



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

August 17, 2026

Via E-mail (james.d.hicks@ice.dhs.gov and sevp@ice.dhs.gov)

Mr. James Hicks
Deputy Assistant Director
Student and Exchange Visitor Program
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

RE: Final 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 – 91 Fed. Reg. 44976 (July 17, 2026)

Dear Mr. Hicks,

Established in 1946, the American Immigration Lawyers Association (AILA) is a voluntary bar association of more than 18,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. AILA's mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, colleges and universities, U.S. citizens, U.S. lawful permanent residents, and foreign nationals (including but not limited to F and J nonimmigrants) regarding the application and interpretation of U.S. immigration laws. Our members' collective expertise and experience make us particularly well-qualified to offer legal analysis and interpretations that benefit the public and the government.

In the preamble to the above final rule, the U.S. Department of Home Security (DHS) indicates that it "is committed to providing clear guidance and training to all stakeholders."

Since the release of the final rule on July 17, 2026, AILA has been providing training webinars and materials to its members and their clients, which include colleges and universities, F-1 students and J-1 exchange visitors, and the employers of the F-1 students and J-1 exchange visitors. AILA has also been collecting questions that are not answered by the final rule or its preamble. While we have collected many questions, we are initially providing a list of the

most pressing questions, including those that relate to the transition period and technical questions. As part of its commitment to providing clear guidance, AILA would request that the Student and Exchange Visitor Program (SEVP) provide answers to these questions and commit to ongoing engagement with impacted stakeholders to ensure that students and universities are able to properly comply with the new rules.

If you or your team need clarifications on any of the questions, please contact, AILA Senior Director of Government Relations Sharvari (Shev) Dalal-Dheini (sdalal-dheini@aila.org or 202-507-7621) or AILA Policy & Practice Associate Mariah Ferguson (mferguson@aila.org or 202-507-7653).

Thank you in advance for your assistance as we transition from the current F and J processes to the new requirements contained in the Final Rule.

Sincerely,

The American Immigration Lawyers Association

AILA Questions for SEVP on the Implementation of the D/S Final Rule

Need for Additional DHS Training and Guidance

1. DHS states in the final rule preamble that "Administrators will receive plenty of training during the 60-day implementation period to understand how to deal with and help incoming participants subject to the new rule. SEVIS will be updated to make the implementation of the rule easier." We are 30 days into that 60-day period, yet schools have received no training from DHS. Only one webinar has been planned for August 31, 2026, which is limited to the first 1,000 participants. What is the timeline for additional DHS training during the 60-day implementation period, and what form will it take?
2. Will Designated School Officials (DSOs) and Responsible Officers (ROs) have to recommend F and J nonimmigrants for an extension of stay in SEVIS before an applicant can file the EOS application with USCIS?
 - a. What documents (if any) should the DSO/RO review prior to making the recommendation?
 - b. If the F-1 student is applying for EOS due to compelling academic reasons, should the DSO review and retain supporting documentation from the student prior to recommending EOS?
 - c. If the DSO must also recommend OPT, can the EOS recommendation and OPT recommendation be completed concurrently in SEVIS?

Clarification on Admit Until Date Implementation

3. If an F-1 student who is eligible for the transition rules has a program end date of December 1, 2026, with school A but then transfers to school B after September 15, 2026, with a new program end date of May 1, 2027, what is the student's AUD (assuming that the student does not travel internationally)?
4. If CBP updates an F or J nonimmigrant's AUD after admission due to an error, will the SEVIS system be automatically updated or will the school/sponsoring organization have to contact the SRC?
5. DHS indicated in the preamble of the final regulation that it will be updating SEVIS with AUD information:
 - a. What is the current timeline for adding the AUD functionality to SEVIS?
 - b. What information will be provided to DSOs and ROs?
 - c. Will both CBP systems and USCIS systems update SEVIS with AUD information?
 - d. Will the F-1 student's SEVP portal contain this AUD information?
 - e. If an F or J nonimmigrant's AUD passes, will their SEVIS record automatically terminate?
 - f. Will F-2 and J-2 AUD information also be available in SEVIS?

- g. If an F-2 or J-2 dependent travels separately from the principal, will their information be matched to the F-1 or J-1?
- h. Will the AUD information for F and J nonimmigrants who entered the United States prior to September 15, 2026, be automatically transitioned from D/S to AUD? Will that AUD show in SEVIS, even if they have not reentered the U.S. or applied for an EOS?

Degree Programs

- 6. Is DHS considering issuing additional guidance concerning its classification of degree programs by level, including professional certificates? If so, when?
- 7. Please confirm how DHS will classify professional degrees such as a Juris Doctor (JD), Doctor of Medicine (MD), Doctor of Pharmacy (PharmD), Doctor of Dental Science/Doctor of Dental Surgery (DDHS), Doctor of Physical Therapy (DPT), and others.
- 8. Will an F-1 student below graduate level be able to enroll in a five-year, “3+2” program to obtain both a liberal arts degree and an engineering degree from participating institutions?
- 9. How will a student be able to complete joint level programs (e.g. PhD/masters, JD/MBA) and dual degree programs at the same level (e.g. MHA/MBA)?
- 10. If an F-1 student previously completed a master's degree program prior to September 15, 2026, and will now be completing a bachelor's degree program after September 15, 2026, will the student be eligible to enroll in another master's degree program after completing the bachelor's degree program?
- 11. If an F-1 student completes 24 months in an ESL program after September 15, 2026, and then transfers into a degree program with an English language pathway program, can the student participate in the pathway program?

Changes to Majors and School Transfers

- 12. Can an F-1 student change majors at the graduate level if the CIP code for the program does not change?
- 13. Will F-1 graduate level students who are eligible for the transition rules be able to add another major after September 15, 2026?
- 14. Some F-1 students are admitted to undergraduate programs with sophomore (or higher) standing due to advanced credit obtained through transferring institutions or International Baccalaureate (IB) / Advanced Placement (AP) courses. Will these individuals be subject to restrictions on changing educational objectives until they have physically completed the first academic year (even though this would be considered beyond a first academic year by the university)?
- 15. What will the procedure be for SEVP to adjudicate transfers of schools on the graduate level and transfers/changes in educational objectives during the first year on the below

graduate level? Will SEVP be prioritizing these adjudications? If so, what do you anticipate the estimated timeframe for adjudications to be?

16. It is common that college athletes on the below graduate level transfer schools through the NCAA Transfer Portal during their first academic year. Would SEVP consider this type of transfer to be an extenuating circumstance so that international college athletes have the same opportunities as domestic college athletes?

OPT and CPT

17. Will F-1 students who commence studies on a higher level of education that requires immediate participation in a CPT internship program be eligible to participate in CPT?
18. Will F-1 students who are eligible for the transition rules be able to apply for post-completion OPT up to 60 days after the completion of their course of study (or are they now limited to 30 days similar to students who are not eligible for the transition rules)?