



U.S. Department of
Homeland Security

Ombudsman Alert: DHS Proposes to Change Admission Period Structure for F, J, and I Visas

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On September 24, 2020, the Department of Homeland Security (DHS) announced a proposed rule to require a fixed period of stay for international students, exchange visitors, and foreign information media representatives.

The Notice of Proposed Rulemaking, Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media, proposes to remove the duration of status framework that currently allows applicants in F, J, and I classifications to remain in the United States for as long as they maintain compliance with the terms of admission.

Under the proposed rule, F or J nonimmigrants would be admitted into the United States for a period up to the end date of their program, not to exceed four years, unless DHS determines that the nonimmigrant is subject to a shorter period of authorized stay limited to two years. Applicants from countries associated with high visa overstay rates (rates greater than 10% for student and exchange visitors) will be limited to up to a two-year fixed period of stay to increase monitoring, deter immigration violations, and incentive timely departure.

Additional factors that may trigger a two-year period of authorized stay include an applicant's birth or citizenship from a country on the State Sponsors of Terrorism list; whether a school or program sponsor is an E-Verify participant in good standing; and, for F nonimmigrants, whether a school is accredited by an accrediting agency recognized by the Secretary of Education. Lawfully present F or J nonimmigrants who were admitted for duration of status will automatically have their stay extended up to the program end date, not to exceed four years, once the final rule is effective.

DHS has proposed initially admitting most I nonimmigrants for a period of time necessary to complete the planned activities or assignments consistent with the I classification, not to

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exceed 240 days, with an opportunity to extend their stay for a maximum of 240 days based on the length of relevant activities.

Other updates found in the proposed rule include decreasing an F non immigrant's period to prepare for departure from 60 to 30 days; collecting routine biometrics from F, J, and I nonimmigrants seeking an extension of stay; establishing clear eligibility criteria for F nonimmigrants seeking an extension of stay; and defining a foreign media organization consistent with U.S. Department of State and DHS policy.

This rule does not propose changes to the underlying requirements to qualify for these nonimmigrant classifications.

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Keywords: [Office of the Citizenship and Immigration Services Ombudsman \(CISOMB\) \(/keywords/cisomb-0\)](#).

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