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ICE Updates FAQs On Accreditation Of English Language Training Programs Act

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Submitted by Editor on Oct 3rd 2012

- **What is the background of the Accreditation of English Language Training Programs Act and when was it passed?** ^[2]

On Dec. 14, 2010, President Obama signed the Accreditation of English Language Training Programs Act (commonly referred to as the "Accreditation Act"), which amended Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA) to state that F-1 nonimmigrant students intending to pursue an English language training course of study must enroll in an English language training program that has been accredited by a regional or national accrediting agency recognized by the Department of Education. As a result, the Student and Exchange Visitor Program (SEVP) is responsible for reviewing SEVP-certified English language training ? commonly referred to as ESL ? programs for compliance with the accreditation requirements as set forth in the law.

What is the difference between a "stand-alone" and "combined" school? ^[2]

A "stand-alone" English language training school is a Student and Exchange Visitor Program (SEVP)-certified institution whose officials have indicated on the school's Form I-17, Petition for Approval of School for Attendance by Nonimmigrant Student, that the school offers only English language training programs of study. A "combined" school is a SEVP-certified school whose officials have indicated on the school's Form I-17 that the school offers an English language training program of study, as well as other programs of study.

How will SEVP notify my school's principal designated school official or designated school officials of any required evidence to determine if its English language training program of study is compliant with the Accreditation Act?

If a designated school official needs to take any action to comply with the Accreditation Act, SEVP will notify the principal designated school official and the designated school official, who is listed in the Student and Exchange Visitor Information System (SEVIS), by email or U.S. mail. A designated school official at the institution offering an English language training program of study must contact SEVP, per instructions in the notification, and include any requested evidence in the response. Per instructions in the notice, SEVP may find any school whose designated school officials fail to respond to the notification and requests for evidence (e.g. out-of-cycle review) noncompliant with SEVP requirements.

What evidence must I submit if my school offers only English language training programs of study? [2]

SEVP defines a school that offers only English language training programs of study as a "stand-alone" school and will require a designated school official to submit evidence from a regional or national accrediting agency recognized by the Department of Education that either the English language training program possesses or its officials applied for accreditation by Dec. 14, 2011.

What evidence must I submit if my school offers an English language training program of study that is wholly owned, operated and governed by the school? [2]

A designated school official at an English language training program of study that is governed by the university or college must provide evidence from a Department of Education-recognized regional or national accrediting agency that the English language training program of study possesses or its officials applied for accreditation by Dec. 14, 2011. If the school offering the English language training program of study has institutional accreditation, then a designated school official may provide evidence (e.g., letter, statement or certificate) from the institutional accreditor that the English language training program falls under the umbrella of approved programs for which the school received accreditation. The evidence from the institutional accreditor must specify that the accreditor recognizes the English language training program of study. School officials may also submit an official document that annotates all of the school's accredited programs. Additionally, SEVP will ask a designated school official to submit a signed statement by the school's owner, president or head that the English language training program of study provided is governed by the institution.

What evidence must I submit if my college or university contracts the English language training program out to an independent English language training program provider? [2]

If a school's English language training program of study is not governed by the university or college or is not wholly owned and operated by the school, SEVP will ask a designated school official to submit evidence that the English language training program provider possesses or has applied for accreditation by Dec. 14, 2011. SEVP will also

request the following information:

- name of the entity offering the English language training program of study;
- whether the independent provider of the English language training program of study is SEVP-certified for the enrollment of nonimmigrant students;
- a copy of the contract between the school and the entity offering the English language training program of study; and
- a statement clarifying whether the school or the contracted entity is responsible for the issuance of the Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, to nonimmigrant students for English language training programs of study.

What if my institutionally accredited school added an English language training program of study after receiving its initial accreditation? [2]

After receiving its initial accreditation if a school added an English language training program of study, SEVP will request evidence that a designated school official has appropriately reported the program addition and that the addition is in compliance with the reporting requirements of the accrediting agency. Also, SEVP will review whether a designated school official submitted an updated Form I-17 to add the English language training program of study.

What if my institution applied for accreditation by Dec. 14, 2011 but was denied accreditation or failed to meet the eligibility requirements of the regional or national accrediting agency? [2]

According to the Accreditation Act, school officials must comply with the accrediting agency's applicable accrediting requirements, and the school must receive accreditation by Dec. 14, 2013. SEVP will consider any school whose accreditation was denied, who voluntarily withdrew its accreditation application, or who otherwise failed to meet the accrediting agency's requirements, which caused the school to be incompliant with the Accreditation Act. Consequently, a designated school official may receive notice from SEVP requiring further review of the English language training program of study.

Is there a grace period for schools that did not meet the eligibility requirements and/or failed to apply for accreditation by Dec. 14, 2011? [2]

The Accreditation Act provided a temporary exception for Department of Homeland Security-certified English language training programs of study that submitted an accreditation application to a regional or national accrediting agency ? recognized by the Department of Education ? within one year after the Accreditation Act was enacted (i.e., by Dec. 14, 2011) and complied with the applicable accrediting requirements. Therefore, SEVP cannot grant extensions to schools that failed to submit an English language training program of study accreditation application by the date required by the law.

What if officials at my English language training program of study failed to apply for accreditation by the Dec. 14, 2011 deadline? [2]

SEVP will issue a notice of intent to withdraw to any "stand-alone" school that is incompliant with the Accreditation Act. A designated school official will have 30 days from the date of service to provide SEVP with evidence that the English language training program of study is compliant with the Accreditation Act. If such evidence submitted does not provide proof of accreditation or proof that the school submitted an application for accreditation before the deadline, SEVP will initiate withdrawal proceedings.

"Combined" schools offering English language training programs of study may be issued an out-of-cycle review to verify the school is compliant with the Accreditation Act. If the school fails to provide adequate evidence as described in question 5 above, SEVP will issue a remedial action plan. Also, a designated school official must remove the English language training program of study from the school's Form I-17, and designated school officials must stop issuing Forms I-20 for its English language training program of study. SEVP will advise students either to transfer to another English language training program at another SEVP-certified institution or to depart the United States. School officials who do not comply with the remedial action plan will receive a notice of intent to withdraw, and SEVP may consequently withdraw the school's certification.

I received an out-of-cycle review from SEVP, but my school does not offer an English language training program of study. How should I respond to this out-of-cycle review? [2]

Before the specified deadline in the notice, respond to SEVP detailing the reasons why designated school officials cannot provide the requested evidence. If a school does not offer English language training programs of study or has never issued a Form I-20 for its English language training program of study, a designated school official may provide a statement signed by the school's owner, president or head with this information. In SEVIS, the school must then file an update to the school's Form I-17 to remove the English language training program of study. School officials who do not remove the program of study from the Form I-17 and/or erroneously issue Forms I-20 for English language training programs of study may be issued a notice of intent to withdraw, and SEVP may withdraw the school's certification.

Does the law apply to private secondary (K-12) schools? [2]

The Accreditation Act does not apply to private secondary (K-12) schools that admit nonimmigrant students primarily for enrollment in a private secondary (K-12) curriculum. The Accreditation Act applies to students who will be issued F nonimmigrant visas to specifically enroll in a full course in an English language training program of study. SEVP regulations require any SEVP-certified school that is approved to offer K-12 education to only issue Forms I-20 to potential students to enroll in that program of study. Additionally based on state compulsory education laws, students which are issued a Form I-20 for the K-12 curriculum are required to enroll in a full course of study

in an approved private secondary school curriculum and may not be issued a Form I-20 to enroll in solely an English language training program of study. Any K-12 school which offers an independent, summer or adult education English language training program must receive separate SEVP-certification and provide evidence that the English language training program of study is accredited by a national or regional accrediting agency recognized by the Department of Education.

K-12 schools may offer an English language training program or course to nonimmigrant students as preparation (e.g., summer orientation or remedial ESL course) for those students who will be enrolling in the K-12 curriculum at the school which has issued the Form I-20. The student should be issued the Form I-20 for the K-12 program of study and school officials must indicate that the student will be engaged in such program in the "remarks" field of the student's Form I-20.

Who can I contact if I have specific questions concerning my school's English language training program? [2]

Designated school officials may email any questions including program-specific inquiries (e.g., English language training program conditional enrollment, remedial English courses, bridge programs, etc.) to SEVP.support@ice.dhs.gov [3]. In the email's subject line, please include "Question: ESL Accreditation Act." In the body of the email, please include the name of the school, school code and contact information.

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[2] <http://discuss.ilw.com/content.php?609-News-ICE-Updates-FAQs-On-Accreditation-Of-English-Language-Training-Programs-Act#>

[3] <mailto:SEVP.support@ice.dhs.gov>

[4] <https://immigration.com/citizenship/citizenship-and-naturalization/citizenship>

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