

EFFECTIVE SEPTEMBER 15, 2026

The End of Duration of Status

What Every F-1 Student and J-1 Exchange Visitor Needs to Know

DHS eliminates “duration of status” for F, J, and I nonimmigrants, replacing it with a fixed admission period and a new extension-of-stay process.

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What We'll Cover

1 The Big Picture

Why “duration of status” is going away

2 Key Dates & Deadlines

The effective date and the transition calendar

3 Fixed Admission Explained

How your I-94 now works

4 Grace Periods & Extensions

Shorter windows, new EOS filings

5 Limits on Academic Mobility

New restrictions on changing programs or levels

6 Travel & Transition Rules

What happens if you're already here

7 Action Steps

What to do before and after September 15

Duration of Status Is Being Eliminated

Historically, F-1 students and J-1 exchange visitors were admitted for “duration of status” (D/S) — in lawful status for as long as their program end date reflected in their SEVIS record. The new DHS rule replaces D/S with a fixed, calendar-bound admission period for F, J, and most I nonimmigrants.



Fixed Admission Period

You're admitted until a specific date on your I-94 — not indefinitely for your program.

New Term: Admit Until Date (AUD)



Extension of Stay Required

Need more time? File Form I-539 with USCIS before your I-94 expires.

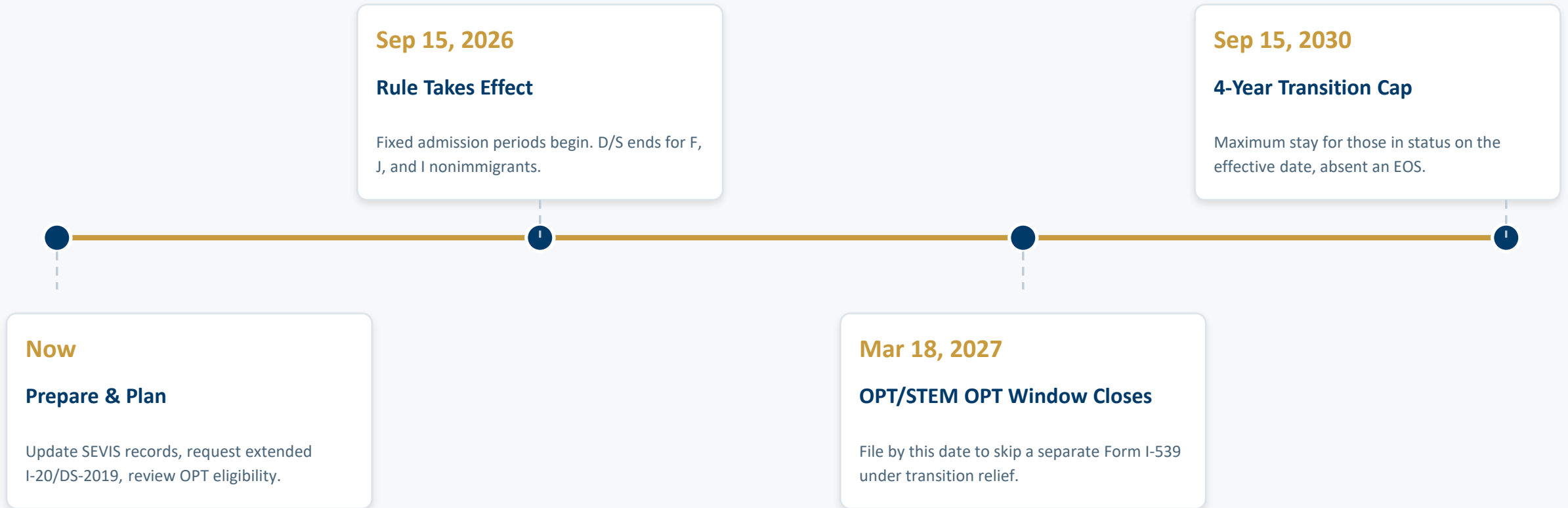
New Term: Extension of Stay (EOS)



Unlawful Presence Accrues

Overstaying your admission date — even briefly — has immediate and long-term consequences.

Key Dates & Deadlines



Dates shown reflect the general transition rule for individuals in valid status on the effective date; specific dates vary by program end date and grace period (F-1 vs. J-1) and depending on travel.

From “Duration of Status” to a Fixed Date

BEFORE

Duration of Status (D/S)

- Admitted through program end date on Form I-20 or DS-2019, as updated by DSO/RO
- SEVIS program extension by your DSO/RO kept you in status
- No fixed expiration date to track on your I-94
- Program changes handled entirely at the school/sponsor level

AFTER — EFFECTIVE 9/15/2026

Fixed Period of Admission

- Admitted until the Program End Date on your I-20 / DS-2019 **not to exceed 4 years**, plus arrival/departure windows
- ±30 days: arrival before start, departure after completion
- Continued lawful status requires a timely filed and approved EOS application with USCIS
- **Your I-94 expiration date — not the I-20/DS-2019 — is the operative deadline**

F-1 Grace Period Cut in Half

The post-completion grace period for F-1 students drops from 60 days to 30 days — now matching the J-1 departure period. This leaves substantially less time to depart, transfer schools, or file a change of status.

- ✓ Begin post-completion planning earlier than ever before
- ✓ Coordinate with your DSO well before your program end date
- ✓ If OPT/STEM OPT is anticipated, file as soon as you're eligible

F-1 GRACE PERIOD

60

days — before

30

days — now

*Applies after completion of studies or practical training.
J-1 exchange visitors already have a 30-day grace
period.*

Programs Over Four Years Need an Extension

Doctoral programs, medical training, architecture programs, and other long-term programs routinely run past four years. The new rule caps admission at 4 years plus a 30-day grace period — regardless of your program's actual length. Applications for extensions and changes of status are likely to require an in-person **biometrics appointment**.



File Form I-539 (EOS)

Submit your Extension of Stay application with USCIS before your I-94 expires, up to 180 days in advance.



Depart & Re-enter

Leave the U.S. and return for a new authorized period of stay, up to 4 more years or program end date (whichever is less).

Caution is advised!



Important: an updated Form I-20 or DS-2019 showing a longer program **no longer, by itself, extends your authorized stay**. Only USCIS approval of a timely EOS — or a new admission — keeps you in status.

Limits on Academic Mobility



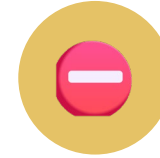
F-1 Students Below Graduate Level

Must complete first academic year of program at the school that initially issued Form I-20 before changing educational objectives or transferring schools, unless SEVP grants exception for extenuating circumstances.



F-1 Graduate Students

May not change programs, majors, or education levels at any point in the program. School transfers may still be permitted in extenuating circumstances.



Same- or Lower-Level Study

Once a program at a given level is completed, F-1 status is not available to pursue a program at that same level or a lower level.



What Counts as an “Extenuating Circumstance”?

SEVP exceptions are narrow — examples include a school closure, a prolonged inability to hold classes due to a natural disaster, or a need to change schools to complete elementary or secondary education.

Practice Tip: Make Changes and Extensions NOW



Any F-1 or J-1 nonimmigrant already in the United States who plans to change programs, start a new degree or exchange program, or needs more time to complete their current program should work with their school or program sponsor to update their SEVIS record and receive an extended/updated Form I-20 or DS-2019 AS SOON AS POSSIBLE, before the final rule takes effect on September 15, 2026.

New Rule for Dependents

When a principal F-1 or J-1 files to extend status along with dependents, all family members must now receive the same, **shortest** approval period.

The approved period is the shortest of:

- 1 4 years
- 2 Program end date
- 3 Earliest passport expiration in the family
- 4 A dependent's age-out date

BEFORE THIS RULE

Everyone in the family could generally be approved through the principal's full program end date — only shortening the one member with an earlier passport or age-out issue.

A POSSIBLE STRATEGY

The family member with the shorter passport or age-out issue may file separately — though this may invite added scrutiny, an RFE, or even denial. Discuss trade-offs with counsel.

Consequences of Overstaying



Even a single day of overstay voids your visa under Section 222(g) — you may only reapply for a visa in your home country.

Unlawful presence begins to accrue the day after your I-94 expires:



Removal Proceedings

Overstaying your I-94 expiration makes you subject to removal proceedings in immigration court.



3-Year Bar

More than 180 days but less than 1 year of unlawful presence results in a 3-year bar on re-entry to the U.S.



10-Year Bar

More than 1 year of unlawful presence results in a 10-year bar on re-entry to the U.S.

Waivers of these bars are limited — speak with an immigration attorney before any overstay occurs.

Transition Rules for Current Students & Scholars

If you're in valid F-1 or J-1 status on September 15, 2026, you don't need to file anything just to benefit from this transition — it applies automatically.

Stay Through

Program End Date on your I-20 / DS-2019 — capped at 4 years from the effective date (no later than **Sept. 15, 2030**)

F-1 Grace Period

60 days retained during this transition (through as late as Nov. 14, 2030)

J-1 Grace Period

30 days retained during this transition (through as late as Oct. 15, 2030)

Filing Requirement

No Form I-539 required solely to receive this transition benefit

CAUTION

International Travel Resets the Clock

If you depart the U.S. after September 15, 2026 and later return, you are readmitted entirely under the new rules — even if you were previously covered by transition relief.

1 New I-94 Expiration

Set to your Program End Date, EAD date, or DS-2019 date — capped at 4 years from re-entry.

2 Only a 30-Day Grace Period

F-1 students lose the 60-day grace period; all revert to 30 days after re-entry.

3 More Filings May Follow

Need more time or a program change? File Form I-539, or depart and seek a new admission.

4 Impact to Pending EOS / COS Applications

Pending Extension of Stay (EOS)

Depending on the documentation presented at the port of entry, F, J, and I nonimmigrants who travel while an **extension** is pending may be readmitted for the balance left on their prior admission period, or for a new, extended period. In the first scenario, the pending extension is not considered abandoned due to travel; in the second, the pending extension is deemed **abandoned** as no longer necessary.

Pending Change of Status (COS)

The final rule codifies DHS's longstanding policy that a **change of status** application will be deemed **abandoned** if the foreign national travels outside the United States while the application is pending.

OPT & STEM OPT Timing Matters

If your DSO recommends you for post-completion OPT or STEM OPT and you timely file Form I-765 **before** March 18, 2027, you will not need to also file Form I-539 — as long as you haven't traveled internationally after the rule takes effect.

1

File Early

OPT/STEM OPT applications may be filed up to 90 days before program end date — file as soon as you're eligible.

2

EAD Approved

Your F-1 status extends through the EAD expiration date, plus a 60-day grace period.

3

EAD Denied

You remain in F-1 status through your Program End Date (or the 4-year cap), plus a 60-day grace period, if still enrolled full-time.

4

Traveled Abroad?

International travel after the effective date means you'll need both Form I-539 and Form I-765.

Most F-1 students graduating December 2026 through May/June 2027 can file OPT applications before March 18, 2027 — and should, to avoid also filing Form I-539.

Automatic Extensions of Work Authorization

F, J, and I nonimmigrants who hold valid employment authorization and timely apply for an extension of stay can benefit from an automatic extension of that employment authorization while the extension is pending.

180

days

STEM OPT Extension

F-1 students who timely apply for a STEM OPT extension continue to receive an automatic 180-day extension of employment authorization — unchanged by this rule.

NEW

240

days

On-Campus, CPT & Hardship EADs

F-1 students with employment authorization for on-campus employment, CPT, or economic hardship are newly eligible for an automatic 240-day extension upon timely filing an extension of stay.

240

days

J-1 & I Nonimmigrants

J and I nonimmigrants continue to benefit from existing rules providing a 240-day automatic extension of employment authorization upon timely filing an extension of stay.

**Not J-2 dependents!*

Special Considerations for Impacted Students & Scholars

Students from travel ban and immigrant visa pause countries, stateless individuals, and those facing document or consular challenges face added risk under fixed-time admission.



Do Not Travel

Avoid international travel to obtain a new admission or extension — re-entry risk is substantial, especially with a pending EOS or OPT application.



Expect Delays

Biometrics, background checks, and Security Advisory Opinions are already extending USCIS and consular processing times.



Plan Early

Meet with your DSO/RO right away; file Form I-765 as soon as the 90-day OPT window opens.



Expect Document Scrutiny

Civil and academic documents face expanded screening — keep certified copies and past passports/visas on hand.



Stay Consistent

Confirm names, dates of birth, and institution names match exactly across all DOS/DHS filings and public profiles.



Mind Public Activity

Political or activism-related content, including on Palestine and other conflict regions, may trigger added vetting and RFEs.

What You Should Do Now



Find your I-94 expiration date today — it will now control your status, not your I-20/DS-2019



Meet with your DSO or RO to review your program timeline and request an updated I-20/DS-2019 if needed



If eligible, file for OPT or STEM OPT as early as possible — ideally before March 18, 2027



If your program runs past 4 years, talk to an immigration attorney about a Form I-539 extension of stay



Think carefully before international travel — it resets your grace period and transition benefits



If traveling with dependents, discuss the family filing strategy with counsel before you file



Questions?

Our Higher Education Immigration Team is here to help you navigate these changes.

*This presentation is for general informational purposes only and does not constitute legal advice.
Please consult your immigration attorney about your individual circumstances.*