

Town Hall: New Immigration Rules

**For International
Students and Scholars**
in F and J Immigration Status

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Introduction

- **Title:** *Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students and Exchange Visitors*
- What is your involvement? Are you an
 - International Student
 - International Scholar
 - Faculty Member
 - Departmental staff

What is the reason for this rule change?

The stated purpose of the rule is to create better “oversight” of international students and scholars in the U.S.

F and J visa status is temporary; the current government feels that individuals are abusing the system to remain in the U.S. too long

Under the current Duration of Status (D/S) admission system, people who stay beyond their program dates are out of status, but not subject to visa overstay and unlawful presence provisions of U.S. immigration law

What is the reason for this rule change?

Currently, individuals with D/S can be removed but can return without consequence with a valid visa.

With a fixed date, those who overstay the end date given at admission will be subject to 3 and 10-year bars from re-entry that apply to other types of non-immigrant visa categories.

What does the new rule do?

Creates a fixed end or “Admit Until Date” (AUD) on the I-94

The AUD should be the end of form I-20/DS-2019 given by the school (plus 30-day grace period) or 4 years - whichever is sooner

An exit and reentry OR an extension application to USCIS will be required to continue a program in the U.S.

But.... Officers CAN assign an earlier date at admission to the U.S., such as the date of passport expiration.

What does the new rule do?

Creates and an additional end date! – the AUD

Permission to remain in the U.S. still ends on the soonest of :

- The date the current program ends plus grace period
- The end date on the I-20/DS-2019

AND NOW ALSO

- The AUD/I-94 end date

The rule becomes effective on September 15, 2026, unless the government changes the date or it is blocked by litigation (currently underway)

What does the new rule do?

For students, the rule ALSO contains restrictions in major, program and school changes for all and by student level

The way the rule is written, many of the program change restrictions are unclear

The rule has transition provisions for those who enter the U.S. before the effective date (currently 9/15/2026)

Transition provisions for those in the U.S.



F and J status holders who enter the U.S. before September 15, 2026, AND DO NOT LEAVE are subject to transition provisions (not a full “grandfathering” clause)



If the person remains in the U.S. in the same program, with a valid I-20/DS-2019 their permission to remain in the U.S. will end on November 14, 2030

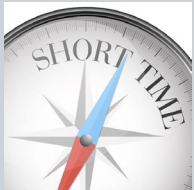


This means they must leave or have an extension application filed on form I-539 with USCIS **BEFORE** November 14, 2030, to remain legally.

Transition provisions for those in the U.S.



Fs and Js who travel out of the U.S. and return after September 15, 2026, will receive a fixed end date (AUD) on the I-94 and will NO LONGER QUALIFY for transition provisions.



ALSO - F1 students will change to a 30-day grace period instead of a 60-day grace period (like Js have now)



To extend or enter a new program/school an extension on form I-539 to USCIS or exit and re-entry is required. One can continue in the program while the extension application is in process but:

Work will be limited to specific conditions
Have to leave if the application is denied

Transition provisions that DIFFER for Fs and Js

IF THEY DO NOT LEAVE!!!

F1 students can apply for Optional Practical Training (OPT) before March 18, 2027, without having to ALSO file an I-539 extension of status application. After that date they will have to file an I-539 extension along with the I-765 application for OPT.

J1s who apply for an extension on form I-539 with USCIS before March 18, 2027, can continue working until the end date of the new DS-2019.

Dependents

- Dependents in F2/J2 status are subject to the same rules
- In addition:
 - The F2/J2 would always have to act (apply for an extension or travel and reenter) before the F1/J1 end date no matter what their own end date is while they are in F2/J2 status
 - The F2/J2 could complicate the permission to stay of the F1/J1 if they travel outside the U.S. without the F1/J1 – these effects are not yet fully known.

Extension Procedures and Consequences

Students and their dependents will now need to file an extension application to USCIS or travel and re-enter BEFORE their permission to stay expires and when making changes to the current program (at least if more time is needed; not sure what happens if more time is NOT needed.)

The I-539 extension of stay application should be submitted to USCIS as SOON AS POSSIBLE. Preferred is 6 months or more in advance but may not be allowed that soon.

The application MUST be received by USCIS before their permission to stay expires or they MUST leave the U.S.

Extension Procedures and Consequences

- Those who have filed a “timely” extension application can continue to study in the same or the new program until the extension application is processed.
- If denied, the student must leave the U.S. immediately.
- The preamble to the rule states that the student can also leave and re-enter to process an extension. This process is not listed in the actual rule possibly because it is presumed.
- Continued work while the extension application is in process will depend on F or J status and the date filed. If the application is denied, all study and work must stop.

Program Change and Transfer Restrictions

- New restrictions in these rules apply mostly to F1 students; J1s are already restricted by current rules.
- New restrictions for F1 students depend on the current level of study and any level of study they complete in the U.S. after the rule takes effect on September 15, 2026.

Work while Extensions/Changes are in Process: F status

F1 students who apply before their current program ends and before their grace period starts will be able to continue to work in “on campus employment” or Curricular Practical Training (CPT) for 240 days while the application is in process

F1 students who apply during their grace period will be able to study but will not be able to work until the extension application is approved

Work while Extensions/Changes are in Process: J status

J1s who file before March 18, 2027, will be able to continue work until the end of the new DS-2019 (filed with the extension)

J1s who file after March 18, 2027, will be able to continue work for 240 days while the extension is in process

J2 dependents with work authorization must STOP all work while the extension is in process

F1 Program Change Restrictions: **ALL LEVELS**

- F1 students who complete a program at one academic level will be prohibited from completing a program at the same or a lower level of study
- If you completed a degree in the U.S. in F1 status (including OPT for that level?) BEFORE the rule effective date, you are not subject to this restriction but keep in mind that an extension application to engage in a program at that same level could possibly be denied

F1 Program Change Restrictions: **BELOW** the Graduate Level

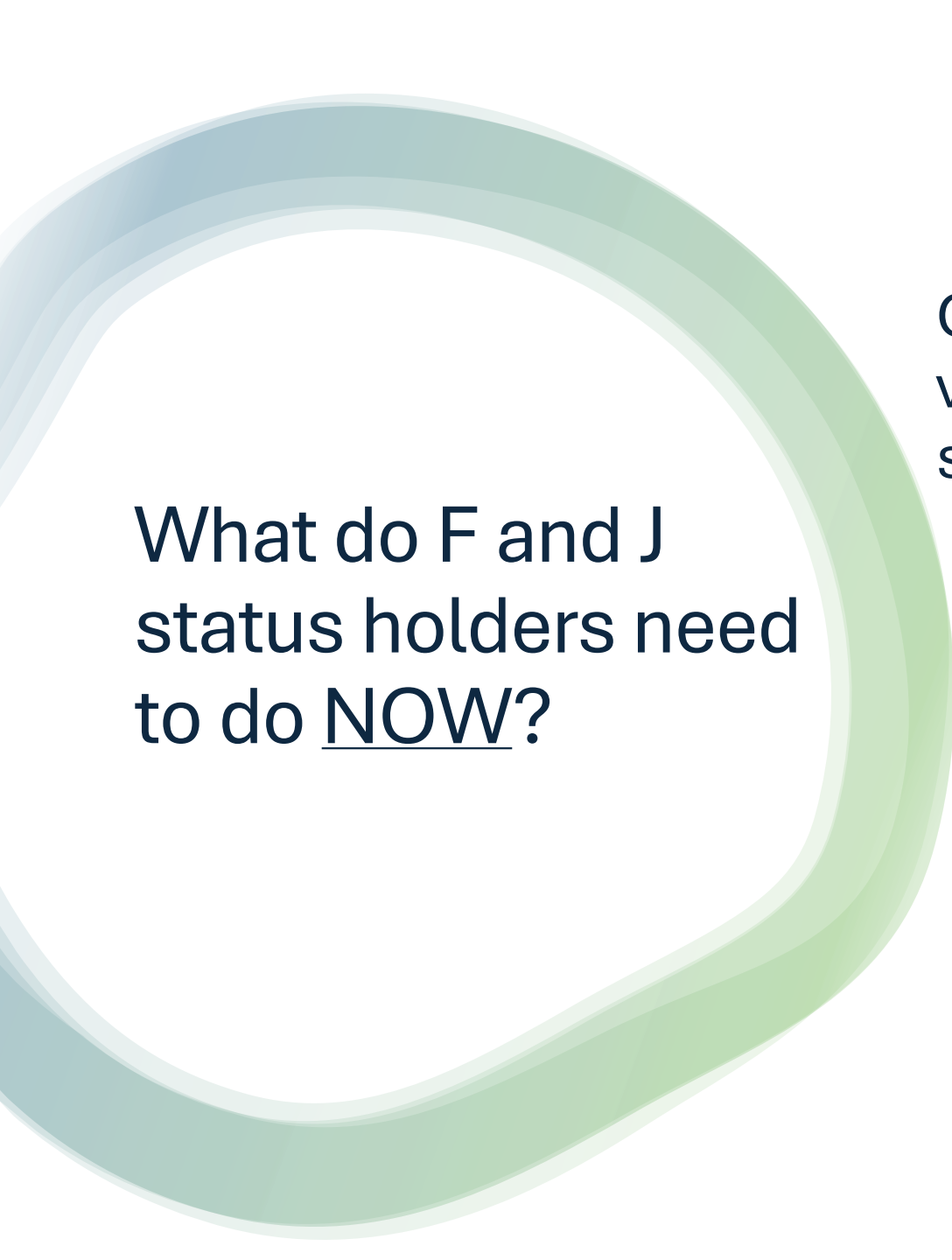
- F1 students in ESL, Associates, Bachelor's, and other programs **BELOW** the graduate level **CANNOT** change major, school or level for the first academic year in the U.S.
- After one academic year, change is permitted
- Unclear? Need to apply for an extension of status if current I-20 still has enough to complete the new program
- Unclear? Need to immediately apply for an extension if you know you will need more time to complete the new program.

F1 Program Change Restrictions: AT the Graduate Level

- F1 students at the graduate level CANNOT change major, school or level at all until they complete the current program of study
- After completing the current program of study, you would need to file an extension application with a new I-20 to complete a higher program at the same or a different school (or reenter)
- Dual degree programs SHOULD be listed on the I-20 before the program starts!

Uncertainties

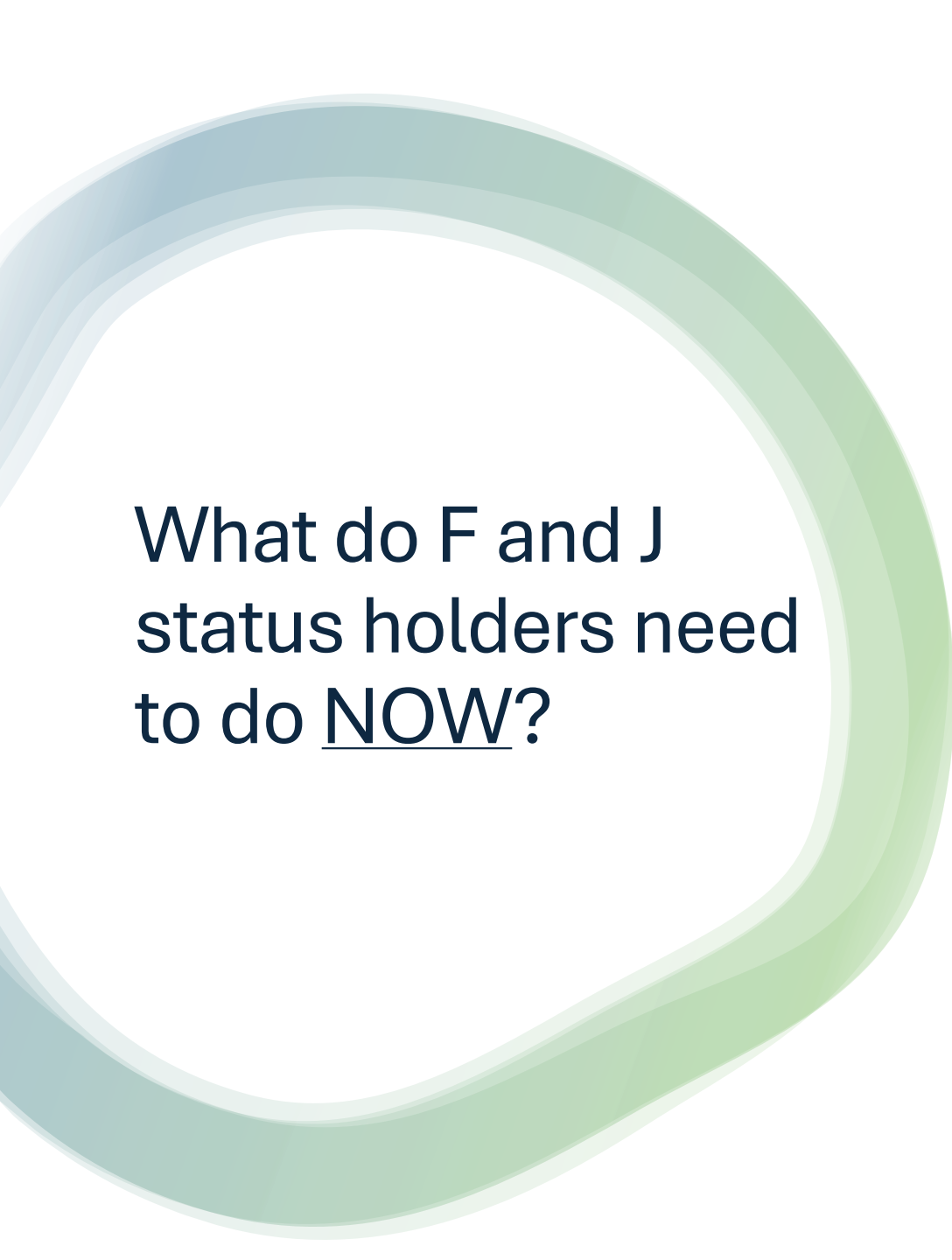
- These regulations are complex and many specifics remain unknown
- A legal challenge has been filed, and congress could intervene to change this rule
- Continue to follow information that GEO sends about any changes or clarifications



What do F and J status holders need to do NOW?

Continue to Maintain status and avoid violations that will end your permission to stay. To do so you must always:

1. Maintain full-time participation in your program
2. Report address changes (**mygeo** and *my.unm.edu*)
3. Refrain from unauthorized employment
4. Track the expiration dates of ALL immigration documents – ALL Documents MUST remain valid while in the US EXCEPT the visa:
 - Passport
 - I-20/DS2019
 - I-94 (new end date is called the AUD)
 - Visa (must be valid to ENTER the U.S. only)



What do F and J status holders need to do NOW?

- Apply for an extension before the end of August if more time is needed to finish the current program
- If you were planning to change program or school this year, consider moving up the timeline to do so before September 15, 2026, if possible
- Plan for any program or school changes as far in advance as possible and save for extension filing fees



Q & A

- Try to ask general questions or hypothetical questions
- Refrain from too much personal detail
- Remember that for complete and accurate answers to specific personal questions meet with an international advisor and possibly an immigration attorney