

New F-1 Rule Will Cloud Day 1 Practical Training Backup Plans

By **Dillon Colucci** (August 31, 2026)

A new F-1 visa rule scheduled to take effect on Sept. 15 could have a major impact on companies that employ students who are currently authorized to work while studying in the U.S. Finalized by the U.S. Department of Homeland Security on July 16, the rule may reduce available employment options for student employees in the U.S.

The F-1 student visa allows students to engage in one of three types of off-campus employment, but generally only after completion of the first academic year:

- Curricular practical training, or CPT;
- Optional practical training, or OPT; or
- Science, technology, engineering, and mathematics optional practical training, or STEM OPT.



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However, some graduate programs allow for Day 1 curricular practical training, which allows students to work from the beginning of a qualifying academic program.

Up until now, Day 1 CPT has been used by employers as a backup or bridge option if the student worker's future visa status is uncertain. The new rule will replace duration of status with fixed admission periods, and may require F-1 students to file for an extension of stay when they need additional time, making Day 1 CPT a less predictable backup option for employers.

Employers should carefully evaluate their strategy before a student employee's current work authorization expires, not after the international student employee enrolls or presents a CPT-endorsed Form I-20 eligibility certificate issued by their university.

Why the Rule Change Matters for Day 1 CPT

Day 1 CPT is not a separate visa category or immigration benefit. It generally refers to CPT authorized at the beginning of a program, most commonly where a graduate program requires immediate participation in practical training.

To qualify, the CPT must be an integral part of an established curriculum and must be authorized by the designated school official before employment begins. Employers often consider Day 1 CPT when a student employee's OPT or STEM OPT is ending, the student employee was not selected in the H-1B visa registration process or additional time is needed for another immigration strategy.

Although the new rule does not eliminate CPT, it introduces additional timing and eligibility issues. As a result, a CPT-endorsed Form I-20 may not, by itself, establish that the student employee can work for the full CPT period.

Extension of Stay and Employment Continuity Concerns

The central concern with eliminating duration of status for student employees is that CPT authorization dates and the authorized period of stay may not align. A student employee may need an approved or timely filed Form I-539 extension of stay, or EOS, application to remain in the U.S., and, in specified circumstances, to continue CPT, beyond the current admission period.

Before relying on Day 1 CPT for continued employment, employers should evaluate the student employee's Form I-94 admit-until date, program dates, degree history, transfer eligibility and travel plans.

More specifically, the EOS process creates an employment continuity risk. Form I-539 EOS adjudications may involve biometrics, requests for evidence and background checks that cause processing delays.

Under the new rule, processing times will take on more importance because a student employee who timely files a Form I-539 EOS application will qualify for previously authorized employment for up to 240 days after the Form I-94 — dictating how long they can lawfully remain and work in the U.S. — expires.

Employers may need to track long-pending adjudications to ensure student employees are not working longer than 240 days after their I-94 expiration date. Employers will also have to periodically review case status information because a denial of an extension will generally end the basis for continued employment.

Employers should establish a process for receiving timely documentation from the student employee, tracking filing receipts and case status updates, and escalating any rejection, request for evidence, denial or other employment authorization issue for review.

The knock-on effect is that employers will need to do more to ensure work authorization rules are satisfied. Employers will need to track more than the CPT dates on the employee's Form I-20 university-issued document.

Relevant dates will include the Form I-94 admit-until date, but might also include the Form I-20 certificate of eligibility's program end date, the start of the 30-day grace period to depart the U.S., the CPT end date, the Form I-539 receipt date, any applicable period of continued CPT (up to 240 days) and the EOS decision date.

Academic Mobility Restrictions Affecting Day 1 CPT

The new rule also limits the usefulness of Day 1 CPT as a backup retention plan by restricting certain academic paths. Some student employees previously pursued a second master's degree or a school transfer after OPT, STEM OPT or H-1B registration nonselection.

For students who complete a course of study on or after Sept. 15, the new rule generally restricts participation in subsequent programs that are at the same or a lower educational level, and imposes additional limits on graduate-level transfers and changes in educational objectives.

Accordingly, employers can no longer rely on Day 1 CPT as an automatic option. Under the new rule, schools and relevant government agencies — including U.S. Immigration and Customs Enforcement via the Student and Exchange Visitor Program, U.S. Customs and

Border Protection and, importantly, U.S. Citizenship and Immigration Services — will make the applicable academic, status and admission decisions. Continued employment will depend on timely documentation of valid work authorization, not on an assumption that a school will authorize the CPT.

The academic mobility restrictions are especially important for graduate-level student employees, who make up a substantial portion of those considering Day 1 CPT. A second same-level degree may no longer provide a permissible path to continued CPT, and a graduate-level school transfer generally may require an exception for extenuating circumstances approved by the Student and Exchange Visitor Program. Thus, employers should not build staffing plans around either option without a detailed, individualized review.

Transition Rules for Current F-1 Student Employees

The transition rules may preserve existing employment options for some current F-1 workers, but employers should not assume that every student employee will qualify.

Generally, F-1 students admitted for duration of status on Sept. 15 may remain in the U.S. through the program end date or the expiration of an existing and valid employment authorization document, subject to the outside date of Nov. 14, 2030.

Certain F-1 students admitted for duration of status, who timely file post-completion OPT or STEM OPT applications by March 18, 2027, may also avoid filing a separate Form I-539 EOS application for the requested practical training period.

However, if an F-1 student admitted for duration of status travels outside the U.S. after Sept. 15, they will be given a fixed I-94 expiration date when they return.

For example, an F-1 student currently admitted for duration of status who does not travel outside the U.S. will potentially be able to remain in F status until Nov. 14, 2030, assuming continued maintenance of status. If, however, the student travels on Jan. 1, 2027, upon their return they will receive an I-94 with an expiration date coterminous with their program end date or their EAD expiration date, as applicable, rather than the duration of status end date.

Employers should evaluate a student employee's travel plans, readmission timing, current work authorization end date and any change to their Form I-94 that may result from travel, before relying on the student employee's continued employment authorization, because travel or readmission under the fixed period framework may change the analysis.

Travel Risks While an EOS Application Is Pending

Under the new rule, a pending EOS application is not automatically abandoned by every departure. Generally, a timely filed application may remain pending if the student employee departs and returns before the existing admission period expires and seeks readmission only for the remainder of that period.

However, if the student employee's I-94 has expired and the EOS application is pending, travel will likely abandon the pending EOS application even if the student employee returns with a new Form I-20. Travel also creates separate risks of visa delay, entry refusal, and security screening.

Student employees whose continued work depends on Day 1 CPT, or who have a pending

EOS application therefore should consult immigration counsel before leaving the United States.

Apart from travel, the timing of the EOS filing directly affects whether CPT may continue.

If USCIS receives Form I-539 before the student employee's 30-day F-1 grace period begins, authorized CPT may continue while the application is pending for up to 240 days, but no later than the CPT end date on the school-endorsed Form I-20 or the date the USCIS adjudicates the application.

If, however, the student employee files during the grace period, the student employee may be able to remain in the U.S. and study while the application is pending, but cannot begin or continue CPT until the EOS is approved. Employers should therefore treat the start of the grace period as a critical deadline for employment continuity planning.

These travel concerns are heightened for student employees who may face entry restrictions, visa processing delays, enhanced screening, limited consular access, passport issues or prolonged administrative processing. If the business depends on the student employee's continued services, the employer should evaluate a domestic extension of status strategy and develop a backup staffing plan before any proposed travel.

The chart below compares the prior duration of status framework with the new fixed period framework as each relates to Day 1 CPT.

EMPLOYER CONCERN	PRIOR DURATION-OF-STATUS FRAMEWORK FOR DAY 1 CPT	NEW FIXED PERIOD FRAMEWORK FOR DAY 1 CPT
Admission period	I-94 generally issued for duration of status while the student-maintained F-1 status and had a valid Form I-20 basis for study or practical training.	Form I-94 will reflect a fixed admit-until date based on the authorized program or practical training period, subject to the maximum period permitted by the rule and the applicable 30-day grace period.
Work authorization timing	Employers typically focused on the designated-school-official-endorsed Form I-20 CPT authorization dates, along with ordinary I-9 documentation.	Employers may need to track the designated-school-official-endorsed CPT date, admit-until date, start of the 30-day grace period, Form I-539 receipt date, any applicable continued CPT period of up to 240 days and the extension of stay decision. A mismatch may require suspension of employment.
EOS procedure	A designated-school-official-issued or updated Form I-20 generally supported continued F-1 stay without a separate USCIS extension of stay filing, assuming the student maintained status.	Form I-539 may be required if the student needs time beyond the current admit-until date. To avoid a CPT work stoppage, USCIS should receive the EOS application before the 30-day grace period begins.
EOS filed during the 30-day grace period	Generally not applicable. Most F-1 program extensions did not require a routine Form I-539 EOS filing.	An EOS filing may permit the student to remain and study while a decision is pending, but CPT cannot begin or continue unless and until the extension is approved.

Transfers and program changes	Potentially greater flexibility to transfer schools or change programs, subject to ordinary F-1, CPT and Student and Exchange Visitor Information System requirements.	Restrictions on transfers and changes in educational objectives may prevent the student employee from entering or remaining in the CPT-eligible program on which continued employment depends.
Same-level degree	A second same-level program may support continued F-1 study and CPT, if the program and CPT independently satisfied F-1 and CPT requirements.	A subsequent program at the same or a lower educational level may not support continued F-1 status, limiting a commonly considered Day 1 CPT retention strategy. DHS might delay implementation of this particular restriction, but that is not guaranteed.
EOS processing and denial risk	Routine academic program extensions generally did not require Form I-539, biometrics or a separate USCIS decision.	Form I-539 filings may involve biometrics and extended processing. If a denial follows the admit-until date, unlawful presence begins accruing on the denial date, without an additional grace period. The employment consequences depend on whether the pending application was the basis for continued CPT.
Travel while EOS is pending	Travel generally did not alter the validity of a routine F-1 program extension, although ordinary visa, readmission and pending benefit risks remained.	Returning for the balance of the existing admission period may preserve a pending EOS application, but obtaining a later admit-until date using a new Form I-20 may cause USCIS to treat the application as abandoned. Student employees who face entry restrictions or heightened screening may also face substantial return risk.

Employer Planning and Compliance Steps

Against this backdrop, Day 1 CPT may remain available after Sept. 15, but it will be less reliable as an employee retention strategy. Before relying on it, employers should consider whether the student employee's proposed academic path is permitted, whether an EOS is required, whether the timing of any extension filing supports continued CPT and what documents will establish continued employment authorization for Form I-9 purposes.

Employers also should track relevant deadlines and designate responsibility for escalating a potential lapse in work authorization.

Early coordination can help reduce the disruption from a lapse in employment authorization. The student employee, school, and the employer's human resources and Form I-9 employment verification compliance personnel should align regarding timing and documentation.

Employers should request only documents they are permitted to request for Form I-9 verification or other legitimate compliance purposes, and take care to avoid discriminatory document requests or reverification practices. Managers should not direct the student employee's academic choices or guarantee immigration outcomes.

Finally, the employer's contingency plan should address delayed adjudication, denial, travel

disruption and the possibility that the student employee may be ineligible for the contemplated Day 1 CPT program.

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