



IMMIGRATION UPDATE - JULY 24, 2026

Posted on July 24, 2026 by Cyrus Mehta

Headlines:

[DHS Finalizes Rule Eliminating Duration of Status for F, J, and I Nonimmigrants](#) – The Department of Homeland Security released its long-anticipated final rule changing the admission period in the F, J, and I classifications from duration of status to admission for a fixed time period tied to the nonimmigrant's program.

[USCIS Reaches FY 2027 H-1B Cap](#) – U.S. Citizenship and Immigration Services has received enough petitions to reach the congressionally mandated 65,000 H-1B visa regular cap and the 20,000 H-1B visa U.S. advanced degree exemption for fiscal year 2027.

[DHS Rescinds Public Charge Regulation](#) – The rule applies to applications for admission made on or after September 18, 2026, or applications for adjustment of status postmarked or electronically submitted on or after that date.

Details:

DHS Finalizes Rule Eliminating Duration of Status for F, J, and I Nonimmigrants

On July 16, 2026, the Department of Homeland Security (DHS) released its long-anticipated [final rule](#) changing the admission period in the F, J, and I classifications from duration of status (D/S) to admission for a fixed time period tied to the nonimmigrant's program, along with making additional changes to admission and extension requirements. The rule is effective September 15, 2026, although Congress could act to change or void the rule during the implementation window.

The new rule also introduces new restrictions on academic flexibility.

Undergraduate F-1 students would be barred from changing their study program, major, or education level during their first year, except in rare cases. Graduate F-1 students would face even stricter limits, with no ability to change their program or field of study. Moreover, once an international student completes a program at a certain level, they would no longer be permitted to pursue another program at the same or a lower level under F-1 status.

The grace period for F-1 students has been halved from 60 days to 30 days. F-1 students enrolled in English language training programs will have a limited aggregate 24-month period of stay.

The final rule provides for transition measures for students already present in the United States. Those who are currently covered by D/S may continue to benefit from it through their current study program period or up to four additional years. However, if they travel abroad and return within the four years, they will be admitted under the fixed period of the academic program and be subject to the new 30-day grace period.

Under the rule, F, J, and I nonimmigrants will need to track fixed admission periods and timely file extension-of-stay (EOS) applications with U.S. Citizenship and Immigration Services (USCIS) to maintain status. Those who travel internationally and return to the United States will need to carefully monitor their I-94 admission dates, and understand that the I-94 date, not the visa stamp date or any other indicator, controls their authorized stay in the United States.

For employers, universities, teaching hospitals, exchange programs, and media organizations, the rule introduces new compliance considerations and a formal extension process that did not previously exist under D/S. Employers with F, J, and I workers will need to adjust compliance and I-9 reverification procedures to account for fixed admission periods. Practitioners [recommend](#) doing this in several ways:

- Identify the population of employees working pursuant to F, J, or I status and track their status and I-94 expiration.
- Develop resources regarding employees' obligation to monitor their I-94 expiration dates, explaining the nuances and common issues that arise with I-94 admission records. This should include noting that:
 - I-94 expiration dates can be truncated, or shortened, to the date of a foreign national's passport expiration. U.S. Customs and Border

Protection does not consider this an error in admission that can be corrected. Foreign nationals must closely monitor their passport expiration dates and renew them as early as possible also.

- Truncated I-94 expiration dates are one of the easiest ways for a foreign national to fall out of status, lose work without authorization, and accrue unlawful presence in the United States.
- Determine what level of support the employer will provide, such as covering EOS or Employment Authorization Document filing costs and whether to extend support to dependents.
- Train I-9 professionals regarding these rule changes and how they will affect the I-9 reverification process and considering supplementing their I-9 support.
- Educate campus recruiting and talent acquisition teams on the roles of the organization, the employee, and the F/J sponsoring organization in maintaining immigration status and work authorization.

It is critical for individuals in F, J, or I status to understand that the I-94 expiration date controls authorized stay in the United States, even if a visa stamp remains valid for a longer period. Individuals considering program changes, transfers, new educational levels, Curricular Practical Training, Optional Practical Training strategy, extensions, or travel should consult with counsel or their Designated School Official before acting.

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USCIS Reaches FY 2027 H-1B Cap

On July 17, 2026, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it has received enough petitions to reach the congressionally mandated 65,000 H-1B visa regular cap and the 20,000 H-1B visa U.S. advanced degree exemption for fiscal year 2027.

USCIS also [released](#) data showing the numbers of H-1B workers approved by companies as of March 31, 2026. Below are the top 10 companies hiring H-1B workers:

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DHS Rescinds Public Charge Regulation

On July 16, 2026, the Department of Homeland Security (DHS) [announced](#) that

it has issued a [final rule](#) rescinding a 2022 regulation regarding public charge determinations. DHS said the rule “ensures that officers can make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality” of each person’s individual circumstances. “This approach will prevent the application of overly restrictive criteria that straitjackets DHS officers’ ability to make public charge inadmissibility determinations.”

DHS said that the rule applies to applications for admission made on or after September 18, 2026, or applications for adjustment of status postmarked or electronically submitted on or after that date. Receipt of means-tested public benefits before September 18, 2026, will be considered consistent with the 2022 final rule, DHS said.

The agency plans to publish a revised [Form I-485, Application to Register Permanent Residence or Adjust Status](#). Older versions of Form I-485 postmarked or submitted electronically on or after the effective date will not be accepted, DHS noted.

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Firm in the News

Cyrus Mehta was quoted by *Bloomberg Law* in [High Court Rulings Back Broad Executive Authority on Immigration](#). Mr. Mehta said that with the court largely backing the government’s reading of its statutory authority, invoking constitutional arguments would be a “sound litigation strategy” for grounds challenging Trump immigration policies. “Most courts didn’t feel the need to get into constitutional issues at all before. The statute was clear.”

Mr. Mehta was quoted by the *Times of India* in [Trump Administration Limits Visa Tenure of Students to a Fixed Period of Four Years and Limits Academic Flexibility](#). He warned that the elimination of Duration of Status (D/S) would have severe consequences. “Students could unknowingly accumulate unlawful presence due to technical status violations, potentially leading to re-entry bans.” Mr. Mehta noted that the “reduction of grace periods from 60 to 30 days would further impact students’ flexibility, hindering their ability to transition to other visa statuses, such as employment-based visas.”