

The U.S. District Court Halted the New Rule Ending D/S

Office of International Programs and Compliance

New Mexico State University

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On September 14, 2026, the U.S. District Court in Massachusetts issued a nationwide preliminary injunction in the duration of status (D/S) rule litigation, postponing the September 15, 2026, effective date of the Department of Homeland Security (DHS) final rule that would have replaced duration of status with fixed periods of admission for F, J, and I nonimmigrants. The court also prohibited DHS from taking further steps to implement the rule pending further order of the court. As a result, the rule will not take effect on September 15 as scheduled, and the injunction will remain in place until the court orders otherwise or the litigation is resolved.

Accordingly, the current regulatory framework remains fully in effect and continues to govern all aspects of F and J immigration practice, including the longstanding duration of status system. The final rule's provisions establishing fixed admission periods, new extension-of-stay requirements, transition measures, shortened grace periods, and restrictions affecting academic mobility will not become operative on September 15. Because the court acted before the rule took effect, there was no need to reinstate prior regulations; the existing D/S framework simply remains the legal standard controlling.

In granting the injunction, the court found that the plaintiffs demonstrated a substantial likelihood of success on their claim that the rule is arbitrary and capricious under the Administrative Procedure Act (APA). The court also concluded that the plaintiffs showed irreparable harm and that the balance of equities favored injunctive relief. Judge Saylor expressed significant skepticism regarding DHS's stated justifications related to national security, fraud prevention, abuse reduction, and visa overstay, finding that those objectives lacked a reasonable connection to the provisions of the final

rule. The court further noted evidence of ongoing harm, including student withdrawals, declining international student applications, and significant uncertainty for both educational institutions and affected students.

The court's order applies nationwide and is not limited to the named plaintiffs or their members. Relying on Section 705 of the APA, the court determined that nationwide relief was appropriate because a more limited remedy could require parallel regulatory systems and create substantial confusion, particularly for students transferring between institutions or participating in joint-degree programs.

Importantly, the court did not vacate or permanently invalidate the rule. Instead, it denied without prejudice the plaintiffs' requests for vacatur, summary judgment, and other forms of final relief, reserving those issues for later stages of the litigation. Consequently, the final rule remains formally promulgated but is not currently in effect. Its effective date has been postponed, and DHS is barred from implementing it unless the court modifies its order, an appellate court stays or overturns the injunction, or the case is otherwise resolved on the merits. The court has scheduled a status conference for October 2, 2026, and the government is expected to appeal the preliminary injunction.

Until further notice, the existing F-1 and J-1 regulations based on the duration of status framework remain fully controlling.