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米国国土安全保障省(DHS)、F、JおよびIビザプログラムを大幅に変更か

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Practices: 移民法

On August 28, 2025, the U.S. Department of Homeland Security (DHS) released a proposed regulation to significantly change the F, J and I nonimmigrant programs. The Trump administration previously proposed to change these programs in September 2020 but the proposed changes were never implemented. The current proposed changes differ in many respects from the September 2020 proposed changes.

Highlights from the 2025 proposed regulation include:

- Nonimmigrants in the F, J and I nonimmigrant programs are currently admitted into the United States for the duration of status (D/S). The proposed regulation would eliminate D/S and replace it with a specific duration of admission, similar to other nonimmigrant categories.
- F and J nonimmigrants would be admitted for the length of their programs as indicated on their Forms I-20 (for F-1 nonimmigrants) or Forms DS-2019 (for J-1 nonimmigrants) or 4 years, whichever is shorter. I nonimmigrants would be admitted for up to 240 days.
- F, J and I nonimmigrants who need to remain in the United States for longer than the maximum period of admission would have to apply for an extension of stay through the U.S. Citizenship and Immigration Services (USCIS).
- F-1 nonimmigrants will not be eligible for an extension of stay beyond the program time left on the Form I-20 unless they are able to document either: 1. A “compelling” academic reason; 2. A “compelling” medical reason; or 3. Circumstances beyond the student’s control (e.g. natural disaster, national health crisis or closure of an institution).
- Automatically transitioning all current F, J and I nonimmigrants from D/S to a specific expiration date upon implementation of the final regulation.
- Reducing the departure grace period for F-1 nonimmigrants from 60 days to 30 days.
- F, J and I nonimmigrants who apply for extension of stay through USCIS may be required to provide biometrics through a USCIS Application Support Center (ASC).
- F-1 nonimmigrants would have to file for an extension of stay if they would like to file for post-completion Optional Practical Training (OPT), assuming that the time that they are recommended for OPT exceeds their I-94 expiration date. The proposed regulation does not indicate if the extension of stay application and OPT Employment Authorization Document (EAD) can be filed concurrently.

- F-1 nonimmigrants in English as a Second Language (ESL) programs would be restricted to an aggregate of 24 months of study.
- F-1 nonimmigrants below the graduate degree level will not be able to transfer schools, change educational levels or change educational programs within their first academic year, unless the change is first authorized by the Student and Exchange Visitor Program (SEVP) as an “extenuating circumstance” and then approved by the USCIS on an extension of stay application.
- F-1 nonimmigrants at the graduate degree level or above will not be able to change programs at any point during a program of study.
- F-1 nonimmigrants who have completed a program on one educational level may not commence a new program at the same educational level or a lower educational level.
- F-1 nonimmigrants who are eligible to change educational objectives must file an extension of stay application with USCIS in order to be approved for the change. The school’s Designated School Officials (DSOs) will no longer approve transfers and other changes in educational objectives. Instead, they will recommend the changes on the Form I-20 and the USCIS will determine whether to approve the change or not.
- F-1 nonimmigrants who need to apply for reinstatement can concurrently file a reinstatement application and an extension of stay application with the USCIS.
- J-1 nonimmigrant who are approved for reinstatement by the U.S. Department of State (DOS) will need to file an extension of stay application with USCIS within 30 days of the reinstatement approval from DOS.
- Reaffirms H-1B Cap Gap relief is available for F-1 nonimmigrants through April 1st of the subsequent year. Also provides the potential for H-1B Cap Gap relief for J-1 nonimmigrants through the publishing of a notice in the Federal Register.

DHS will accept comments on the proposed regulation through September 29, 2025. DHS will then review the comments prior to issuing a final regulation. After a final regulation is issued, the changes to the F, J and I nonimmigrant programs will become effective 30 days after publication, assuming that a court does not issue a stay in the implementation of the regulation while litigation against the regulation is pending.

Additional information about the implementation of the significant changes to the F, J or I nonimmigrant programs will be posted on the Masuda Funai website and on the Masuda Funai LinkedIn page when they become available.

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