PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

PennState Dickinson Law | Center for Immigrants' Rights Clinic

DHS Final Rule to End "Duration of Status" (D/S) for International Students and Exchange Visitors: What You Need to Know[1]

On July 17, 2026, the Department of Homeland Security (DHS) published a final rule that will replace the long-standing "Duration of Status" (D/S) framework for F-1 international students and J-1 exchange visitors with fixed admission periods of no longer than four years.

Under the D/S framework, international students and scholars could generally remain in the United States as long as they continued making progress in their academic or exchange program. The final rule implements a fixed admission period and requires students and scholars to file an application for an Extension of Stay (EOS) if they need more time to complete their program or training. The rule also contains other new restrictions and prohibitions.

The final rule takes effect on September 15, 2026. Individuals already in F-1 or J-1 status before the rule's effective date are subject to transition provisions, and certain temporary exceptions apply.

This resource provides an overview of the final rule, explains its key provisions, and answers common questions for higher education and international students and scholars.

Why is Duration of Status (D/S) important?

Duration of Status (D/S) recognizes that academic and research programs do not always follow a fixed timeline. Program completion may vary based on the nature of a student's course of study, research progress, clinical training, academic opportunities, or other legitimate educational circumstances.

Many academic programs routinely extend beyond four years. For example:

- The median time to complete a bachelor's degree is 4.3 years.
- Numerous academic programs routinely require extensive study that far outlasts the new four-year limit. Ph.D. programs, combined degrees, research-intensive programs, and medical and scientific training programs typically take five or more years to complete.
- J-1 physicians participating in graduate medical education often complete residency and fellowship programs that extend well beyond four years, with some specialized training pathways lasting up to eight years. Nearly 17,000 J-1 physicians currently provide essential patient care while training at more than 770 teaching hospitals across the United States. Requiring them to repeatedly apply for extensions could delay their training and disrupt patient care.

[1] This resource is provided for informational and educational purposes only and does not constitute legal advice. It is intended to provide general information about the Department of Homeland Security's final Duration of Status rule and should not be relied upon as legal advice for any particular situation. Readers should consult qualified legal counsel regarding specific questions or circumstances.

What does it mean to end Duration of Status (D/S)?

Under the existing D/S framework, international students and scholars generally are able to maintain their immigration status by making academic progress or participating in authorized educational or exchange activities. Compliance with immigration requirements is monitored through the Student and Exchange Visitor Information System (SEVIS).

The new rule will replace the current flexible system with fixed admission periods based on the individual's academic or research program length as shown on the I-20 form (for F-1 visa holders) or DS-2019 form (for J-1 visa holders) and for no longer than four years.

Under the rule, international students and scholars generally will be admitted for the shorter of:

- The program end date listed on their Form I-20 or Form DS-2019; or
- Four years, unless another period of admission applies under the regulations.

International students and scholars who need additional time to complete their academic, research, or exchange program generally must apply for an Extension of Stay (EOS) from U.S. Citizenship and Immigration Services (USCIS). In some circumstances, individuals may instead depart the United States and seek readmission with updated immigration documents, provided they remain eligible for admission.

The rule also establishes a lifetime 24-month limit on English language training.

What is an Extension of Stay (EOS) and how does the final rule change the process?

An Extension of Stay is requested by filing a form and submitting the required fee with the U.S. Citizenship and Immigration Services. Many international students and scholars will likely need to apply for one or more Extensions of Stay from the U.S. Citizenship and Immigration Services (USCIS) to complete their academic or training programs or to depart the U.S. and re-enter with an extended I-20 or DS-2019 form.

The final rule requires students and scholars to seek USCIS approval of their EOS request for routine academic and educational activities, including:

- Completing programs that extend beyond four years
- Participating in Optional Practical Training (OPT) or academic training
- Moving to a higher level of study
- Transferring schools
- Transitioning from community colleges and English-language programs into baccalaureate and other degree programs
- Completing programs after minor delays or changes in coursework

Extensions will only be granted for the specific additional time needed, meaning students in longer programs, such as Ph.D. programs, may have to apply for multiple extensions over the course of their studies. Alternatively, individuals may be able to leave the United States and seek reentry using updated immigration documents. This option depends on having a valid visa and

being eligible to reenter the country. Some students and scholars may be prevented from doing so because of entry restrictions, including the travel ban.

How does the final rule impact institutions of higher education?

The final rule changes how many international students and scholars maintain lawful immigration status while pursuing their academic programs or authorized training. As a result:

- Authority over educational timelines will shift from colleges and universities to USCIS adjudicators. The final rule intrudes into academic decision-making traditionally handled by educational institutions.
- Students' ability to complete their studies will depend on lengthy federal immigration processing rather than academic progress.
- Students and scholars will face additional filing fees, paperwork, delays, and uncertainty.
- Campuses will be forced to dedicate significant additional staff time and resources to immigration-related advising and crisis response.

For many students and scholars, these changes may increase uncertainty regarding academic planning, research continuity, and participation in employment or training opportunities. Institutions may also experience increased advising, compliance, and administrative responsibilities associated with implementation of the rule.

What will happen to current F-1 and J-1 students with Duration of Status?

Individuals already in F-1 or J-1 status before the rule's effective date are subject to transition provisions, and certain temporary exceptions apply. They will not have to immediately apply for a date-certain I-94 form, but they must still apply for an Extension of Stay in order to remain in status beyond the program end date on their current Form I-20 or DS-2019, or four years from the final rule effective date, whichever is shorter, and will also be subject to the new academic restrictions in varied ways. If someone in this transition group exits the United States and reenters on or after September 15, 2026, CBP will readmit them with a Form I-94 with a date-specific "admit until" date (AUD).

Will the final rule increase USCIS processing times and administrative burdens?

The final rule is expected to increase the number of applications filed with U.S. Citizenship and Immigration Services (USCIS) by requiring many international students and scholars to submit EOS applications for activities that previously did not require USCIS approval. At the time of issuance of the initial proposed rule in 2025, USCIS already faced a backlog of approximately 11.3 million pending cases. The rule will further increase the number of immigration applications filed with USCIS.

As a result, students and scholars will face delays in receiving status extensions, starting OPT, transitioning to H-1B status, and continuing academic or research activities. These delays could mean that students and scholars risk falling out of lawful status, disrupting academic and employment timelines. Because programs are interconnected, disruptions could prevent students from transitioning into research and workforce opportunities that support the U.S. economy.

What rationale did DHS provide for issuing the final rule?

In the preamble to the final rule, DHS states that the current Duration of Status framework "does not afford immigration officers enough predetermined opportunities to directly verify that aliens granted such nonimmigrant status are engaged only in those activities." DHS also asserts that replacing D/S with fixed periods of admission will address what it characterizes as the potential for "fraud and abuse" under the current system.

Where Can I Find More Resources?

For an excellent overview of the economic and operational consequences of ending Duration of Status, see: Dan Berger, Michael Clemens, Stephen Yale-Loehr, Taylor Joseph, and Ezra L. Brown, What does the new Duration of Status rule mean for international students and workers? (July 17, 2026)

For a resource geared directly for international students and scholars, see: International Student Resource Center, FAQs for international students or scholars regarding the loss of D/S regulation (July 18, 2026)

For a resource geared toward international student and scholar offices, see: NAFSA, DHS Final Rule Ending Duration of Status (July 17, 2026)

For background on the proposed rule released last August 2025, see: Presidents' Alliance, Comments on DHS's Proposed Rule to End Duration of Status, (May 23, 2026)

Conclusion

International students and scholars are integral to U.S. higher education, contributing to STEM fields, research, teaching, graduate education, and innovation. The rule's shift to fixed admission periods and increased reliance on extension applications introduces new constraints that could affect academic progression, research continuity, and institutional planning.

These changes also have broader implications. In 2024/25, international students contributed nearly $43 billion to the U.S. economy and supported nearly 360,000 jobs. Any decline in enrollment or disruptions to student pathways will have harmful effects on colleges and universities, local communities, and regional economies, as well as on the United States' position as the world's top destination for international talent.