



Comment submission (9/29/2025) from EnglishUSA

Proposed 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

Docket Number: ICEB-2025-0001-0001

NOTE: EnglishUSA was a co-signer on the 9/16/2025 letter to the Secretary of the Department of Homeland Security, requesting an extension of the comment period to allow our organizations, the many colleges and universities, and the public adequate time to review the proposed changes and provide meaningful feedback. A minimum 60-day comment period would have allowed more stakeholders to carefully examine the NPRM, providing the DHS with essential information and data to consider the scope of related issues, assess unintended consequences, and prevent potential waste of resources. <https://www.regulations.gov/comment/ICEB-2025-0001-8627>

English Language Training Sector: Overview

EnglishUSA (<http://englishusa.org>), the largest association of 200+ intensive, pathway and ESL support programs in the U.S., believes the Department of Homeland Security's proposed rule to replace *Duration of Status (D/S)* with fixed periods of admission—and to impose a 24-month aggregate limit on English language training—would severely restrict students' ability to pursue language study in the United States. Such limitations undermine the competitiveness, flexibility, and accessibility of U.S. English Language Programs (ELPs) and the broader English Language Training (ELT) sector. The evidence from EnglishUSA constituents and our expertise in this industry is clear: these changes are inconsistent with the realities of language learning, the structures of U.S. programs, and the goals of international students who choose the United States for their education.

Duration of Status (D/S) provides the flexibility students need to achieve their English proficiency goals. ELPs can extend a student's program of study to add an additional session or semester if appropriate. It provides a simple process for students to transfer to a new school or change education level. Under D/S, a student can seamlessly study at an ELP before starting a degree program. It also permits international students who have earned a degree in the U.S. (or are in the process of earning a degree) to return to English study before starting a Masters or Ph.D. program. The proposed rule impacts all the above and would significantly disrupt English language training students and the industry.

Scope and Diversity of English Language Training Programs & Students

In 2024, between 600 and 800 English Language Programs operated across the United States, enrolling students at a wide range of institutions: public and private universities, community colleges, independent centers (both single- and multi-site), and nonprofit organizations. ([Bonard Education](#)

These programs meet the diverse needs of international students. While some follow traditional academic calendars, many offer rolling admissions and multiple start dates throughout the year—providing flexibility that allows students to begin study at a time best suited to their academic, personal, or professional goals. The rolling enrollment model is a key reason students choose the U.S. over competitor countries. Many programs also offer flexible courses, where students may enroll for fixed sessions (e.g. course offered in 4-week blocks) or open-ended where students can enroll for as little as 1-week. On average, international students studying English in the United States enrolled for 12.8 weeks in 2024 ([Bonard Education Annual Report on English Language Programs in the USA: 2024](#)). This figure underscores the short-term and flexible nature of English language study, which does not align with rigid fixed admission periods.

When data from the [Bonard Education: Global ELT Annual Report 2025](#) are extrapolated to include all U.S. programs, English Language Programs served more than 131,000 students in 2024, representing over 1.5 million student weeks of study. (English Australia, Languages Canada, English UK, EnglishUSA, English Education in Ireland, Education South Africa, Education New Zealand, National Statistics Office Malta & BONARD, 2024).

Importantly, English language study is not always a stand-alone goal. According to *Open Doors 2024*, 28% of intensive English program students from all types of programs intended to continue with further academic study in the U.S.—making ELPs an essential pathway into higher education.

English Language Training Students vs Degree-Seeking Students

Unlike degree-seeking students, who have recognized timelines for completion, a student's timeline for English language learning varies based on (1) their proficiency level upon arrival and (2) the learner's goals (e.g., graduate school, business English, general English, etc.).

There are two types of F-1 English language training students, and the proposed rule creates significant challenges for each:

(1) Students Planning to Continue to Degree Programs after Language Training

These students typically enroll in an ELP as a first step toward undergraduate or graduate study in the U.S. The rule would affect them in several ways:

- **Minimum Academic Year Requirement (Transfer Limit):** Students would be required to remain in the initial ELP for an “academic year,” even if they achieve their English proficiency goals sooner.
- **No Lateral Transfers:** Students could not move between ELPs to find a better academic or financial fit.
- **No “Reverse Matriculation”:** Students could not move from a higher-level program (e.g., bachelor’s or master’s) back to an ELP for additional English training.
- **Increased Reliance on Extension of Stay (EOS):** After completing language training, students would need to file an expensive and uncertain EOS application to begin degree study.

(2) Students Not Planning to Continue to Degree Programs (Who May or May Not Continue Studying English)

Many ELP students enroll for personal, professional, or short-term academic goals without seeking a U.S. degree. The rule would also negatively impact this group:

- **No Initial Transfers:** Students must commit to one program and one plan, with no ability to adjust goals or change programs during their stay.
- **EOS Challenges:** Students with short I-94 departure dates must apply for EOS, which is costly, slow, and uncertain. If they leave the U.S. before adjudication, they risk going out of status.
- **Barrier to Change of Plans:** If students later decide to pursue a degree, they would need one EOS for the ELP and a second EOS for the degree program—adding cost and administrative burden. Similarly, if they wish to remain at the same school after deciding the school is a good fit, they like the teachers and curriculum, and are seeing improvement in their language skills even though not yet at the highest level offered, they would need to file for a costly, slow and uncertain EOS.

General Opposition to the Proposed Rule

Duration of Status provides the flexibility students need to achieve their English proficiency goals. ELPs can extend a student's program of study to add an additional session or semester if appropriate. It provides a simple process for students to transfer to a new school or change education level. Under D/S, a student can seamlessly study at an ELP before starting a degree program. It also permits international students who have earned a degree in the U.S. to return to English study before starting a Masters or Ph.D. program. The proposed rule impacts all the above and would significantly disrupt English language training students and the industry. In addition, the proposed rule is unnecessary given the strength of the current Student and Exchange Visitor Information System (SEVIS) and the I-17 recertification process. DHS has the systems and tools for sufficient oversight and program integrity. DHS did not consider less intrusive and costly alternatives.

Impact of Proposed Rule on English Language Training Students and Programs: Concerns and Recommendations

1. [Replacing D/S for F Nonimmigrants with a Fixed Admission Period](#)
2. [Impact of the Extension of Stay \(EOS\) Process on ELT](#)
3. [Limiting English language training to 24 months](#)
4. [Limiting changes in F-1 educational objectives for ELT Students](#)
5. [Limiting transfers & changes to educational objectives during first academic year](#)
6. [Prohibition on lateral and reverse matriculation by F-1 students](#)
7. [Costs of Proposed Rule to Schools & U.S. Competitiveness in Global Market](#)
8. [SEVIS and USCIS Sufficiently Monitor Student Mobility](#)

#1: Replacing D/S for F Nonimmigrants with a Fixed Admission Period

Summary

Under the rule, F-1 nonimmigrants would be admitted only until their program end date, not to exceed four years, plus a 30-day grace period. Any extension would require filing for an EOS with USCIS. This change shifts the long-standing practice of flexible D/S admissions into a rigid system of deadlines and filings. Instead of being admitted for "duration of status" (D/S) as they currently are (since 1991 for F students), individuals applying for admission in either F status (F-1 students, F-2 dependents) would be admitted only until the program end date noted on their Form I-20. The rule would not change the program period a school or program could put on the I-20, instead, it would limit the period of admission that CBP or USCIS would give on the students' Form I-94. Member programs report to EnglishUSA that most English Language Programs (ELPs) issue I-20s for a year or less, meaning the I-94 departure date would be for short periods of time, which is much shorter than degree program students. It would be very uncommon for an ELP to issue I-20s for the four-year maximum period of admission for F visa holders.

Along with moving to a period of fixed admission, the proposed rule would remove [the current rule's provision](#) that states, "The student is considered to be maintaining status if the student is making normal progress toward completing a course of study." Exceptions to the general rules of admission under the proposed rule include [Proposed 8 CFR 214.2\(f\)\(5\)\(i\)\(A\)](#): Maximum 24 for a month admission period for ESL programs, which is addressed below.

EnglishUSA opposes the proposed replacement of D/S with a fixed admission period for F nonimmigrants, as it disregards the unique structure of English language programs and would impose unnecessary costs and barriers for students and schools, for the reasons outlined below.

Impact of moving to a fixed period of admission based on I-20 program dates and how ELPs admit students and issue the initial Form I-20

Because there is no nationally recognized standard of completion for English language training, program completion is defined differently across ELPs. Most programs have 3–6 levels, but completion may mean either finishing the highest level offered (with an initial I-20 covering the full program) or completing only the sessions/terms/semesters for which a student is admitted (the more common practice). Since many students do not intend or need to reach the highest level in an ELP, initial I-20 program dates reflect the period of *intended* study rather than the time it takes to complete all the levels. Program dates on these I-20s can be for a short period of time (e.g., 8 weeks or less).

In response to having a fixed time period for admissions, more English Language Programs (ELP) may elect to issue initial I-20s for the entire period of time it takes to complete all levels of a program, regardless of the student's intentions or ability to benefit. For example, it can take over one year for a student to complete all levels of an ELP from beginner to advanced at one school or nearly two years at another. Issuing an initial language training I-20 in this way gives students the option to shorten their program of study, which does not require an Extension of Stay (EOS) application to USCIS.

Alternatives DHS Did Not Consider

EnglishUSA strongly opposes replacing D/S with a fixed period of admission, as it disproportionately negatively impacts ELT students and programs. The current D/S model provides the flexibility for ELT students to achieve their educational objectives (which may be academic, professional or personal). Furthermore, existing systems (SEVIS and I-17 Certification) are sufficient for DHS to monitor students it does not perceive as bona fide. Establishing a fixed period of admissions is overly burdensome, especially for ELT students and programs. DHS did not consider less costly, intrusive, and burdensome alternatives.

However, if DHS determines a fixed limit on admission must be imposed on ELT students (24 or 36 months, for example), EnglishUSA recommends students be admitted for the limit, based on the program start date on the initial Form I-20 plus the 30-day post-completion grace period. For example, a student with a program start date of January 1st, 2026 would have an I-94 departure date of January 31st 2028 if the ESL limit is 24 months. This would be similar to other non-immigrant visa categories who are admitted for a fixed period, such as B1/ B2 who are typically admitted for 6 months from date of admission. Additionally, language training students should be exempt from the EOS requirement for both extensions as well as for transfers or education level changes during this period. The result would be that students would not be required to undergo the costly and burdensome EOS process as their I-94 would allow them flexibility to continue studies unimpeded since most ELT student do not need 24 months of study. According to the [SEVIS Mapping Tool Data](#), approximately 5% of active F-1 students are here for language training. This proposed alternative would reduce costs in anticipated lower ELP enrollments because it allows ELT students needed flexibility, would lower administrative costs for ELPs since they will not have to train staff in how to support students through this aspect of the EOS process, and reduce USCIS workload related to the expected increase in EOS applications.

#2: Impact of the Extension of Stay (EOS) Process on ELT

Summary

The proposed rule establishes a two-step process for an extension: school officials 'recommend' extensions in SEVIS, but USCIS ultimately adjudicates the extension application under uncertain eligibility standards. This removes the current regulatory language on "normal progress" and adds costs, delays, and uncertainty to routine academic transitions. To file an EOS, students (and their dependents) must timely file an extension of stay application on Form I-539, with fee, which would be adjudicated by USCIS under revised standards. EOS would be needed for all program extensions beyond the I-94 departure date, most transfers to a new school, and most changes of education level.

According to the proposed rule, where an applicant or petitioner demonstrates eligibility for a requested extension, it may be granted at USCIS's discretion. The denial of an application for extension of stay may not be appealed (Proposed [8 CFR 214.1\(c\)\(5\)](#))

Legal Liability for Programs/Institutions

An EOS application is a personal filing made by the individual seeking the benefit. Because such applications can significantly affect an applicant's current immigration status and future eligibility for benefits, they often involve complex considerations.

While college-based advisers should be familiar with the general issues surrounding extensions of stay, they are not authorized to provide legal advice. Applicants who need guidance in assessing risks, weighing options, or developing an immigration strategy should be referred to an experienced immigration attorney.

An immigration attorney is best equipped to advise on all aspects of an extension of stay application, including responding to Requests for Evidence (RFEs), interpreting rules related to overstay and unlawful presence, and addressing matters involving dependents or other personal circumstances.

The need to seek legal counsel and the overall EOS process will deter English language training students from seeking program extensions, especially since most ELT students will extend for short periods of time.

Questionable Period of Authorized Stay with Pending EOS

In addition, under the proposed rule at 8 CFR 214.2(f)(5)(viii), it is not clear that F-1 status itself would be extended while an Extension of Stay (EOS) application is pending. The language specifies only that a student whose I-94 expires during this period "will be considered to be in a period of authorized stay... until USCIS issues a decision on the extension of stay application."

From the perspective of English language training programs and their F-1 students, this distinction is critical. A "period of authorized stay" is not equivalent to maintaining valid F-1 nonimmigrant status. While being in a "period of authorized stay" may protect a student from the overstay penalty under INA 222(g) and from accruing unlawful presence under INA 212(a)(9)(B), DHS policy has long recognized a difference between having valid nonimmigrant status and merely being permitted to remain under a "period of authorized stay." For EnglishUSA members, this creates uncertainty for both students and programs, particularly with respect to continued enrollment, SEVIS compliance, and eligibility for benefits tied to active F-1 status.

Negative Impact on ELT Students & Programs

USCIS officers—not English language programs (ELPs)—would have final authority over program extensions and I-20 transfers, and ELPs can only recommend them. The standards USCIS would apply to EOS decisions for English language training (ELT) are unclear, and adjudicators lack the pedagogical expertise to evaluate student progress or need for extended time in ELT. ELP administrators already assess outcomes using assessments, coursework, proficiency tests, and individualized learning goals, as well as program policies and accreditation standards—measures that cannot be replicated by USCIS staff. How will USCIS determine what constitutes appropriate "progress" for an ELT student?

Beyond concerns about adjudication for extensions and transfers/changes in education level, the EOS process disproportionately negatively impacts ELT students and programs because most ELT students study for a short period of time. In 2024, ELT students enrolled, on average, for approximately 13 weeks. Many ELT students will elect not to use the EOS process to extend their studies to avoid the cost, long anticipated wait times for adjudication, and uncertain adjudication

result. This will be especially true when requesting an extension for a short-term ELT course (ELPs regularly offer 8-week or less sessions). ELPs will see a reduction in enrollments due to the EOS process. Because most ELP I-20s cover short terms of study, the program end date on the I-20, plus a shortened 30-day grace period (down from 60 days), will determine the departure date on a student's I-94. Students unable to leave by that date would have to file an EOS, even for a brief extension, making continued enrollment unnecessarily burdensome. Additionally, given that ELPs run on short academic terms (often 8–16 weeks) and students frequently transition quickly into university programs, USCIS delays could disrupt timely admissions and progression.

The Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Program (SEVP) have a two-decades old robust system in place to certify institutions to enroll international students and exchange visitors and to track them throughout their study or program. This Student and Exchange Visitor Information System (SEVIS), provides DHS an early and ongoing opportunity to prevent and identify fraud and abuse of the F-1 and J-1 nonimmigrant status. SEVIS allows for the collection of information related to international students and exchange visitors and provides much of the information DHS would request via the extension application process. ELPs already dedicate substantial staff time to SEVIS compliance, including monitoring attendance, academic progress, and transfers.

Alternatives DHS Did Not Consider

EnglishUSA recommends that ELT study be exempt from the EOS for extensions and transfers made prior to the I-94 departure date. ELT is distinct from degree study in that students typically enroll for short periods of time. Additionally, ELT prior to degree study is regularly part of a student's overall program of study. This is the case for pathway programs and/or any ELT student transferring or changing education level.

Alternatively, if DHS feels adjudication of an extension or transfer is required for all F-1 students, EnglishUSA recommends that instead of requiring EOS for ELT students, DHS could require that ELP DSOs use the *SEVP Help Desk* for approving extensions or transfers of language training students before the I-94 departure date on the I-20. DSOs can provide support letters, with evidence explaining the reasons. Students could also provide a rationale. Through the Help Desk, SEVP can approve transfers and/or changes in education level during the first academic year. It would decrease the number of ELT-based EOS applications, thereby reducing USCIS workload while still providing oversight by DHS. EnglishUSA urges DHS to consider this alternative. Currently, ELT students make up less than 5% of F-1 active students according to [SEVIS Mapping Tool Data](#). This alternative reduces costs in anticipated lower ELP enrollments because it allows ELT students needed flexibility, as language learning and ELPs are distinct from degree study. Also, it lowers administrative costs for ELPs since they will not have to train staff in how to support students through this aspect of the EOS process.

SEVIS is already sufficient to accomplish DHS's goals given that English language training students are highly monitored with attendance reporting and progression, so the rule is duplicative, wasteful, and unnecessary. EnglishUSA recommends that DHS continue to rely on and continue to improve SEVIS and the SEVP Help Desk to approve extensions and transfers for language training students.

#3: Limiting English Language Training to 24 months

Summary

[Proposed 8 CFR 214.2\(f\)\(5\)\(i\)\(A\)](#): “F-1 students whose course of study is in an English language training program are restricted to a maximum of 24 months admission period, plus an additional 30-day period of stay for the purposes of departure or to otherwise seek to maintain lawful status.”

[Preamble](#) of the proposed rule states, “F-1 students in a language training program would be restricted to an aggregate of 24 months of language study, which would include breaks and an annual vacation.”

EnglishUSA opposes the proposed 24-month limit on English language training, as it disregards research on language acquisition, fails to account for different types of students and their goals, and would significantly harm students and programs, for the reasons outlined below.

Impact of limiting English language study to 24-months

Unlike degree programs, which have a fixed progression of skills leading toward the degree, language learning is non-linear and shaped by multiple interacting variables (Larsen-Freeman). The 24-month limit does not account for this non-linear progression of language proficiency nor for the many variables that could impact one’s progression. Additionally, it does not consider the proficiency level of the student when starting a program. DHS’s timeframe references analysis from Cambridge English; however, Cambridge English’s 24-month timeline does not take into account vacations and breaks. Such time off from language study would extend the time required to achieve proficiency. Additionally, Cambridge English also cautions that most students in intensive English programs require longer than the guide suggests, precisely because of the many variables influencing second language acquisition (Cambridge English. 2013).

One variable is the student’s proficiency level at the start of their program of study. A beginning level student (A1 CEFR equivalent) will take significantly longer than an intermediate level student (B1 CEFR equivalent). This is further complicated by the fact that individuals progress in language proficiency at different speeds based on capacity and many other variables (time spent learning, time spent outside of the classroom practicing, motivation, learning style, external stressors, etc.) so there is no one fixed timeline for attaining proficiency. Research shows that an estimated timeline for Basic Interpersonal Communication Skills (BICS) is around 24 months (Cummins, 2000; Cummins, 2007), while attainment of proficiency to achieve in academic or highly specialized settings could take anywhere from three to seven years (Hakuta, Butler, & Witt, 2000; Roessingh et al., 2005; Hahta, 2000). With 28% of language training students on track for entering a degree program in the United States, this proposed ruling has potential for significant impact. This impact is even greater for university-based ELPs where 43% of the students intend to matriculate to a U.S. university (Institute of International Education. 2024. “IEP Student Enrollment Trends, 2024.” *Open Doors Report on Intensive English Program Data*.)

Clarification Needed

Additionally, the proposed ruling does not clarify whether the aggregate 24-month restriction is over a lifetime or applies to a single period of stay for an F-1 visa ELT student. This clarification is important. A lifetime aggregate of 24 months negates the reality that many students return for

English study at various points in their life based on new career, personal or academic goals. Consider the case of a student who studies English for two years to pursue a bachelor's degree in the United States. That student returns home to start their career and after a few years decides to apply to an LLM program at a U.S. university. Because their career has been spent speaking predominantly in their home language, they are accepted through the pathway program for legal English preparation. With a lifetime maximum of 24 months, that student would have to forego studies in the U.S. because they will have met the 24-month maximum for ELT. This, in turn, will impact enrollment at universities which, in turn, impacts the local economy that relies on a student population to use their restaurants, housing, grocery stores, etc.

Other Negative Impacts / Considerations

- This proposed ruling does not take into account the ample research demonstrating that the working proficiency required to attain proficiency in academic, specialized and highly technical language surpasses 24 months, with much of the research citing 4 to 7 years to achieve what is known as Cognitive Academic Language Proficiency (CALP). With an average of 28% of language training students (43% of language training students at higher education institution language programs) intending to pursue degree studies, this fixed time period could have a significant impact on language programs especially at institutions of higher education (Institute of International Education. 2024. "IEP Student Enrollment Trends, 2024." Open Doors Report on Intensive English Program Data.)
 - Clark, M. (2021). More than learning English? The impact of university intensive English programs. Education Policy Analysis Archives.
 - Cummins, J. (2008). BICS and CALP: Empirical and theoretical status of the distinction. In B. Street & N. H. Hornberger (Eds.), Encyclopedia of language and education (2nd ed., Vol. 2, pp. 487–499). Springer.
 - Hakuta, K., Butler, Y. G., & Witt, D. (2000). How long does it take English learners to attain proficiency? Stanford University.
 - Roessingh, H., Kover, P., & Watt, D. (2005). "Developing Cognitive Academic Language Proficiency: The Journey." TESL Canada Journal, 23(1), 1–27.
- The inclusion of breaks and vacations in the 24-month limit is specific to ELT students only. English language training programs operate on a variety of schedules to accommodate the goals of different learners. Breaks and vacations may vary in length, but are normal in most academic programs, as they are in degree programs, and are pedagogically sound. Counting non-instructional time only for ELT students is punitive.

Alternatives DHS Did Not Consider

As stated above, EnglishUSA opposes the 24-month limit on English language training. The Accrediting Council for Continuing Education & Training (ACCET), established in 1974, has been recognized by the U.S. Department of Education as a trusted authority on educational quality since 1978; its standards on Satisfactory Progress state "Academic proficiency levels are defined in accordance with sound educational standards and practice for Intensive English Programs (e.g. beginner, intermediate, advanced) and nuances thereof (pre-intermediate, upper intermediate, etc.). Students must demonstrate normal progress through academic levels in a sequential manner (e.g. intermediate follows beginner, etc.). Levels may be repeated, based on a sound written and well-documented rationale established by the institution, provided that the student's maximum cumulative total length of the language training is no more than 36 months at the institution. A documented learning plan must be prepared by the institution and available for those learners who

are required to repeat a level more than once”
(<http://docs.accet.org/downloads/docs/doc18.iep.pdf>).

If DHS sees a limit as necessary, 1) EnglishUSA recommends a 36-month limit as it better aligns with research and accreditation standards that indicate that up to 3 years may be needed to acquire advanced academic English proficiency, and 2) it should not be an aggregate lifetime limit as people’s goals change throughout a lifetime and for non-native speakers of English, pursuing a highly specialized career or degree often requires additional English language study.

#4: Limiting Changes in F-1 educational objectives for ELT Students

Summary

[Proposed 8 CFR 214.2\(f\)\(5\)\(ii\)](#) would regulate "change of educational objectives," a new concept in the F-1 regulations. [Proposed 8 CFR 214.2\(f\)\(5\)\(ii\)\(A\)](#) refers to "educational objectives" as: "i.e., programs, majors, or educational levels."

DHS notes in the [preamble](#) that the current F-1 "full course of study" regulations at [8 CFR 214.2\(f\)\(6\)\(i\)](#) require a student's program to "lead to the attainment of a specific educational or professional objective," and then opines that: "Repeated changes to a program of study either within the same educational level or to move to a lower level, as well as immediate changes to a program of study upon initial entry into the United States, are not consistent with attainment of such an educational or professional objective."

DHS recognizes the challenge of implementation regarding limits to changes of educational objectives as stated at [proposed 8 CFR 214.2\(f\)\(5\)\(ii\)\(E\)](#) and in [the preamble](#).

EnglishUSA opposes the proposed rule to limit changes in F-1 educational objectives for ELT students, as it fails to recognize the unique nature of English language training and would create unnecessary barriers for students and programs, for the reasons outlined below.

Impact on English Language Training Programs

EnglishUSA finds that English Language Training (ELT) is a distinct educational objective but is not an *education level*. Unlike degree programs, which have recognized timelines for completion, a student's timeline for English language learning varies based on (1) their proficiency level upon arrival and (2) the learner's goals (e.g., graduate school, business English, general English, etc.). Further, unlike degree programs, there is great diversity in English Language Program (ELP) types and curricula. For example, a student seeking a BA in Chemistry can apply to colleges and universities across the U.S. with the understanding that the degree they earn is the same, no matter where they study. However, that is not the case with ELT and ELPs. Curricula and program offerings vary greatly from ELP to ELP. ELPs offer academic preparation, general English, and exam preparation programs, pathway programs, Summer/Winter short-term programs, etc. Successfully reaching the highest levels at a university-based ELP may be very different from completing the highest level at an ELP that focuses on General English skills only.

Another reason ELT is a distinct educational objective is that ELT students have diverse and differing objectives. Most ELT students in the U.S. do not intend to continue their studies after ELT, while some elect to study English before transferring or changing education levels to a degree program. For some, enrolling in ELT is a required part of degree program admissions and for others, it is a recreational pursuit, for their own enrichment. ELPs serve the diverse ELT objectives of students within their program.

Because the nature of language learning is distinct from degree study and because there is much variation in ELP curricula and offerings, EnglishUSA supports allowing changes to a program of study either within the same educational level or to move to a different level, as well as immediate changes to a program of study upon initial entry into the United States. The below sections will address legitimate and valid reasons ELT students should be considered different from degree-program students regarding attainment of their educational or individual objectives.

EnglishUSA shares DHS's [concern](#) that limits to changes of educational objectives may be unworkable given the significant number of valid reasons why ELT students would want to:

- Transfer to a new ELP (same education level) on arrival or before an academic year
- Transfer or change education level to a degree before an academic year
- Transfer to ELT after completion of a degree program to further prepare for the next level of study.

For these reasons, many ELT students will be impacted by the proposed rule and the cost will lower enrollment at ELPs and increase workload on USCIS and ELPs.

Alternatives DHS Did Not Consider

EnglishUSA recommends that DHS recognize English Language Training (ELT) as a distinct educational objective and exempt ELT students from proposed limits on transfers, changes in education level, and lateral or reverse matriculation.

Unlike degree study, ELT has no nationally recognized standard of completion. Program length depends on a student's proficiency at arrival and their learning objective (general English, academic English, etc.). This makes fixed admission periods based on I-20 end dates more burdensome for ELT students and programs than for degree-seeking students at universities. DHS itself acknowledges the distinct nature of ELT by imposing a 24-month cap, further supporting the case for separate treatment.

EnglishUSA urges DHS to be explicit in this distinction by carving out exemptions for ELT in the proposed rule. Many ELT students enter the U.S. with academic or individual goals that extend beyond English study. Creating barriers to their ability to extend study, transfer to new programs/change education levels, or return to language training harms both students and institutions, leading to reduced enrollment and higher administrative costs. For these reasons, ELT students should be exempt from such limitations throughout their authorized stay because ELT is a distinct educational objective.

#5: Limiting transfers & changes to educational objectives during first academic year

Summary

DHS proposes ([8 CFR 214.2\(f\)\(5\)\(ii\)\(A\)](#)) that students below the graduate level complete their first academic year of a program of study at the school that initially issued their Form I-20 before changing educational objectives or transferring schools, unless an exception is authorized by SEVP for "extenuating circumstances."

Proposed [8 CFR 214.2\(f\)\(8\)\(i\)\(D\)](#) requires that: "Unless an exception has been authorized by SEVP, the student has completed his or her academic year of a program of study at the school that initially issued his or her Form I-20 or successor form."

The [preamble](#) states, "DHS believes these proposed changes would accommodate the legitimate academic activities of bona fide students, such as a desire to pursue a different field of study or more specialized studies in their current field. These proposed changes would also provide SEVP with flexibility to grant exceptions for extenuating circumstances." DHS states in the [preamble](#) that it "has also observed a pattern of students immediately transferring schools or changing educational levels or programs of study upon their arrival in the United States. These students often use an admission letter and Form I-20 from a well-known school to increase their odds of obtaining a student visa and then immediately request a transfer to their intended school or program of study once they have gained admission to the United States. Some of the most egregious examples are those who apply to a 4-year university, which requires demonstration of sufficient English level skills for enrollment in classes through the passage of the Test of English as a Foreign Language test (commonly known as TOEFL), receive their visa based on their declared intention of attending a 4-year university, and then transfer to English language programs upon arrival." The preamble further states "Since 2020, there have been over 13,000 F-1 students who transferred before the start of classes or within their first term, including over 4,400 students transferring from a higher education to English language training program of study within their first term or session of a program of study. The number of F-1 students who changed their educational levels within the first 60 days of their program is close to 8,400."

Clarification Needed

Although the proposal requires SEVP to pre-authorize changing educational objectives or transferring before the completion of the first academic year at the school whose I-20 was used to enter the United States, the proposed rule does not specify what the procedure is to request SEVP authorization, nor does the proposed rule further explain what might constitute "extenuating circumstances" for this purpose.

Disproportionate Negative Impacts on ELT Students and Programs

As stated above, the nature of language learning is distinct from degree study and there is much variation in ELP curricula and offerings. EnglishUSA supports allowing transfers and/or changes to a program of study either within the same educational level or to move to a higher level within the first academic year, as well as immediate changes to a program of study upon initial entry into the United States for legitimate need. Here are reasons EnglishUSA opposes limits to transfers or changes to education level during the first academic year:

- Limiting transfers until after an academic year will prohibit students from short-term ELT in the U.S. before starting a degree program. Students who do not need 26 weeks of ELT (SEVP academic year for clock hour programs) would not be able to transfer to degree programs. This will significantly lower enrollments in both language and degree programs.
- Not all ELPs follow the academic calendar. It is an arbitrary limit for language training. This is another way ELT is a distinct educational objective.
- The majority of ELP students enroll for less than one academic year. [Bonard Education Annual Report on English Language Programs in the USA: 2024](#) reports that in 2024, ELP students enrolled, on average, for 12.8 weeks.
- Restricting transfers until after one academic year limits students from studying in multiple cities or programs (e.g., New York, Houston, Miami), reducing student choice and making the U.S. less attractive as an education tourism destination. Multi-site independent ELPs promote English study as educational tourism, where students can change from city to city within the same program during a student's short-term stay. The proposed rule limits student choice of where they want to study, making the U.S. a less attractive ELT destination. The cost will be in lower enrollments.
- The proposed rule will cause costly potential disruptions to established pathway programs or conditional admission to degree programs. This is another way ELT is distinct. For many ELT students, it is a recognized path before entering degree study and is part of their overall program study when entering the U.S.
- Some ELPs have reported to EnglishUSA that some initial transfer cases are potentially fraudulent. That said, there are times when an initial transfer or transfer before an academic year may be appropriate:
 - Students discover a different program or location is more appropriate for their goals. Some institutions offer English for Specific purposes programs or locations that better serve students
 - Student does not feel comfortable in the city or area in which the ELP is located
 - The school is unable to offer an appropriate-level class for the student
 - Students may transfer to a pathway or other program before one year that will fall under the definition of lateral move but are more appropriate to academic goals.

The 13,000 students identified since 2020 who have changed program or program level either immediately upon admission or within the first 2 months of their program only account for 0.4% of the nearly 3.2M students who were admitted during this same period. (Institute of International Education 2024. "International Student Enrollment Trends, 1948/49 - 2023/24." Open Doors Report on International Educational Exchange. Retrieved from [Open Doors Data](#)).

Here are examples of how limits on transfers and changes to educational objectives during the first academic year will impact ELT students.

Real-World Example (Initial Transfers): A student enters the US with I-20 from an ELP in Utah. They report to the program but feel the climate and location are not suitable. Additionally, they are not impressed with the quality of instruction and curriculum. They decide they want to study at an ELP in Georgia and not enroll in Utah.

Real-World Example (Transfer to a New ELP): A student completes an 8-week General English session at an independent ELP in New York but wants to transfer to a college-based ELP also in New York to seek degree program admission there.

Real-World Example (Transfer to a Degree from an ELP): A student is admitted to a degree program in Oklahoma but wants to brush up on their academic English skills before starting classes. They decide to enroll in an ELP in California in June and July, before joining the degree program in August.

Real-World Example (Pathway Program): A student is admitted to a pathway program at a university. They are issued a pathway program I-20 and enroll in language and credit classes simultaneously in the fall semester. They can join full degree program classes in the spring semester at the same university.

The proposed rule limits all of the above since transfers or education level changes are not permitted during the first academic year. Importantly, the rule does not specify what the procedure is to request that SEVP authorization, nor does the proposed rule further explain what might constitute "extenuating circumstances" for the purpose of granting exceptions. The examples cited by DHS for granting an exception include "when a school closes or when a school has a prolonged inability to hold in-person classes due to a natural disaster or other causes." Other exceptions which allow for greater flexibility must be considered.

Alternatives DHS Did Not Consider

EnglishUSA opposes the proposed limits on transfers and changes in education levels for the reasons outlined above.

However, if DHS determines these limitations are necessary, EnglishUSA recommends that ELT be exempt from limits on transfers and changes to educational objectives during the first academic year because ELT is distinct from degree study. ELT students typically enroll for a short period of study and regularly transfer before completion of an academic year, therefore restricting program changes and transfers in the first year disproportionately impacts ELT programs and students. Further, EnglishUSA recommends DHS allow ELPs to transfer to a new ELP or a degree program during the first academic year without going through the EOS process if the DSO takes action before the I-94 departure date. This would reduce the number of EOS applications received by USCIS, saving resources, while allowing ELP students the flexibility to change schools before they reach the departure date on the I-94.

If DHS does not exempt ELT from transfer limits during the first year, EnglishUSA recommends DHS consider ELT concerns when granting exceptions for extenuating circumstances, under the new authorization process DHS must establish to implement the proposed rule.

Additionally, EnglishUSA recommends that DHS not require an EOS to grant exceptions. Instead, DHS could require that ELP DSOs use the SEVP Help Desk for approving transfers of language training students during the first academic year and before the I-94 departure date. DSOs can provide support letters, with evidence if necessary, explaining the reasons. Students could also provide a rationale.

Through the Help Desk, SEVP could approve transfers and/or changes in education level during the first academic year. It would decrease the number of ELT-based EOS applications, thereby reducing USCIS workload while still providing oversight by DHS. EnglishUSA strongly recommends DHS consider this alternative. Currently, ELT students make up less than 5% of F-1 active students

according to [SEVIS Mapping Tool Data](#) This alternative reduces costs in anticipated lower ELP enrollments because it allows ELT students needed flexibility, as language learning and ELPs are distinct from degree study. Also, it lowers administrative costs for ELPs since they will not have to train staff in how to support students through this aspect of the EOS process.

Prohibition on lateral and reverse matriculation by F-1 students

Summary

The proposed rule would prohibit an F-1 student who has completed a program at one educational level from pursuing another program at the same educational level (lateral matriculation) or lower educational level (reverse matriculation).

[Proposed 8 CFR 214.2\(f\)\(5\)\(ii\)\(C\)](#), in the newly proposed "change of educational objectives" paragraph, provides:

“(C) An alien who has completed a program in the United States as an F-1 nonimmigrant at one educational level may not maintain, be admitted, or otherwise be provided F-1 status through a program at the same educational level or a lower educational level.”

This proposed rule language could possibly be read as a lifetime limit, although the [preamble](#) talks about this as prohibiting "a change to the same or a lower educational level while in F-1 status," which may indicate an intention that the limit resets with a new admission as an F-1.

As proposed, a change of educational level could be approved only for students moving to a higher educational level. [Proposed 8 CFR 214.2\(f\)\(5\)\(ii\)\(B\)](#) says: “An F-1 student who has completed a program in the United States at one educational level and begins a new program at a higher educational level is considered to be maintaining F-1 status if otherwise complying with requirements under 8 CFR 214.2(f).”

Impact on ELT Students

EnglishUSA opposes the prohibition on lateral and reverse matriculation for F-1 ELT students. ELT should be exempt because it is significantly different from degree study, especially when considering program completion. [Proposed 8 CFR 214.2\(f\)\(5\)\(ii\)\(C\)](#) provides: “An alien who has completed a program in the United States as an F-1 nonimmigrant at one educational level may not maintain, be admitted, or otherwise be provided F-1 status through a program at the same educational level or a lower educational level.

First, there is no nationally recognized standard of completion for English language training. How will DHS determine completion of ELT? The nature of language learning, in and of itself, requires continual use and development over a lifetime. To be clear, completing all the levels of any ELP does not equate with completing English language training. Therefore, completing a program of study at an ELP should not preclude a student from seeking additional ELT opportunities. It is appropriate for ELT students to seek a lateral transfer to a new ELP while in the U.S., as stated in #3. ELPs have diverse offerings (Legal English, exam preparation, Business English, general English, academic English, English+, etc.). ELT students should be able to move laterally from

program type to program type based on their educational objectives. This is yet another way ELT is distinct from degree study.

Second, there are legitimate reasons for so-called reverse matriculation for ELT students. Students legitimately pursue additional English study after completing degrees to prepare for graduate work or professional advancement. Different English program types serve different purposes (general communication vs. academic preparation vs. professional skills vs exam preparation) and students have many reasons to choose or need to continue with ELT despite having attained the necessary English proficiency required for admission into a degree program.

Real-World Example (Reverse Matriculation): A student is finishing up her BA in December and is applying for MA programs that start in August but is struggling to attain the required GRE or GMAT score. She wants to stay in the U.S. after finishing her BA and study in a language program or test prep center to increase their score. Enrolling in an ELP allows them to remain in status and strengthen their academic English in this field of study before starting graduate programs.

Students in this scenario would be barred from transferring to an ELP. This prohibition would undermine legitimate pathways, disrupt student preparation, and harm ELT programs by reducing enrollments. It is appropriate for a student with a BA in biology to want to improve their academic English speaking and presentation skills at an ELP before joining an MBA.

DHS states in preamble: "While there may be legitimate cases of students who wish to change their educational objective to gain knowledge at a lower or at the same educational level, the traditional path of study typically progresses from a lower educational program to a higher one." That "traditional path of study" does not reflect the educational reality of language learning. While progression from a lower education level to a higher one is traditional for degree study, it is not for ELT because ELT is distinct and is not an education level. Yes, it is appropriate for an ELT student to progress to a degree, but most ELT students do not intend to continue their studies. Lateral and reverse matriculation supports English language learners in reaching their educational objective.

Clarification Needed

DHS must clarify if the proposed rule is considering a lifetime limit on lateral and reverse matriculation. For example, a student who graduated with a U.S. BA in 2020, should be able to study at an ELP before starting their MA in 2026. Language learning is not linear; additional ELT study may be advisable after gaps in study. The same is true for ELT students who studied at a US ELP and then want to return after a gap.

Alternatives DHS Did Not Consider

EnglishUSA opposes the proposed prohibition and recommends DHS permit lateral and reverse matriculation for ELT students.

If DHS does not exempt ELT from lateral and reverse matriculation, EnglishUSA strongly recommends DHS consider ELT concerns and grant exceptions under the new authorization process that DHS must establish to implement the proposed rule. EnglishUSA recommends that DHS not require an EOS to grant exceptions. Instead, DHS could require that ELP DSOs use the SEVP Help Desk for approving lateral and reverse matriculation for ELT students. DSOs can

provide support letters explaining the reasons, with evidence if needed. Students could also provide a rationale for the lateral and/ or reverse matriculation.

Through the Help Desk, SEVP could approve transfers and/or changes to a lower education level. It would decrease the number of ELT-based EOS applications, thereby reducing USCIS workload while still providing oversight by DHS. EnglishUSA requests that DHS consider this alternative. Currently, ELT students make up less than 5% of F-1 active students according to [SEVIS Mapping Tool Data](#). This alternative reduces costs in anticipated lower ELP enrollments because it allows ELT students needed flexibility, as language learning and ELPs are distinct from degree study. Also, it lowers administrative costs for ELPs since they will not have to train staff in how to support students through this aspect of the EOS process.

#7: Costs of Proposed Rule to Schools & U.S. Competitiveness in Global Market

Summary

DHS claims that the proposed rule would have only “a marginal impact on nonimmigrant student enrollment” and “expects this proposed rule would affect relatively few English language programs; the majority of English language training students were enrolled in programs shorter than 2 years. Some schools may choose to change their curriculum to be covered in a 2-year time period. It is possible that some language training programs would experience reduced enrollment due to the proposed rule” (<https://www.federalregister.gov/d/2025-16554/page-42102>).

What the claim in this 2025 proposed rule fails to identify, which DHS itself clearly states in the 2020 iteration of this proposal “ As a result, nonimmigrant students and exchange visitors may be incentivized to consider other English-speaking countries for their studies. (<https://www.federalregister.gov/d/2020-20845/p-592>).

Generally speaking, English language training programs would face significant operational and financial burdens if the proposed rule is enacted, including:

- Higher advising workloads and ongoing student confusion and uncertainty about status.
- Increased costs for training, legal review, and adaptation; DHS estimates nearly \$93.3 million in the first year alone across the sector.
- Possible legal liability from inconsistent or misunderstood rule implementation.
- Potential declines in enrollment due to the cumulative deterrent effect of added bureaucracy, fees, and restrictions.

However, the economic impact is much broader with damaging implications.

Global Context & U.S. Competitiveness

The [Bonard Education: Global ELT Annual Report 2025](#) draws on data from English Australia, English New Zealand, English South Africa, English UK, EnglishUSA, Institute of International Education, Languages Canada, English Education Ireland, and the National Statistics Office Malta, concludes that:

“Student visa denials and lengthy processing times continue to impede the USA’s growth in international student enrolments. Additionally, safety concerns, geopolitical tensions, and strong

international competition make it increasingly difficult for the US ELT sector to compete with both traditional and emerging study destinations.” Based on 2024 student enrollment numbers, the U.S. continues to lag behind larger competitor markets, ranking behind the UK, Australia, and Ireland in total student numbers.

Impact of Projected U.S. Enrollment Shifts

It is a given that ELT enrollment numbers will additionally decrease if the proposed rule goes into effect. To provide an example of the impact of a conservative 15% decrease provided by NAFSA: Association of International Educators and JB International (2025), using SEVIS and State Department data, given that each ELT student contributes, on average, \$1,142 each week to programs and local communities (see “Economic Impact” in introduction), such a decrease would generate direct losses of approximately \$9,069,764 in local contributions across the U.S. These losses will inevitably translate into program closures, reduced institutional revenues, and job losses across the country.

There will also be programmatic & curricular economic impacts. EnglishUSA anticipates that if the proposed rule, including the 24-month limit on English language study is enacted: (1) Programs will be forced to adapt curriculum at considerable cost, as adjustments in program length and level progression require compliance with accreditation and (when applicable) institutional standards; (2) rehauling curricula is not simply a matter of shortening courses; it represents a significant time and financial burden for ELPs; (3) enrollment declines are also expected as a direct result of the 24-month cap, compounding the financial challenges already outlined.

For the reasons above, EnglishUSA strongly opposes the proposal due to the costs involved for institutions as well as the costs to the U.S. economy as a whole.

#8 Recap: SEVIS and USCIS Sufficiently Monitor Student Mobility

International students and exchange visitors—including those in English language training programs—are already carefully monitored through SEVIS, which is administered by DHS, ICE, educational institutions, and program sponsors. SEVIS provides real-time updates on arrivals, enrollment periods, program completions, and compliance, allowing for early identification of visa issues or potential risks. SEVIS stands as one of the most comprehensive and established immigration monitoring systems, already providing the government with strong oversight.

- Rather than improving vetting, the proposed rule would duplicate existing measures and impose new burdens on populations—including English language learners—who are already subject to rigorous tracking.

Replacing the current Duration of Status (D/S) policy with required EOS filings for all extensions—including English language training students who often need extra time to complete academic preparation—would further strain USCIS and worsen delays across the system.

- DHS projects the new requirements would cost taxpayers *over \$300 million annually*—more than \$3 billion over ten years—due to new forms, biometric collection, and interviews.
- USCIS already struggles with severe processing backlogs. For example, Extension of Stay (EOS) requests now take 7–7.5 months at key service centers.

The proposed rule's emphasis on overstays among F-1 visa holders overstates a problem that is limited in both scope and actual impact and does not justify a fundamental change to the admission period framework.

- The agency cites a little over 2,100 F-1 students from a decade-long period (2000–2010) as still holding F-1 status in 2025, a figure that amounts to only 0.14% of the more than 1.5 million students admitted during that time. If accurate, this would mean only 14 out of every 10,000 students remained in the system after 15 years. Given that SEVP can identify these individuals through the SEVIS system, it would seem more practical to address these few outliers rather than disrupt the millions who are not.
- Without clarity on these points, DHS's justification for overhauling the admission period framework appears disproportionate to the actual scope and impact of the issue.

Adding additional administrative burdens are costly and will deter students from coming to the U.S.

- The proposed rule's added requirements—shorter visa durations, higher compliance costs, and heightened monitoring—risk deterring students and exchange visitors, pushing them toward countries with more favorable conditions.
- The ripple effect: reduced local economic activity, weakened global competitiveness, and fewer international partnerships.

Closing

We respectfully urge DHS to withdraw the proposed rule. The impact of a fixed admission framework would have a significant, negative effect on English language training students and English language programs. However, if DHS elects to move forward with the proposed rule, we encourage considering English Language Training (ELT) as a distinct education level. Treating ELT students like degree students under the proposed rule creates unnecessary burdens. Exempting ELT students is a practical, common-sense adjustment that preserves U.S. competitiveness while maintaining oversight through SEVIS. ELT students contribute significantly to local economies—supporting small businesses, homestays, and communities near universities and standalone programs. In addition, these students are often first-time visitors to the U.S. who later return as tourists, investors, or future degree-seeking students. Discouraging them has ripple effects well beyond the classroom.

To summarize why ELT is distinct and why language training students should be exempt from many components of the proposed rule:

Short-Term, Intensive Study:

- Most ELT students enroll in programs lasting weeks to months, not years.
- They do not pursue full degrees but instead focus on improving English for academic preparation, professional advancement, or personal enrichment.

- Applying the same oversight and extension requirements designed for multi-year degree programs is unnecessary and disproportionate.

Clear, Structured Enrollment:

- ELPs typically follow fixed session calendars with established policies for progressing from level to level within the curriculum. Even if enrolled in a school with flexible sessions, students must demonstrate continued ability to benefit, as well as financial capacity, for the extension.
- Student progress and attendance are closely monitored by accredited language programs, which report directly into SEVIS.
- With SEVIS, I-17 recertification, and regular meetings with SEVP Field Representatives, DHS already has the means to identify and address cases of potential abuse through targeted, data-driven oversight and enforcement,

Minimal Long-Term Immigration Impact:

- Unlike degree students who may move into OPT, STEM pipelines, or long-term work opportunities, ELT students rarely remain in the U.S. beyond their program end date, unless matriculating into a degree program.
- They usually return to their home country to continue studies, enter the workforce, or pursue additional academic opportunities after language preparation.

High Vulnerability to Added Burdens:

- ELT students often arrive with limited U.S. knowledge and resource
- Extra fees, interviews, or visa renewal requirements would disproportionately discourage participation in English language study.
- For many, the U.S. is only one of several study-abroad options—unnecessary red tape pushes them to other destinations, such as Canada, the UK, Australia, or Ireland.

Critical Role in the International Education Pipeline:

- ELT students often represent the “on-ramp” to U.S. higher education, moving into degree programs only after gaining sufficient English proficiency.
- If barriers prevent them from studying in the U.S., American colleges and universities lose not only ELT enrollments but also a pipeline of qualified, tuition-paying degree students.

Thank you for the opportunity to comment on this rulemaking, and we appreciate your consideration.

About EnglishUSA

EnglishUSA (501c6 trade association) is the largest and most diverse professional association of intensive English, pathway, and support programs and courses in the United States, representing over 220 accredited English language programs. Since 1986, EnglishUSA has been the leading advocate for English language program excellence, supporting professional development, representing member interests with government agencies and international education associations, and increasing the visibility of English language study in America. For more information, visit www.englishusa.org.

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