Duration of Status: A Critical Tool in the Global Competition for Talent

We urge Congress to pass legislation that codifies the Duration of Status policy to ensure America can attract and retain the global talent needed to complement our domestic workforce and maintain U.S. preeminence in research and innovation.

The Duration of Status (D/S) policy allows international students and exchange visitors to remain legally in the United States as long as they are progressing in their studies or research or are engaged in OPT or academic training. A rule proposed by the U.S. Department of Homeland Security (DHS) would eliminate this long-standing policy and replace it with an exact date, not to exceed four years. Doing so would jeopardize America's reputation as the top destination for global talent as it will push the world's best and brightest to other more welcoming destinations.

What is Duration of Status?

Since the 1970s**, international students (F status) and exchange visitors (J status) have been admitted to the United States for a period known as "Duration of Status."** This is distinct from the visa validity period determined by the Department of State (DOS). 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 post-study experiential learning like 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.

Final Rule to Eliminate D/S

In a final rule published on July 17, 2026, 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). There is no guarantee that USCIS will timely adjudicate these extension requests or provide deference to the schools' or programs' determination of making normal progress.

In August 2026, NAFSA and other plaintiffs filed a lawsuit challenging the final rule. In November 2026, a federal court vacated the final rule and preserved the Duration of Status policy **but a legislative solution is needed to ensure D/S is enshrined in immigration law**.

A similar effort to end D/S was undertaken in 2020 near the end of the first Trump administration, though it was not successful. As was the case in 2020, DHS did not fully considered the effectiveness of SEVIS which already tracks international students and exchange visitors nor the exceptional contributions these individuals bring to the United States.

Ending D/S will Harm U.S. Innovation and Competition for Top Talent

International students and exchange visitors are assets to academic and scientific innovation, public diplomacy, economic vitality, and national security. **They generate billions of dollars of spending in local economies and collaborate with domestic talent to generate groundbreaking research and innovation** that fuels the United States' critical edge in a competitive global economy. Students who fear they will not be able to maintain status through the duration of their studies will see studying in the United States as risky, especially when other countries proactively recruit them.

Driving away international talent cost the U.S. economy $2.4 billion in revenue in fall 2026[1] and weakens America's reputation as the world's top producer of technological innovation—especially in the STEM fields where the U.S. has a critical workforce shortage, to the benefit of other countries. For towns and cities facing demographic declines, international students bolster economic growth and innovation while they study and after they graduate when they participate in experiential learning like OPT. For example, **losing one-third of international students in U.S. STEM fields would cause long-term GDP losses of $240 to $481 billion each year[2].**

The Rationale for Ending D/S is Flawed

- **DHS assertions of the prevalence of overstays are baseless**. DHS claims that a high number of international students overstay their status. However, in calculating overstays, DHS relies on deeply flawed data that inaccurately inflates the number of individuals who overstay.
- **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 ending D/S would generate. For example, in August 2025, the processing time for an extension of status request was 7.5 months at the USCIS California Service Center and 7 months at the Nebraska Service Center.

International students already must navigate a slate of unwelcoming immigration policies and executive orders to bring their talents to the United States. Protecting D/S through legislation would be a meaningful signal to students and exchange visitors that they are welcome to contribute to the U.S. economy, innovation, and global competitiveness.

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[1] Nafsa.org/fall2026report
[2] https://tinyurl.com/brain-freeze-paper