

Released: 10/13/2020



EnglishUSA, TESOL International Association, and University and College Intensive English Programs (UCIEP) oppose the proposed rule issued by the Department of Homeland Security (DHS) on 9/25/2020: *Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media.*

On behalf of the English language program industry and our members, our three associations believe the proposed rule to replace a decades-long, proven, and flexible policy with one that is complicated, burdensome and unnecessarily punitive to English language students will undermine the continued opportunity for reciprocal exchange between international English language learners, negatively impact international U.S. diplomacy, and harm local U.S. economies that benefit from these students. We urge DHS to rescind these changes to the duration of status of F and J visa holders and maintain the current duration of status policy.

Students who want to learn English can certainly do so anywhere in the world, but those who choose to learn English in this country are choosing not only to learn the language, but to engage with Americans and other international students, to truly understand the culture, and to develop a proficiency level that research shows is best developed through immersion. These driven, goal-oriented students invest their resources to come to the United States to study because doing so means they are enrolled in accredited English language programs that guarantee high-quality curricula and student services. Many English language programs are governed by and/or affiliated with U.S. community colleges and 4-year colleges and universities, which continue to be highly regarded worldwide. Students who choose these programs tend to be pursuing much more than language proficiency; they enroll in these programs for the opportunity to go on and obtain valuable degrees.

Students who come to the United States to learn English not only bring invaluable skill sets and experiences that benefit American citizens, but they return to their home countries having gained important first-hand experiences with U.S. citizens, an appreciation for the culture, and respect for American institutions. These experiences are critical to advancing the mutual understanding that enhances security and fosters the collaboration necessary for a global economy to succeed.

According to [Open Doors Data](https://opendoorsdata.org/iep-data-release/) (<https://opendoorsdata.org/iep-data-release/>) on intensive English Programs (IEP) released by the Institute for International Education (IIE) in August 2020, 49% of IEP students intend to continue post-secondary education in the United States. The English language program industry in the United States attracts over 136,000 students each year and plays a significant role contributing to the \$41 billion (in 2018 alone) that all international students add to the U.S. economy. Eliminating the flexibility that the duration of status allows will undercut a student's ability to pursue English language, undergraduate, and/or graduate study, as well as practical training. Eliminating duration of status (D/S) puts up artificial boundaries for these from one phase of their education to the next.

The proposed rule is a significant and unnecessary intrusion by DHS into academic decision-making. Restricting English learners to a lifetime aggregate of 24 months of study (including breaks and annual vacations) is arbitrary and unfairly singles out language programs and their students. Limiting the period of language study is inappropriate; language learners have personal, academic, and career goals that take different lengths of time to achieve. English language professionals, supported by their administrators and Designated School Officials (DSOs), are the only parties who should determine the amount of time needed to study and obtain proficiency,

not the government. Individual students obviously learn at different rates and choosing high-quality, accredited U.S. English language programs is the best option for improving skills over a length of time appropriate for each student.

IEPs and their DSOs have worked closely with the Student and Exchange Visitor Program (SEVP) and DHS over development and passage of the Accreditation of English Language Programs Act in December 2013, and more recently in 2016, SEVP Guidance on Pathway Programs for Reasons of English Proficiency. English language students are already the most highly monitored non-immigrant F-1 visa holders. The DSOs employed in English language programs work with SEVP field representatives to ensure compliance with government policies and procedures. International students should not be subject to an expensive, cumbersome, and time-consuming extension-of-stay process that duplicates the efforts that language programs continue to make in order to comply with SEVIS reporting obligations.

The proposed rule makes U.S. English language programs less competitive internationally. Not only might the rule limit the number of students who choose the United States for their English language study, but it will likely deter English language students whose ultimate goal is to achieve a bachelor's, master's, or Ph.D. degree from planning their study in the United States. As we continue to put up barriers to our world-class education to outsiders, foreign competitors continue to lower theirs. Ultimately, this proposed rule makes it harder for English language and degree programs to be sustainable and as the number of college-aged students in the United States continues to decline, the international market is more important and competitive than ever before. The United States cannot afford to alienate our international students and scholars and neither can intensive English programs.

If finalized, the proposed rule would not only fundamentally change all levels of F-1 study in the United States, but would especially alter the gateway period of intensive English language study, which is often the catalyst of international students' academic careers. With no guarantee that they will be able to complete their academic path, many students will choose, as many already have, to study in other countries, causing our English language programs, community colleges, colleges, and universities to lose valuable business. English language programs have already cut jobs and programs to mitigate losses not only as a direct result of the COVID-19 global pandemic, but also as a result of on-going geo-political issues and politically motivated decisions made by this Administration.

We speak with one voice, in support of our students who choose to study in the United States, faculty and staff that are employed by these programs, and community businesses that are supported by the income generated by these students. With our collective voice, we are asking DHS to reject this proposed rule and support the thousands of hardworking Americans who are currently employed by intensive English programs across the country and strive to educate the next generation of English language learners.

[EnglishUSA](http://www.englishusa.org) is the largest professional non-profit association of over 200 high quality, accredited postsecondary English language programs—including intensive English programs and pathway programs. EnglishUSA's mission is to represent and support English language programs in the USA. To learn more visit [www.englishusa.org](http://www.englishusa.org).

[TESOL International Association](http://www.tesol.org) is the trusted global authority for knowledge and expertise in English language teaching. A professional community of more than 11,000 educators representing over 150 countries, TESOL fosters the exchange of ideas to advance the expertise of those teaching English while supporting equity, diversity, and multilingualism. For over 50 years, TESOL has strived to advance its mission with programs, publications, and services to expand its global presence and connectivity throughout the field, share its knowledge and expertise, and amplify its voice through advocacy. For more information, please visit [www.tesol.org](http://www.tesol.org).

[UCIEP](http://www.uciep.org) is an independent non-profit consortium of university and college-administered intensive English programs in the United States with the mission to support and strengthen university-governed intensive English program leadership through collegial engagement, applied research, IEP advocacy, and the active promotion of the highest professional standards. To learn more visit [www.uciep.org](http://www.uciep.org).