

## High-level Guidance to Submit Comments on the DHS Proposed Rule to End Duration of Status

### Steps to Submit Your Comment Deadline: September 29, 2025

**DRAFT.** Using this guidance, work with the appropriate stakeholders at your institution to draft your institution's comment and convert to a text-searchable PDF.

- As you draft your comment, keep in mind that the following pages are intended to help guide you and give you an example and ideas, **but the comment should be edited with your original input.** Any text included in an institutional comment should be, where possible, unique, as DHS may bundle any comments that are too similar to each other. Feel free to choose which bullet points you want to focus on and the arguments that are most relevant to your institution and edit them to better reflect your institution's perspective on the issue. You do not need to cite this document in your comment, nor do you need to provide all of the information suggested.
- As always, when providing potentially personally identifiable information, be sure to **consider protection of student information under FERPA** and discuss with your general counsel's office as well.
- Institutional comments should be signed by a representative of the institution and provide the business contact information of the representative for any follow-up questions or concerns. However, keep in mind that this comment will be publicly available, so personal addresses or cell phone numbers are not recommended. Who signs the letter is at the discretion of the institution and does not impact the review of the letter.

**SUBMIT. Comments can only be submitted online.** Visit <https://www.federalregister.gov/documents/2025/08/28/2025-16554/establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-for-nonimmigrant>. Click on "Submit a Public Comment." The button will look like this:



SUBMIT A PUBLIC COMMENT

You can also click [here](#) for the direct link to the comment box. Either enter your comment in the text box (must be fewer than 5,000 characters) or upload your comment as a text-searchable PDF (we recommend submitting a PDF).

## Duration of Status Template Comment Guidance

### **I. The proposed four-year date-specific admission is insufficient and does not conform to academic programs, harming students and visitors' ability to complete their programs.**

The proposed rule establishes a fixed period of admission for the shorter of four years or the end date of the academic program provided on the Form I-20 or DS-2019. Any student or exchange visitor seeking to extend their status beyond that time will be required to submit an extension of stay (EOS) request with the U.S. Citizenship and Immigration Services (USCIS), to be granted or denied at the discretion of USCIS officers.

- **Collect** information from your institution on time-to-completion for degrees and programs on your campus, including those at the following levels:
  - Undergraduate degree
  - Master's degree
  - Other graduate degree programs, including PhD programs
  - Medical degrees
  - Law degree programs
  - Dual degree programs
  - Exchange visitor programs
- **Consider** discussing the timeline for degree or program completion at your institution, or, in the alternative the common circumstances where a F-1 or J-1 visa holder might need to extend beyond four years or the program end date listed on their Form I-20.
- **Provide** examples of and why degree programs that may require more than a four-year admission period.
  - Possible examples include graduate-level and PhD programs, medical training, study abroad opportunities, and coop programs.
  - Consider using field-specific data such as degrees, including those focused on STEM programs like engineering, artificial intelligence, and other programs.
  - If you cannot include institution specific data, consider mentioning that according to the National Center for Education Statistics, a median for completing a bachelor's degree is 52 months, or 4.3 years, and the National Science Foundation reports a median of 5.7 years for completing a Ph.D.<sup>1</sup>
- **Highlight**, if possible, that imposing a four-year period of admission will increase the economic burden of international students in the U.S., as well as introduce a significant amount of uncertainty in students' coursework.<sup>2</sup> Providing examples wherever possible is helpful.
- **Consider** discussing the number of students that make use of Optional Practical Training (OPT) and the 24-month extension for STEM degrees.

### **II. The proposed rule is a significant, unwarranted, unnecessary and harmful intrusion into academic decision-making and restricts academic mobility.**

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<sup>1</sup> <https://nces.ed.gov/fastfacts/display.asp?id=569> ; <https://nces.nsf.gov/surveys/earned-doctorates/2023#data>

<sup>2</sup> NAFFSA data

The proposed rule includes changes that would serve as a **significant** intrusion into the academic and programmatic decision-making of universities. The proposed rule takes away from the institution the decision as to whether a student is making appropriate progress toward completing studies by requiring filings of extensions of stay.

- **Consider** explaining the expertise and experience of your staff and the information and circumstances taken into consideration when factoring in whether students are making appropriate progress towards completing a degree or other study.
- **Discuss** why academic progress decisions are best made by a school official, and how the proposed rule inserts USCIS officers into academic decisions best left to universities.

In addition, the proposed rule restricts the **academic mobility** of international students by restricting their options to change their educational objectives. The proposed rule **does not allow** F-1 students within the first year of a program of study at any degree level below graduate level to change programs or educational objectives, including programs, majors, or educational levels. International students at graduate level or above **may not change programs at any point during a program of study**. All international students are also prohibited from pursuing additional degree opportunities that are lateral or below an already completed academic program.

Describe the impact on your institution if these prohibitions are implemented.

- **Consider including** information on your institutions' current annual school transfers within and outside your institution. Consider focusing on the new proposed rule bar on transfers within the first year of study.
- **Consider including** your institutions' current statistics of graduate students changing programs and the potential impact on recruitment.
- **Consider including** your institutions' current annual statistics of international student changes of academic level (e.g., bachelor's to master's, ESL to undergraduate).
- **Discuss** the importance of students being able to change educational objectives in the context of undergraduate and graduate programs.
- **Highlight** the lack of clarity provided by the proposed rule concerning educational levels considered to be lateral or lower than other degrees.
  - **Discuss** the potential impact on international students who begin a PhD program, but for valid reasons, instead enter a Masters' program.
  - **Provide examples** of non-traditional or non-linear students and describe the impact of the rule's bar on pursuing a program at the same education level (a bar on "reverse matriculation"). Include data on the number of students who engage in study at the same or lower level of a previously earned degree.
- **Provide** potential conflicts with transfer and change-of-level processes already regulated through SEVIS.

### **III. International students and exchange visitors contribute immensely to our campuses, communities, and country.**

For the below, and your comments more broadly, before providing potentially personal information, **be sure to consider protection of student information under FERPA and discuss the information provided with your general counsel's office as well.**

- **Provide** examples of the contributions your international students and exchange visitors have made to your university, including contributions to research or education, as well as contributions of international students more broadly to your communities, U.S. citizens, and the U.S. economy. Where possible consider speaking broadly about contributions of past students and/or exchange visitors.
- **Provide** examples, if available, of how international students make it possible for your institution to offer classes/majors to U.S. students whether it is through their presence in classrooms (if there is not enough domestic demand to sustain them) or acting as TAs or research assistants.
- **Explain** how international students provide domestic students with necessary cultural competency that is so important to success in a global market for employment and ideas.
- **Consider** discussing how the proposed changes would have a significantly greater economic impact on your institution of higher education, your students, and your communities than anticipated by DHS and ICE, including from the loss of international students, interruptions to research, and more.

#### **IV. SEVIS is already sufficient to accomplish DHS's goals, so the rule is duplicative, wasteful, and unnecessary.**

The Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Program (SEVP) has a two-decades old robust system in place to certify institutions to enroll international students and exchange visitors and to track them throughout their study or program. This Student and Exchange Information System (SEVIS), provides DHS an early and ongoing opportunity to prevent and identify fraud and abuse of the F-1 and J-1 nonimmigrant status. SEVIS allows for the collection of information related to international students and exchange visitors and provides much of the information DHS would request via the extension application process.

- **Describe** your institutions' staff and resources allocated to SEVIS compliance.
- **Discuss** your institution's process for determining a need to extend a student's status to complete their academic program. Provide compelling examples of situations where this kind of action is necessary.
- **Explain and quantify**, where possible, additional costs and time associated with needed training, hiring of additional full time employees, and additional considerations that will now need to be taken into consideration.

#### **V. The proposed rule does not consider the significant USCIS backlog and historic processing delays, particularly affecting Form I-539 extensions of stay applications.**

USCIS is currently facing a historic backlog of 11.3 million cases.<sup>3</sup> DHS estimates in the proposed rule that an additional 414,000 extension requests would be filed each year as a result of the changes in the proposed rule. This is a significant increase over the 253,876 EOS

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<sup>3</sup> U.S. Citizenship and Immigration Services. (2025, June 30). *All USCIS application and petition form types (Fiscal Year 2025, Quarter 2)* [Data file]. U.S. Department of Homeland Security.  
[https://www.uscis.gov/sites/default/files/document/data/quarterly\\_all\\_forms\\_fy2025\\_q2.xlsx](https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2025_q2.xlsx).

applications filed in FY2024<sup>4</sup>, and would be a significant workload that the agency would be required to take on.

- **Discuss** how this kind of increase could lead to worsening processing delays, not just for these applications, but for other immigration benefits as well.
- **Discuss** how delays or potentially erroneous adjudications could have a negative impact both on current and prospective international students' interest in studying in the United States.
- **Consider** explaining how delays for the adjudication of extensions tied to students on OPT or J-1 exchange visitors could disrupt the operations of U.S. businesses, research, and in some cases patient care.
- **Consider collecting** the number of EOS filings required annually on your campus if this rule was to be implemented. Remember, filing EOS will be required for students or exchange visitors who are unable to complete their studies or program within a four-year admission period or the period of time on their I-20 or DS-2019, whichever is shorter. Using the data gathered on the timeline for completion of studies or programs that go beyond the four-year admission period, consider also providing the following:
  - Annual number of F-1 **extension of stay**, post-completion **OPT/STEM OPT**, and **transfer** I-20s issued.
  - Annual number of J-1 **extension of stay** (including for post-completion Academic Training) and **transfer** DS-2019s issued.
  - Annual number of **reduced course load** authorizations.
  - If possible, describe the financial impact on your students and exchange visitors. You may also want to describe the logistical hurdles (e.g. the requirement to submit biometrics).

## **VI. The proposed rule would make US higher education less competitive internationally.**

The changes made in the proposed rule would discourage international students and exchange visitors from applying to programs at U.S. institutions, which will hamper U.S. leadership and **competitiveness in critical fields**.

- **Discuss** the impact of the disincentive the proposed rule creates for talented, innovative, and motivated international students and scholars to choose to attend and contribute to your institution and the U.S. more broadly.
- **Consider** using NAFSA's International Student Economic Value Tool to emphasize the economic impact.
- **Consider** discussing how other nations are making their immigration systems more welcoming for international students and exchange visitors and are becoming a more attractive option for many of these individuals.

## **VII. A minimum of 60 days is required for meaningful public comment on the proposed rulemaking.**

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<sup>4</sup> U.S. Citizenship and Immigration Services. (2024, December 29). *All USCIS application and petition form types (Fiscal Year 2024, Quarter 4)* [Data file]. U.S. Department of Homeland Security.  
[https://www.uscis.gov/sites/default/files/document/data/quarterly\\_all\\_forms\\_fy2024\\_q4.xlsx](https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2024_q4.xlsx).

- ***Mention*** that only 30 days was provided to respond to this proposed rulemaking despite the complex and substantial nature of the changes it proposes affecting U.S. institutions, international students, and exchange visitors, and the significant impact it will have on the United States.
- ***Discuss*** why 30 days is insufficient to gather the necessary information to produce a meaningful public comment.