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White House set to review a final reg: Flexibility for international students in terms of stay and studies curbed

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The Department of Homeland Security (DHS) has submitted to the Office of Management and Budget (OMB) a 'final' regulation that will replace the current 'duration of status' (DS) policy for international students (F visa holders), exchange visitors (J visa holders), representatives of foreign information media (I visa holders), and their dependents with a fixed tenure.
To begin with, this means that international students and other visa holders covered by the new policy will have to seek periodical visa extensions and undergo biometrics. Costs and the associated uncertainity of an extension, indicate challenging times ahead .

OMB is an agency within the White House and its clearance is the last step in the rulemaking process before the regulation is published in the Federal Register. While the contents of the final rule remain unknown till publication in the Federal Register, immigration experts do not expect much variance with the proposed regulation, that was analysed by TOI in Aug 2025.
Also read: DHS regulation seeks to tighten stay for international students and removes flexibility in pursuing educational courses

Currently, international students or exchange visitors are admitted for the duration of their programs, with schools and exchange sponsors responsible for monitoring compliance through the SEVIS tracking system.
The proposed regulation had capped the visa tenure of F-1 international students) and J-I (exchange visitors) to a maximum of four years. A tenure of just 24 months for English language programs and 12 months for public high schools had also been proposed.

A grace period of 60 days is currently available so that international students can prepare to depart the US or apply for an extension or change of status, following the completion of their initial program or practical training. The proposed regulation had halved it to 30 days.

India is the leading country of origin of international students in the US. According to the latest Open Doors Report, during the academic year 2024-25, there were 3.6 lakh Indian students in the US constituting nearly 31% of the total number of 11 lakh international students. While the numbers of new students from India is falling, the cohort of Indian students will continue to be significant and the proposed regulation will have far reaching impact.

A change in the current regulations also has other far-reaching consequences. Currently, international students only begin to accrue unlawful presence if the USCIS or an immigration judge formally finds that the individual has violated their non-immigrant status. If the rule is finalized as proposed, they would begin accruing unlawful presence as soon as their specified period expires. An unlawful presence of over 180 days or over one-year results in a re-entry bar of three and ten years respectively.

Immigration attorney Rajiv S. Khanna had pointed out to TOI that the proposed regulation would also create potential work authorization interruptions for students on Optional Practical Training (OPT) if their immigration status expires while extension applications are pending - even if they possess valid work permits.

If finalized as proposed, the rule would also prohibit international student undergraduates from changing programs, majors, or education levels within their first year. Graduate students would be prohibited from changing study programs altogether. When issuing the proposal DHS has argued that graduate students should be more focused and committed to their chosen field than undergraduates, and that program changes at this level indicate a lack of genuine academic purpose. An international student who completes one degree program will not be allowed to start another program at the same level or a lower level while staying in F-1 status.