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Lawsuit filed challenging Trump admin's final rule ending 'duration of status' for international students

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A coalition of higher education bodies and various other associations have filed a lawsuit challenging the Trump administration's new rule that ends the long-standing "duration of status" framework for international students and exchange visitors in the US.

The complaint, filed on Tuesday in the US District Court (Massachusetts) along with a motion seeking a preliminary injunction, challenges the Department of Homeland Security's (DHS) final rule that replaces duration of status with fixed periods of admission for international students – which is a maximum of four years.

The plaintiffs include NAFSA: Association of International Educators, the Presidents' Alliance on Higher Education and Immigration, the Association of Independent Colleges and Universities in Massachusetts, the American Federation of Teachers among others. The lawsuit states that DHS violated the Administrative Procedure Act (APA) by failing to adequately assess the costs and benefits of the rule, meaningfully respond to public comments, consider less burdensome alternatives and adequately justify the changes. It also alleges that the department provided an inadequate period for public comment and exceeded its statutory authority.

Several decades of 'duration of status'

For several decades, international students, exchange visitors and foreign media representatives have generally been admitted under the "duration of status" (D/S) system. Under this framework, an F-1 student can remain in the US for the duration of the academic programme as long as the student continues to maintain the requirements of F-1 status, rather than having to leave or seek a discretionary extension simply because a fixed admission period has expired.

The complaint argues that this system has allowed US universities to retain flexibility while enabling immigration authorities to monitor students through the existing Student and Exchange Visitor Information System (SEVIS).

The new rule replaces D/S with fixed admission periods. For F-1 students and J-1 exchange visitors, the maximum admission period is four years, while I-category representatives of foreign media face a maximum period of 240 days, absent an extension of stay. The rule is scheduled to take effect on September 15.

Students who need additional time would have to apply to US Citizenship and Immigration Services (USCIS) for an extension of stay. The process involves filing an application, paying a fee, providing biometrics and potentially attending an interview.

Why four years can be a problem

The lawsuit argues that a four-year ceiling does not fit the realities of US higher education.

The complaint points out that many PhD programmes take longer than four years, with the typical PhD programme closer to six or seven years. Even students enrolled in four-year bachelor's programmes may take longer than anticipated to graduate.

The problem also extends beyond students who simply need more time to complete a single programme. A student may progress from a bachelor's degree to a master's and then a PhD, or complete a degree and subsequently undertake Optional Practical Training (OPT), which can last up to three years for STEM students.

The complaint gives similar examples for J-1 exchange visitors. Postdoctoral researchers may be eligible for programmes lasting up to five years but often receive one- or two-year extensions depending on research funding. J-1 physicians can be eligible to remain for up to seven years but may sign one-year contracts. Under the existing D/S framework, their programme end dates can be updated through the relevant sponsor; under the new system, the plaintiffs say, repeated extension-of-stay applications may become necessary.

More paperwork, more cost

The plaintiffs say the rule will create a substantial new administrative burden for both students and the US government.

The complaint cites DHS's own estimate of at least \$443 million in annual compliance and implementation costs, while arguing that even this figure understates the burden. It says DHS underestimated the number of extension-of-stay applications and failed to quantify the economic consequences of a possible decline in international student enrolment.

The lawsuit also argues that universities will have to hire or train additional staff, modify systems and devote resources to helping students understand and comply with the new requirements. The plaintiffs say the federal government, meanwhile, could face hundreds of thousands of additional extension-of-stay applications each year.

There is also concern about students making filing errors. The complaint notes that international students may be young and unfamiliar with complex immigration paperwork, and could lose status or opportunities because of seemingly minor errors, late filings or an inability to afford the relevant fees.

Academic choices restricted

The lawsuit also challenges the restrictions on academic flexibility.

Under the final rule, graduate students would generally be prohibited from changing their academic programme, while undergraduate students face restrictions on programme changes during their first year. Students would also generally be barred from pursuing another programme at the same or a lower educational level after completing a programme.

The plaintiffs argue that such restrictions do not reflect how students actually make academic and career decisions. A student may discover a new academic interest, change career direction or need to acquire qualifications at a different level.

The complaint goes further, alleging that DHS lacks statutory authority to create a new categorical bar on students pursuing another degree at the same or a lower level. It points out that DHS itself acknowledges that students can have legitimate academic reasons for pursuing such programmes.

Plaintiffs question national-security justification

One of the more significant arguments in the lawsuit is that DHS has not demonstrated a concrete, systemic problem with the existing D/S system that warrants such a sweeping overhaul.

According to the complaint, DHS justified the rule partly on national-security and fraud-prevention grounds. But

the plaintiffs argue that the agency relied on a small number of anecdotes rather than evidence of a broad-based problem.

For example, the complaint says DHS cited a case involving a Russian agent who obtained admission to a US graduate programme using a fraudulent Brazilian identity. But, according to the plaintiffs, the individual was in the US for only two years — meaning eliminating D/S would not have prevented the conduct cited by DHS. The complaint similarly argues that the other national-security examples involved conduct occurring within four years, and therefore did not establish why a four-year admission limit would address the problem.

On fraud and abuse, the plaintiffs point to DHS's reference to more than 2,100 F-1 students who entered the US between 2000 and 2010 and remained in active F-1 status as of April 2025. The complaint says this represented only about 0.1% of the more than 1.6 million active SEVIS records considered by DHS. It argues that the government had not established that these long-term students had actually committed fraud or abuse.

'Zero' quantified benefits

The plaintiffs have also attacked the economic analysis underlying the rule.

The complaint says DHS acknowledged billions of dollars in quantified costs over 10 years but assigned zero quantitative value to the benefits of the rule. It further alleges that DHS failed to quantify what the plaintiffs describe as potentially the biggest economic consequence — a decline in international student enrolment.

The complaint says nearly 22,000 comments from universities, state attorneys general, members of Congress, professional associations, research institutions, unions, journalists, students and others warned that the rule could deter international students, overwhelm USCIS, disrupt research, hurt local economies and accelerate the loss of global talent to competing countries.

The plaintiffs allege that DHS nevertheless responded to significant concerns with conclusory or non-responsive explanations and failed to adequately consider less burdensome alternatives.

The complaint also challenges the 32-day public comment period for the proposed rule. It says stakeholders had asked for at least 60 days, preferably 90, given the breadth of the changes, and argues that DHS's justification for the shortened period was inadequate.

Fanta Aw, executive director and CEO of NAFSA: Association of International Educators said: "Ending Duration of Status and imposing new limits on academic decision-making is a solution in search of a problem. The rule will severely undermine the contributions international students make to U.S. campuses, economies, and national security. After carefully reviewing the final rule and the sweeping harm it will cause to our national interest, it is clear that litigation is warranted and necessary."

Miriam Feldblum, President and CEO of the Presidents' Alliance on Higher Education and Immigration, stated: "This rule upends the longstanding Duration of Status framework that has allowed international students and scholars to pursue their educational programs while maintaining lawful status. By placing time limits that do not align with actual program lengths or students' educational needs and shifting crucial academic decisions from institutions to immigration officials, the rule will disrupt educational pathways, impose significant new burdens on colleges and universities, and make the United States less competitive as the premier destination for global talent. We are going to court to protect international students and scholars and to defend our member institutions' ability to educate, train, and retain them."

The lawsuit also challenges the rule's impact on representatives of foreign media. The NewsGuild-CWA said the rule would shorten the duration of I visas supporting foreign journalists working in the US and argued that this could have implications for press freedom and international reporting.

Stakes for US higher education and Indian students

The lawsuit places the dispute in the context of the broader economic and academic contribution of international students.

According to figures cited in the complaint, international students contributed \$42.9 billion to the US economy and created more than 355,000 jobs in the 2024-25 academic year. International students are particularly important in STEM fields, while graduate students contribute to research, teaching and medical services.

The complaint also notes that nearly 200,000 F-1 students participated in OPT in 2024, including more than 165,000 in STEM OPT. International student alumni are also a significant part of the US talent pipeline in science and technology.

India is likely to be among the countries most affected. During the 2024-25 academic year, around 3.6 lakh Indian students were studying in the US, accounting for nearly 31% of the approximately 11 lakh international students in the country, according to the Open Doors figures.

TOI had analysed the final rule.

[Also read: Trump administration limits visa tenure of students to a fixed period of four years and limits academic flexibility](#)

Immigration attorney Rajiv S Khanna had earlier told TOI that with fixed expiration dates, students in longer programmes, including PhD and medical programmes and those moving into OPT, could be required to periodically seek extensions, adding processing delays, financial costs and uncertainty.

Another immigration attorney, Cyrus D Mehta, had warned that technical violations could expose students to the risk of accruing unlawful presence, while the shorter grace period could make it harder for students to transition to other immigration categories.

The plaintiffs are seeking to have the final rule declared unlawful and set aside. The court will also consider their request for preliminary relief as the legal challenge proceeds.