

Global Immigration alert

September 2025

United States

Proposed rule contains significant changes for F-1 and J-1 visa holders

Executive summary

On 28 August 2025, the U.S. Department of Homeland Security (DHS) published a notice of proposed rulemaking to amend its regulations by changing the admission period in the F, J, and I nonimmigrant visa classifications from duration of status (D/S) to admission for a fixed time period. If codified, this proposed rule would also establish a new procedure for applying for an extension of status and would reduce the grace period for F-1 students from 60 to 30 days.

Background and analysis

DHS is proposing that instead of being admitted for duration of status (D/S), individuals applying for F or J status (including dependents) would be admitted only until the program end date noted in their Form I-20 or DS-2019, not to exceed 4 years, plus a period of 30 days following their program end date. For I status (which is available for foreign media representatives), the fixed period of admission would be no more than 240 days. J-1 visa holders are already subject to a 30-day grace period, but the regulation would reduce the F-1 grace period from 60 to 30 days.

If an F-1 or J-1 nonimmigrant is unable to complete their program by the end of the authorized period of admission, they would be required to follow a new process to apply for an extension of status (EOS) established in the proposed rule. The visa holder must apply for EOS with U.S. Citizenship and Immigration Services (USCIS) prior to the previously-granted authorized period of stay along with newly-required evidence that the extension is justified.

An F-1 student, for example, may only be granted the extension if it is established that the student:

- Has continually maintained status;
- Is current pursuing a full course of study; and
- Has a Form I-20 indicating additional time remains to complete the program or documentation confirming that the extension is based on a compelling academic reason, a documented illness or medical condition, or circumstances beyond the student's control such as a natural disaster or closure of an institution

Whereas the determination for extending a program currently rests primarily with the school's Designated School Official, under the proposed rule these determinations would be made by a DHS official.

Notably, F-1 students with timely filed EOS applications still pending with USCIS when their previously-granted authorized period of stay expires will have their current authorization for on-campus and off-campus employment based on severe economic hardship automatically extended for up to 240 days or the end date of the Federal Register notice announcing the suspension of certain regulatory requirements, whichever is earlier. This may result in disruptions to existing work authorization for F-1 students who experience delays in the processing of their EOS applications.

Other Important Impacts

The proposed rule contains many other potentially important provisions, including but not limited to, the following:

- A requirement that any F-1 student who has completed a program at one educational level only be allowed to begin another program at a higher education level and prohibiting a change to a program at the same or lower educational level. ***Note:** this requirement, if implemented, would remove the ability of F-1 students to pursue subsequent degrees at the same level and associated work authorization (often referred to as Day 1 Curricular Practical Training).
- A requirement that F-1 students complete their first year of academic study at the school that initially issued their Form I-20, unless an exception is authorized through the U.S. Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Program (SEVP)
- A prohibition on F-1 graduate students changing programs at any point during a program of study
- A requirement that a change in educational objectives requires SEVP approval
- Changing the reinstatement process to require a filing with USCIS and direct DHS approval
- Clarifying automatic extension of visa validity (i.e., Automatic Visa Revalidation) provisions for F, J, and M nonimmigrants, to grant U.S. Customs and Border Protection (CBP) officials discretion in deciding whether to admit an applicant for admission after travel to contiguous territories and adjacent islands for less than 30 days

What this means

Public comments on the proposed rule must be submitted by 29 September 2025. There is also a concurrent 60-day comment period on proposed changes to affected "information collection" instruments, including SEVIS (Forms I-17 and I-20) and USCIS Forms I-539 and I-765.

Per the federal rulemaking process, following the close of the public comment periods, the agency will review and address submitted comments before finalizing the rule. A rule is considered final once published in the Federal Register, typically with a corresponding effective date.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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