

Duration of Status Explainer



What is Duration of Status?

When an international student or exchange visitor arrives in the United States, they must be cleared for entry by a Department of Homeland Security (DHS) Customs and Border Protection (CBP) officer at the port of entry. The CBP officer issues documentation stating how long the student or exchange visitor **may remain legally** in the United States. This is distinct from the visa validity period determined by the Department of State (DOS). **Since the early 1990s, CBP has admitted students (F visa status) and exchange visitors (J visa status) for a period known as “duration of status” (D/S).** Unlike most other nonimmigrants who are admitted with an exact date of expiration of legal immigration status, **D/S allows F students and J exchange visitors to remain in the country as long as they are making normal progress** towards completing their academic or research objectives or are engaging in optional practical training (OPT). Their school or exchange program must also report their activities to DHS and DOS in the Student and Exchange Visitor Information System (SEVIS) database.

Proposed Rule to Eliminate D/S

In a proposed rule published on August 28, 2025, DHS set out **a plan to eliminate D/S and replace it with a system that admits F students and J exchange visitors with an exact date** that coincides with the program end date noted on their immigration form, not to exceed four years. This means students and exchange visitors who need more time to accomplish their purpose, whether that be completion of a degree program or other endeavors, would have to apply and pay for a formal extension of stay from DHS' U.S. Citizenship and Immigration Services (USCIS).

A similar effort to end D/S was undertaken in 2020 near the end of the first Trump administration, though it was not successful. The rationale for DHS ending D/S is the same as it was in 2020. Namely, the agency claims that a high number of international students overstay their status and that the large volume of F academic students and J exchange visitors limits its monitoring capacity, reduces opportunities for immigration officers to verify compliance with authorized activities, undermines enforcement of inadmissibility grounds, and creates opportunities for fraud and abuse.

Harmful Implications for Students and Institutions if D/S is Abolished

If D/S is abolished, students and exchange visitors will need to file for an extension with USCIS to:

- Complete a PhD program;
- Complete an undergraduate program that requires more time than four years;
- Complete any program where a student falls a few credits short of graduation requirements;
- Engage in post-completion practical training or academic training,
- Move to a higher level of study;
- Transition from an English language program into a degree program; or
- Transfer to a new school or program sponsor.

The proposed rule also **prohibits F-1 graduate students from changing educational objectives or transferring** from within the United States, without explanation for why that is necessary.

Participants in PhD programs in the United States will face a particular hardship as the median time to complete this degree is 5.7 years, according to the National Center for Science and Engineering Statistics, or is as high as 7.3 years, based on National Center for Education Statistics data. This means that **nearly every international PhD student will be required to file for an extension of international student status**. The ability of PhD students to complete their studies will be in the hands of USCIS and not their higher education institution.

Duration of status is a logical policy, especially given that students and exchange visitors are the most closely tracked visitors to the United States through SEVIS. Ending D/S is unnecessary. **The greatest burden will be placed on students and exchange visitors who will experience tremendous backlogs.** In fact, USCIS has long demonstrated it is not capable of processing applications efficiently. Reporting by *Newsweek* indicates that USCIS has a record backlog of 11.3 million pending cases.¹ Processing of applications for extension of stay (Form I-539) often takes USCIS five to six months but can take as long as 12 to 18 months. Clearly, **increasing USCIS' caseload will only result in greater backlogs.**

If USCIS denies a student or exchange visitor's application for extension of stay, the individual becomes subject to **"unlawful presence"** the day after the issuance of the denial, opening themselves up to possible removal proceedings and years-long bars preventing them from returning to the United States.

Institutional harm will also result from ending D/S. Institutions should anticipate:

- Increased student and exchange visitor confusion;
- Higher costs and delays for students and exchange visitors (filing fees, biometrics, interviews, legal representation);
- Potential enrollment and research declines;
- Increased workload for international office staff (DHS estimates that Designated School Officials and Responsible Officers will have to spend approximately 67 hours for rule familiarization and adaptation in the first year after the rule takes effect);
- Training and adaptation costs for international office staff (estimated by DHS at \$93.3 million across the sector in year one);
- Possible increase in legal liability.

U.S. higher education is already under enormous pressure due to a slate of unwelcoming immigration policies and executive orders. Ending D/S would add yet another significant deterrent to talented students and exchange visitors who are seeking a predictable educational experience or research opportunity in the United States. **These students and exchange visitors generate billions of dollars of spending in local economies and contribute groundbreaking research and innovation** that maintains the United States' critical edge in a competitive global economy. Driving away international talent is predicted to cost the U.S. economy \$7 billion in revenue and more than 60,000 jobs in the upcoming 2025-2026 academic year.²

¹ <https://www.newsweek.com/us-immigration-backlog-hits-all-time-high-2095846>

² <https://www.nafsa.org/fall-2025-international-student-enrollment-outlook-and-economic-impact>

Rationale for Retaining D/S

- **DHS assertions of the prevalence of overstays are baseless.** To calculate overstays, DHS relies on deeply flawed data that inaccurately inflates the number of individuals who overstay. To require students and exchange visitors to apply for extensions of stay is to disregard the 30-year history of expert management by school and program-designated institutional officials and is duplicative of the notification system already accomplished by SEVIS.
- **International students and exchange visitors are already rigorously tracked in the SEVIS database and are the most closely monitored nonimmigrants in the country.** SEVIS is continuously updated by DHS agencies and U.S. colleges and universities to include dates of entry, periods of authorized study, OPT, and other detailed information. SEVIS data already adequately alerts U.S. Immigration and Customs Enforcement (ICE) and DOS when an international student or exchange visitor overstays or otherwise potentially fails to comply with the law.
- **A fixed expiration date policy would unnecessarily create a tremendous administrative burden for the already-strapped USCIS.** There is no reason to believe USCIS will be able to successfully manage the additional filings the elimination of D/S would generate. For example, as of August 26, 2025, the processing time for an extension of status request at USCIS' California Service Center is 7.5 months while there is a 7 month long wait at the Nebraska Service Center
- **International students and exchange visitors need flexibility in their status to match the varied and individual educational and/or research paths they may pursue.** For example, it is common for students—international and domestic—to seek additional degrees and to need additional time to complete a degree or program.
- **Losing D/S would reduce the appeal of a U.S. higher education and curtail participation in OPT, to the detriment of the U.S. economy and employers.** Access to post-graduate career pathways is a vital consideration for international students when choosing where in the world to study. If participating in OPT required an additional filing of extension of status, that would likely be considered a negative factor.