



**GREEN & SPIEGEL**

IMMIGRATION LAW



**LEHIGH**  
UNIVERSITY

# Changes to F-1 & J-1 Status

## Moving from D/S to Admit Until Date

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# Agenda

- Overview of D/S & new fixed-date admission
- Related immigration policy updates
- Transition period benefits
- Form I-94
- Extensions of status
- OPT
- Key takeaways

Caveats:

- This session is not a comprehensive review of all changes
- This session is informational and does not constitute legal advice.

# How Duration of Status (D/S) Worked

- Form I-94 showed **D/S** instead of a fixed admit until date.
- F-1 and J-1 visa holders could remain in the U.S. while maintaining status and participating in authorized academic, exchange, or training activities.
- International Services tracked program information in SEVIS and issued an updated I-20 or DS-2019 when an eligible program extension was needed.
- A program extension did not require Form I-539 to be filed with USCIS.

## Effective date: September 15

- Admit until date (AUD) replaces D/S
- Restrictions on school transfers, changes of objective/major, and level
- New extension of stay process (EOS)

## Presidents' Alliance of Higher Education and Immigration v. U.S. Department of Homeland Security

- Challenging whether DHS adequately reviewed and meaningfully responded to the many challenges, costs, less burdensome alternatives, etc.
- Hearing set for Thursday
- Litigation is a long and drawn out process...



- Recent DHS Guidance on CPT
- Proposed OPT Fees & Changes

# Transition “Benefits”

## ▶ Transition Benefits apply IF:

- ▶ Last entry to U.S. before 09/15/26
- ▶ Hold “D/S” I-94 (CBP or USCIS)

## ▶ Benefits:

- ▶ Continue on D/S I-94 for up to another 4-years
- ▶ 60-day grace period (instead of 30)
- ▶ Waived requirement to file I-539 for OPT *if I-765 filed before 3/18/27.*
- ▶ USCIS *might* extend this I-539 waiver... stay tuned.

## ▶ Transition Benefits LOST:

- ▶ ANY international travel returning on or after 9/15/26
- ▶ Filing for extension of F-1 status with USCIS
- ▶ At the end of your program
- ▶ No later than 4 years from now

## ▶ No longer in the transition group:

- ▶ Date-certain I-94 AUD
- ▶ 30-day grace period (as specified on new I-94)
- ▶ Must file both I-539 and I-765 for OPT

## AUD = Admit Until Date

**F/J students and scholars** who are admitted or readmitted to the U.S. on or after September 15, 2026:

- Receive I-94 upon entry with fixed end date, either:
  - Program end date shown on Form I-20/DS-2019; OR
  - 4-year period, **whichever is shorter.**
- **AUD listed on your most recently issued Form I-94 rules.**
- *AUD should include and incorporate:*
  - *The shorter of the two above options as determined by CBP/USCIS*
  - *30-day grace period*



# Most Recently Issued I-94

*Note: Your Most Recent I-94 rules!*

*I-94 records can be issued/updated by either CBP or USCIS*



## Most Recent I-94

### Note to employers, local, state or federal agency granting benefits:

Please visit the CBP I-94/I-95 Website and click on the tab for "Get Most Recent I-94/I-95" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the "Get Most Recent I-94/I-95" returned results for this applicant. Reference the CBP I-94/I-95 Website FAQs.

Admission I-94 Record Number: [REDACTED]

Arrival/Issued Date: 2025 March 17

Class of Admission: F1

Admit Until Date: D/S

Details provided on the I-94 Information form:

Last/Surname: [REDACTED]

First (Given) Name: [REDACTED]

Birth Date: [REDACTED]

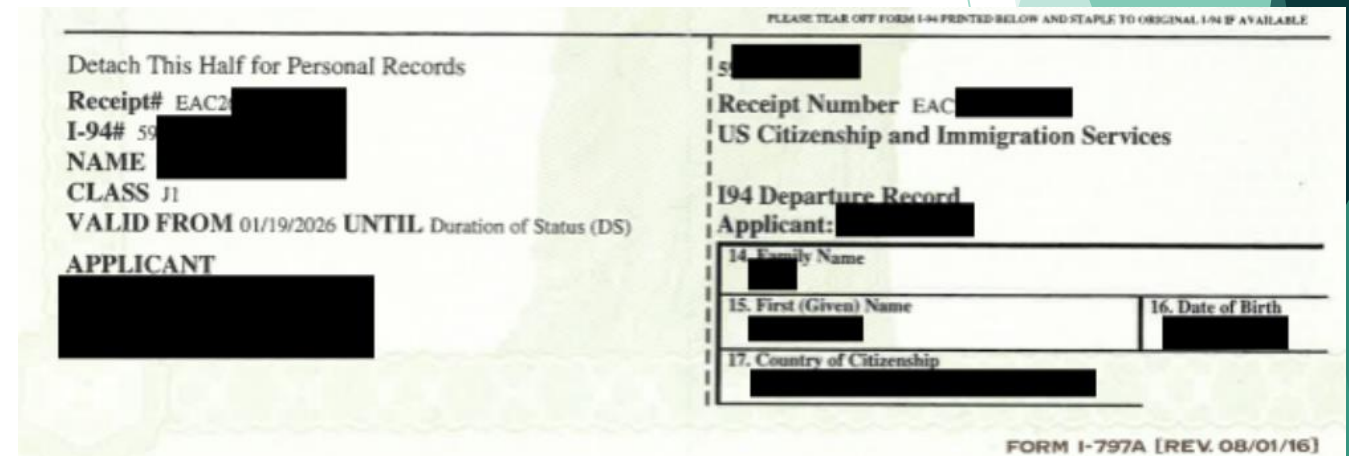
Document Number: [REDACTED]

Country of Citizenship: [REDACTED]

CBP issues after international travel

Access via CBP website

Does not update after USCIS approvals



PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt# EAC2 [REDACTED]  
I-94# 59 [REDACTED]  
NAME [REDACTED]  
CLASS J1  
VALID FROM 01/19/2026 UNTIL Duration of Status (DS)  
APPLICANT [REDACTED]

Receipt Number EAC [REDACTED]  
US Citizenship and Immigration Services

I-94 Departure Record  
Applicant: [REDACTED]

14. Family Name [REDACTED]  
15. First (Given) Name [REDACTED]  
16. Date of Birth [REDACTED]  
17. Country of Citizenship [REDACTED]

FORM I-94 (REV. 08/01/16)

USCIS issues after approval of application or petition

Bottom portion of I-797 Approval Notice

Modification of the most recent CBP record



THE UNITED STATES OF AMERICA  
I-797A | NOTICE OF ACTION

Applicant: [REDACTED]  
Case Number: [REDACTED]  
Notice Type: Approved Status  
Class: [REDACTED]  
Valid From: 01/19/2026 to Duration of Status (DS)

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt# [REDACTED]  
I-94# [REDACTED]  
NAME [REDACTED]  
CLASS [REDACTED]  
VALID FROM [REDACTED] UNTIL Duration of Status (DS)  
APPLICANT [REDACTED]

Receipt Number [REDACTED]  
US Citizenship and Immigration Services

I-94 Departure Record  
Applicant: [REDACTED]

14. Family Name [REDACTED]  
15. First (Given) Name [REDACTED]  
16. Date of Birth [REDACTED]  
17. Country of Citizenship [REDACTED]

FORM I-797A (REV. 08/01/16)

*Note: Each person gets their own I-94!*

*Best practice: ALWAYS check the CBP I-94 records for all family members.*

*Do this every time you enter the U.S. Report any errors to CBP Deferred Inspection immediately.*

<https://i94.cbp.dhs.gov/home>

## ***BEWARE: Passport Expiration Dates!***

*Your I-94 AUD may be limited to match your passport expiration. If this happens, your AUD will still control the length of your status. You may have to take action sooner than otherwise anticipated.*

***Best practice: Obtain a passport that has an expiration date that is later than your program end date.***

## ***BEWARE: CBP Makes Mistakes!***

*The officers who issue your I-94 record at the border are human beings. While thousands of records are processed daily without issue, occasionally mistakes are made.*

***Best practice: ALWAYS check your CBP I-94 record. Do this every time you enter the U.S. Report any errors to CBP Deferred Inspection immediately.***

<https://i94.cbp.dhs.gov/home>

*Keep your DSO updated via iHome!*

*It is your responsibility to upload your new I-94 to iHome after all travel and keep your DSO apprised of any unexpected developments.*

***Best practice: After you check your CBP I-94 record, upload a copy to iHome immediately!***



## U.S. Customs and Border Protection

*Securing America's Borders*

### Most Recent I-94

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**Note to employers, local, state or federal agency granting benefits:**

Please visit the CBP I-94/I-95 Website and click on the tab for “Get Most Recent I-94/I-95” to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the “Get Most Recent I-94/I-95” returned results for this applicant. Reference the CBP I-94/I-95 Website FAQs.

**Admission I-94 Record Number:** [REDACTED]

**Arrival/Issued Date:** 2025 March 17

**Class of Admission:** F1

**Admit Until Date:** D/S

**Details provided on the I-94 Information form:**

**Last/Surname:** [REDACTED]

**First (Given) Name:** [REDACTED]

**Birth Date:** [REDACTED]

**Document Number:** [REDACTED]

**Country of Citizenship:** [REDACTED]





## U.S. Customs and Border Protection

*Securing America's Borders*

### Most Recent I-94

#### Note to employers, local, state or federal agency granting benefits:

Please visit the CBP I-94/I-95 Website and click on the tab for “Get Most Recent I-94/I-95” to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the “Get Most Recent I-94/I-95” returned results for this applicant. Reference the CBP I-94/I-95 Website FAQs.

Admission I-94 Record Number: [REDACTED]

Arrival/Issued Date: 2026 August 22

Class of Admission: H1B

This would read “F1”

Admit Until Date: 2029 June 30

Details provided on the I-94 Information form:

AUD displayed here rules!

Last/Surname: [REDACTED]

First (Given) Name: [REDACTED]

Birth Date: [REDACTED]

Document Number: [REDACTED]

Country of Citizenship: [REDACTED]

**Make a plan in advance! Understand timelines, eligibility, and documentary requirements!**

## **Filings with USCIS for:**

- I-94 AUD shorter than program end date
- OPT
- New (higher level) academic program
- Change of Status

*OISS can provide you with information and resources but cannot provide you with legal advice.*



# Extensions of F-1 Status

- First Step: Work with Lehigh for an extended I-20/DS-2019
- International Travel Option
  - New extended I-20, valid passport, valid visa
  - Additional documentation may also be recommended
  - CBP determines whether to readmit and establishes the new AUD on Form I-94. Readmission is not guaranteed. (CBP Discretion!)
- USCIS Option: Form I-539, Application to Change/Extend Nonimmigrant Status
  - \$420 file online; \$470 file paper
  - New version of this form is being published 9/15/26
  - Additional documentation of your eligibility.
  - USCIS discretion!

**File before AUD:** Timely filing is generally required to preserve eligible employment authorization. File up to 180 days in advance and make every effort to file before your grace period. Speak with your DSO well in advance of your target filing date!

**Study while application is pending:** F-1 students who file on time may continue a full course of study.

**Stricter eligibility:** Requests must generally be based on compelling academic reasons, documented medical conditions, or circumstances beyond the student's control.

**Undergraduates:** Must remain at the school that issued their initial Form I-20 and in their original program for at least one academic year.

**Graduate students:** May not transfer schools, change programs, or change educational objectives.

**Transfers beyond the AUD:** Students transferring to a new school whose program extends beyond their current AUD will need to file Form I-539 to request an extension.

Some **Extenuating Circumstances** exceptions but it remains to be seen how these will be granted. (Expecting high standards.)

**Lateral matriculation:** F-1 students who complete a program may not begin another at the same educational level.

**Reverse matriculation:** F-1 students who complete a program may not begin another at a lower educational level.

**Early Program Completion:** Must leave the U.S. (or file a change of status) within the grace period, even if that is before the listed AUD.

## Those not in the transition group will need to seek an extension of F-1 status for OPT:

- Form I-539 (Extension of Status Application to be filed along with Form I-765 (Application for EAD))
- Additional filing fees & additional documentation
- Will online filing support concurrent applications?
- Will Premium Processing be available?
- Will DHS extend the transition benefits period?
- Stay tuned...

## Here are your 5 takeaways:

1. Am I in the **transition rules or new rules?**  
(Did I travel internationally since 9/15/26?)
2. Always **check your I-94** after international travel and monitor your Admit Until Date!
3. **Keep your academic advisors and DSO/OISS in the loop!**  
(Don't forget to upload your I-94 to iHome every time!)
4. **Make a plan in advance** of your AUD expiration.
5. **Stay tuned** for updates! Lehigh will continue to provide guidance for the campus community.



# Thank you!

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