representing higher education institutions will comment on the rule. The rule will not become final until after DHS reviews all the public comments on the proposed rule, submits a final rule (with possible revisions based on comments) for review within the federal administration, and then publishes a final rule in the Federal Register with a future effective date. There is no set timeframe for publishing the final rule, but the process typically takes a couple of months.

Comments on the proposed rule changes are now open and must be received by September 29, 2025. Comments on the information collection, including SEVIS and USCIS Forms, described in the Paperwork Reduction Act section of the proposed rule must be received by October 27, 2025. The Federal Register notice contains [instructions on submitting comments](#) [2].

OISS is still analyzing the proposed rule language in more detail and will post additional updates, guidance, and FAQs.

* The rule also includes changes to the admission of representatives of foreign information media who use the I visa.

Source

URL: <https://oiss.yale.edu/news/dhs-proposes-to-replace-duration-of-status-with-fixed-periods-of-stay-for-f-j-nonimmigrants>

Links

[1] <https://www.federalregister.gov/documents/2025/08/28/2025-16554/establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-for-nonimmigrant> [2] <https://www.federalregister.gov/documents/2025/08/28/2025-16554/establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-for-nonimmigrant#p-11>