

Navigating the End of Duration of Status

Applying for STEM OPT Under the New Rule

*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, published 7/17/2026*

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Laura, Daniel, Tiffany, and Tong are here to support you through your academic journeys and career and professional goals

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Federal Lawsuit Filed

Challenging the rule to end Duration of Status (D/S)

On Tuesday, August 18, NAFSA and the Presidents' Alliance on Higher Education and Immigration led a coalition of six other organizations in filing a complaint and a motion for preliminary injunction that challenges the DHS final rule ending the Duration of Status framework for international students, exchange visitors, and representatives of foreign media.

From D/S to Fixed-Date Admission

- **Effective Date:** 9/15/2026
- **The Change:** DHS eliminates open-ended D/S entry for F-1 and J-1 students
- **New Reality:** Every entry or extension will result in an Admit Until Date (AUD) on your I-94
- **Impact:** Standard STEM eligibility rules remain the same, but the method of staying in the U.S. during OPT and applying for STEM changes

Key Terms

Duration of Status (D/S)

- Flexible admission duration on the I-94 linked to the SEVIS Program End Date and EAD showing how long you may stay in the U.S.

Admit Until Date (AUD)

- A fixed date on the I-94 showing how long you may stay in the U.S.

STEM OPT

- 24-month extension of OPT (Optional Practical Training)

Extension of Stay (EOS)

- A formal application to extend your stay beyond your AUD

STEM Application – What Has **Not** Changed?

Core Eligibly Requirements

- **Currently on OPT**
- **STEM qualifying major**
- **E-Verify Employer**
- **Paid Employment 20 hours+ per week**
- **Submit I-983 Training Plan to ISP**
- **Timely Filed application with USCIS**
 - Must be received by USCIS prior to the initial OPT EAD expiration
 - Cannot be received by USCIS more than 90 days prior to initial OPT EAD expiration
 - Must be received by USCIS within 60 days of the date ISP *issued* the STEM I-20

OPT to STEM Application: Staying in the U.S. (Transition Rules)

- **Rule:** If inside the U.S. on 9/14/2026+, I-94 remains D/S
- **Deadline:** File STEM application with USCIS on or before 3/18/2027
- **Forms Required:** Only file Form I-765 to USCIS
- **Benefit:** No separate Form I-539 EOS needed
- **Grace Period:** Retain your 60-day grace period as long as you remain inside the United States throughout STEM

OPT to STEM Application: Traveling Internationally (AUD)

- **Impact:** Entering the U.S. on or after 9/15/2026 ends your D/S
- **CBP Action:** issues a fixed-date AUD I-94 matching your current EAD end date + 30-day grace period
- **Mandatory Dual Filing:** Must file BOTH Form I-765 and Form I-539 concurrently with USCIS
- **Form I-539** is required to extend your status past the new AUD
- **Shorter Deadlines:** Grace period decreases from 60 days to 30 days
- **CAUTION:** admission may be reduced to end date of passport validity

Case Example 1: OPT to STEM

No International Travel on or After 9/15/2026

OPT EAD ends 11/2/2026

STEM Application Date: 9/17/2026

Meets the 3/18/2027 filing DEADLINE

Only Form I-765 required

Requested STEM period: 11/3/2026 – 11/2/2028

I-94 shows D/S and retain 60-day grace period

Any departure during STEM will result in a readmission with an AUD of 12/1/2028 (end of STEM + **30-day grace period**)

Case Example 2: OPT to STEM

International Travel on or After September 15, 2026

OPT EAD ends 11/2/2026

U.S. Re-entry: 9/17/2026

AUD = 12/1/2028

Mandatory Dual Filing:

Must file BOTH Form I-765 and Form I-539 concurrently with USCIS for STEM

STEM Filing Date: 9/30/2026

EOS Filing Date: 9/30/2026

Requested STEM: 11/3/2026 – 11/2/2028

Any subsequent re-entry during STEM = AUD of 12/1/2028

(STEM end date on the I-20 + 30-day grace period)

Case Example 3: OPT to STEM

No International Travel on or After September 15, 2026

OPT ends 8/4/2027

STEM Application Date: 6/20/2027

Mandatory Dual Filing: You must file BOTH Form I-765 and Form I-539 concurrently with USCIS for STEM

Ineligible to file for STEM by the 3/18/2027 DEADLINE

USCIS cannot receive STEM application more than 90 days prior to initial OPT EAD expiration

Requested STEM period: 8/5/2027 – 8/4/2029

Because EOS was needed, USCIS issues new I-94 with AUD and **30-day grace period**

AUD for STEM is 9/3/2029 (end of STEM + **30-day grace period**)

Comparison: At-a-Glance Filing Requirements

Scenario	File I-765 with USCIS? \$470 filing fee online form	File I-539 (EOS) with USCIS? \$420 filing fee online form	Grace Period
No Travel from 9/14/2026 and Filing for STEM OPT on or before 3/18/2027	YES	NO (Covered by Transition Rules)	60 Days
With Travel Re-entering on or after 9/15/2026	YES	YES (Required for Fixed I-94 AUD)	30 Days
No Travel from 9/14/2026 but not eligible to file for STEM OPT by 3/18/2027	YES	YES (Required because after 3/18/2027 deadline)	30 Days

Travel Risks & STEM Compliance Reminders

- **Pending Applications:** Traveling while a STEM application is pending is generally discouraged.
 - Biometrics Caution: USCIS rules require physical presence in the U.S. for photo and fingerprints collection.
- **Ongoing Reporting:**
 - Report address/employer changes within 10-days
 - Complete 6-month validations & 12-and 24-month self-evaluations
 - Any material changes in employer/employment

Unknowns

- Is travel and reentry a viable alternative to filing an EOS when applying for STEM extension?
- What process will CBP follow at a Port of Entry if travel is possible to extend the AUD for STEM?
 - Documents to carry?
 - Secondary Inspection?
- How long will USCIS take to adjudicate STEM applications with I-539 EOS requests?
- Can I-539 EOS be filed before the I-765?

Questions & Resources

- Coordinate closely with ISP – early and often.
- Monitor ISP emails for updates and clarifications.
- Refer to International Offices [website](#)
- STUDY in the STATES [quick facts](#) and [FAQs](#)
- International Student Resource Center ([ISRC](#))
- [NAFSA](#): Association of International Educators
- International Students Association at Caltech (ISAC) [Slack](#) for community!

ISP guidance does not constitute and should not be construed as legal advice. Individuals with questions about how laws, regulations, and policies apply to specific situations should contact an experienced immigration lawyer.