



DHS Announcement of Proposed Rule Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure to Replace Duration of Status (D/S)

The U.S. Department of Homeland Security (DHS) published a [proposed rule](#) on September 25, 2020 that would eliminate “duration of status” (D/S) for F students and their dependents, and J students and scholars and their dependents. D/S would be replaced with a fixed period of time determined before arrival. The proposed rule has a 30-day period for comments from the public after which all comments are considered before a final rule is crafted.

Summary of Current Regulations Related to Duration of Status (D/S)

Under current regulations, F-1 and J-1 students and scholars, as well as their visa dependents, are admitted to the U.S. for duration of status (D/S), which means they can stay here for the duration of their I-20/DS-2019, plus any applicable grace periods, as long as they are following all compliance requirements and maintaining their legal status.

Any extensions of stay (extensions of I-20/DS-2019) are processed by the university sponsoring their visa, ensuring compliance with the F-1 or J-1 regulations. We understand that students may need more time to complete their programs for various reasons - research delays and changes, academic program and degree level changes, medical reasons, participating in F-1 Optional Practical Training or J-1 Academic Training, to name a few. J scholars (researchers and professors) may have their DS-2019 extended if they need additional time to complete the goals of their approved Exchange Visitor program.

What would the proposed rule change?

The [proposed rule](#) does not change current visa holders’ immigration status. Here are the major changes that would take place if finalized:

- D/S would be replaced with a fixed period of either two or four years upon admission to the U.S. with a requirement to apply for an extension of stay from USCIS if needed.
- The 60-day grace period for F-1 students after completion of a program or OPT would be reduced from 60 days to 30 days. (The 30-day grace period for J-1 exchange visitors would remain the same.)
- The time period for submission of an Optional Practical Training (OPT) application would be increased from 90 days to 120 days before the program end date on the I-20.

We will update our website as more information becomes available.

For more information and news about the proposed rule, visit the following external websites:

- Article about the rule in [The Chronicle of Higher Education](#)
- Summary of the rule from [The Association of International Educators \(NAFSA\)](#)
- The [international student section](#) of the Presidents’ Alliance on Higher Education and Immigration where we expect more information to be posted