



Ask the Experts:

What the End of Duration of Status Means for Employers

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September 9, 2026



Agenda

- Why this matters for employers?
- New obligations for employers
- Operational changes



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A Recap of the Rule Change

F-1 STUDENTS • J-1 EXCHANGE VISITORS • I FOREIGN MEDIA



	DURATION OF STATUS		FIXED ADMISSION PERIOD
	ADMIT UNTIL: D/S		ADMIT UNTIL: 08/14/2030
ON THE I-94	<i>D/S, no fixed date shown</i>	→	<i>A specific date</i>
HOW LONG	<i>Open-ended, as long as employee kept status</i>	→	<i>Program end date or 4 years, whichever is shorter</i>
EXPIRATION	<i>Grace period was 60 days</i>	→	<i>Grace period now 30 days</i>
I-9 IMPACT	<i>Did not need to actively monitor expiration date for F-1/J-1 employees</i>	→	<i>Must track the I-94 date, not just the I-20/DS-2019 or EAD dates</i>

Why This Matters for Employers



UNDER D/S



Passive Compliance

- An employer's I-9 process could generally rely on the fact of continued enrollment or program participation.
- No independent tracking was required.



NOW

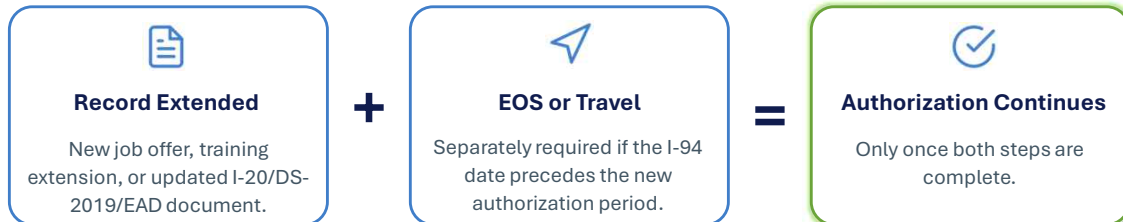


Active Compliance

- Compliance responsibility that used to sit passively with the government now sits actively with the employer.
- Someone must track a specific I-94 date, separately, for every F-1/J-1 employee.

The Core Operational Shift:

Extending the Program Record No Longer Extends Work Authorization



Old rule: The first step alone was enough, with no separate USCIS filing needed.

New rule: Both steps are required, or work authorization lapses.

The Four-Year Cap in Practice:

Workforce Examples



A New OPT Hire

- The I-94 will generally track the EAD period, straightforward at hire.
- But STEM OPT extensions later often trigger the EOS-or-travel decision.

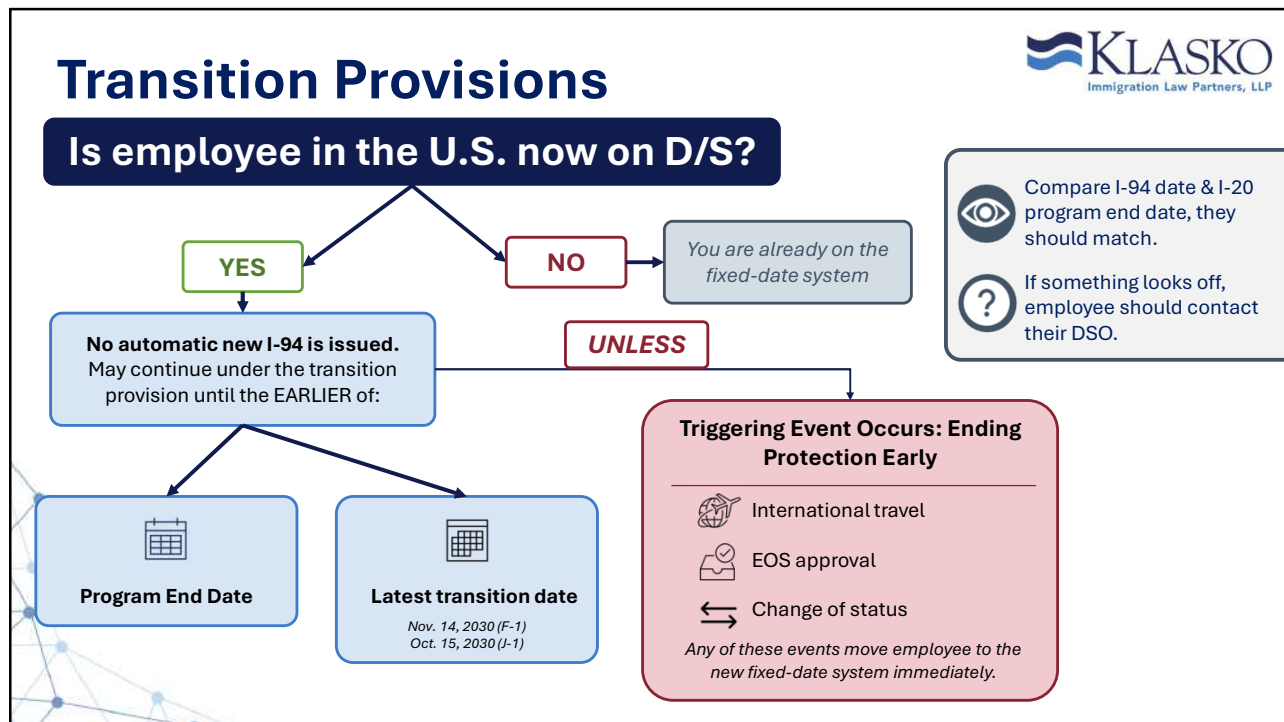
STRAIGHTFORWARD AT HIRE



A Long-Tenure J-1 Research Employee or Scholar

- Admission is capped at 4 years even if the underlying program or contract runs longer.
- An EOS or travel-based readmission will be needed well before the program's actual end date.

PLAN AHEAD OF THE 4-YEAR CAP



F-1: Grace Period & OPT/STEM OPT Timing

Warning: Grace period cut from 60 to 30 days. The same 30 days compresses OPT/STEM OPT filing deadline.

THE RULE CHANGE

60 → 30 days post-completion grace period

- Overstaying the I-94 now triggers unlawful presence automatically, no formal finding required.
- J-1 Note:** 30-day departure grace period is not changing. It is already 30 days.

EFFECTIVE 9/15/26

The March 18, 2027 Safe Harbor



APPLIES IF EMPLOYEE:

- Were admitted under D/S before September 15, 2026, *and*
- Timely file Form I-765 for OPT or STEM OPT on or before March 18, 2027.



No separate EOS needed

A separate extension of stay just for that OPT/STEM OPT filing is not required.



Travel voids the harbor

International travel and readmission before filing under the new system cancels this safe harbor protection.

The New I-9/I-94 Monitoring Obligation



**Under D/S, employers never had to actively monitor an expiration date for F-1/J-1 employees.
Now they do, for every such employee.**

WHAT TO TRACK

The I-94 Admit Until Date, not just the I-20/DS-2019 or EAD dates.

REVIEW CADENCE

Set and maintain a recurring review cadence across your full F-1/J-1 population.

WHO OWNS IT?



HR



Immigration Counsel



Hiring Manager



Watch for gaps: gaps in ownership are the most common way this gets missed.

The New EOS Workflow and the Employer's Role



1

Sponsor Updates the Record

- The school or program updates the underlying record, if applicable.
- This is a recommendation, not a decision.

2

Employee Files Separately

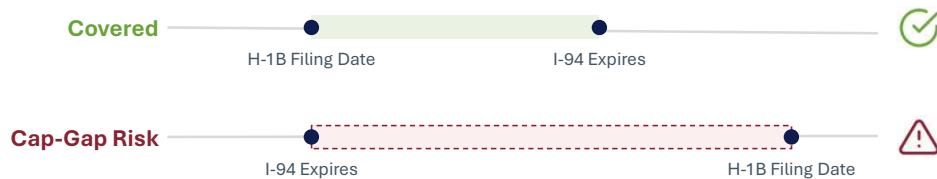
- Form I-539 is filed with USCIS, or the employee travels and reenters.
- This must happen before the I-94 expires.

Your role: Employers typically aren't the ones filing this extension, but may be asked to provide an employment verification letter. Have a standard process ready so these requests don't create delay.

H-1B Cap-Gap and Change-of-Status Interactions



For employees moving from OPT/STEM OPT toward H-1B, the new fixed I-94 date interacts directly with cap-gap coverage and change-of-status timing.



Risk: a mistimed EOS or a gap between the I-94 expiration and an H-1B filing date can create a real work-authorization lapse that didn't exist under D/S.

Action: build H-1B timeline planning around the employee's actual I-94 date, not only the OPT/STEM OPT card date.

Denials and Departure



If an EOS is denied after the admission period has expired, expect the following:

What Happens

- Immediate departure required for the employee and dependents — no additional grace period.
- Unlawful presence generally begins accruing the day after denial.

Plan B: Worth Exploring

- Check cap-exempt status.
- Consider another NIV classification.

Note: These are theoretical, limited options, not guaranteed paths. Other NIV classification may require travel to obtain a new visa.

Action Items for HR and Compliance Teams



01

Build a system to track I-94 Admit Until Dates separately from I-20/DS-2019/EAD dates for every F-1/J-1 employee

02

Flag employees approaching the outer transition deadlines (Nov 14, 2030 / Oct 15, 2030) well in advance

03

Assign clear ownership of I-94 monitoring, HR, immigration counsel, or hiring manager, so it doesn't fall through the cracks

04

Build EOS and H-1B change-of-status timelines around the employee's actual I-94 date, not USCIS's stated processing time

05

Update I-9 verification/reverification procedures and offer-letter/recruiting language to reflect fixed admission periods

06

Coordinate with recruiting, payroll, and legal so messaging and tracking stay consistent across departments

Open Questions & Where to Get Updates

DHS HASN'T CLARIFIED



How will EOS processing delays be handled at scale?



Will premium processing expand to EOS filings?

STILL POSSIBLE



DHS has reserved authority to delay certain provisions if systems aren't ready.



Commenters have raised the possibility of Congressional Review Act action.

None of this is certain. Monitor USCIS.gov and Klasko's client alerts for developments on these open items.

Questions?





Let's Connect



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A background image showing a close-up of several hands in white sleeves reviewing documents on a desk. One hand is pointing at a document, another is holding a pen, and a third is holding a glass of water. The KLASKO logo is visible in the top right corner of the image area.

SCHEDULE A CONSULTATION:

[KLASKOLAW.COM/CONTACT](https://klaskolaw.com/contact)
REQUEST: Michele or Natalia



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