

## USCIS Response to Coronavirus (COVID-19)



U.S. Citizenship  
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# ACICS Loss of Recognition May Affect Certain Students Applying for English Language Study and 24-month STEM OPT Extension Programs, H-1B, and I-140 Applicants

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On Aug. 19, the [U.S. Department of Education](#) (ED) announced that it no longer recognizes the Accrediting Council for Independent Colleges and Schools (ACICS) as an accrediting agency. This determination immediately affects two immigration-related student programs:

- English language study programs, as the programs are required to be accredited under the [Accreditation of English Language Training Programs Act](#); and
- F-1 students applying for a 24-month science, technology, engineering and mathematics (STEM) optional practical training (OPT) extension, as the regulations require them to [use a degree from an accredited, Student and Exchange Visitor Program \(SEVP\) certified school](#) for their STEM OPT extension. The school must be accredited at the time of the application; this is the date of the designated school official's (DSO) recommendation on the [Form I-20, Certificate of Eligibility for Nonimmigrant Student Status](#). M-1 students are not eligible for OPT.

SEVP will provide guidance to affected students in notification letters if their schools' certification is withdrawn. However, students enrolled at an ACICS-accredited school should contact their DSOs immediately to better understand if and how the loss of recognized accreditation will affect their status and/or immigration benefits applications.

ACICS-accredited schools will be unable to issue program extensions, and students will only be allowed to finish their current session if the ACICS-accredited school chooses to voluntarily withdraw its certification or is withdrawn by SEVP. If a student's ACICS-accredited school can provide evidence of an ED-recognized accrediting agency or evidence in lieu of accreditation within the allotted timeframe, the student may remain at the school to complete their program of study.

## English Language Study Programs

USCIS will issue requests for evidence (RFEs) to any individual who has filed [Form I-539, Application to Extend/Change Nonimmigrant Status](#), on or after Aug. 19, 2022, requesting a change of status or reinstatement to attend an ACICS-accredited English language study program. Upon receiving an RFE, individuals will have an opportunity to provide evidence in response, such as documentation showing that the English language study program they are seeking to enroll in meets the accreditation requirements.

If the student does not submit a new Form I-20 from a school accredited by an entity recognized by ED, USCIS will deny a change of status or reinstatement request.

## The 24-Month STEM OPT Extension Program

F-1 students wishing to participate in the STEM OPT extension program must have a degree from an ED-recognized accredited U.S. educational institution at the time they file their STEM OPT application. As noted above, USCIS considers the filing of the application to be the date of the DSO's recommendation on the Form I-20.

USCIS will issue a denial to any F-1 student filing a Form I-765 STEM OPT extension if:

- The STEM degree that is the basis for the STEM OPT extension was obtained from a college or university that was accredited by ACICS; and
- The student's DSO recommendation for a STEM OPT extension, as indicated on Form I-20, is dated on or after Aug. 19, 2022 (the date when ACICS ceased to be recognized as an accrediting agency).

Because students must use a STEM degree from an accredited, SEVP-certified school at the time of application, the ACICS loss of recognition as an accrediting agency prevents these students from qualifying for a STEM OPT extension. Students who receive a denial will have 60 days to prepare for departure from the United States, transfer to a different school, or to begin a new course of study at an accredited, SEVP-certified school.

Students whose Forms I-20 have a DSO recommendation date prior to Aug. 19, 2022, are not affected.

## Other Impacts from Loss of Recognition of ACICS as an Accrediting Agency

The loss of recognition means that colleges and universities solely accredited by ACICS are no longer accredited institutions, and any degrees conferred by those colleges and universities on or after Aug. 19, 2022, will no longer qualify as a U.S. degree in terms of qualifying for the H-1B advanced degree exemption (also known as the master's cap) or for the beneficiary requirements at 8 CFR 214.2(h)(4)(iii)(C)(1).

For beneficiaries who hold affected degrees, the loss of recognition also affects those I-140 petitions filed under the advanced degree and professional classifications where the beneficiary's educational credentials must be a U.S. degree or foreign equivalent degree. See [8 CFR 204.5\(k\)\(2\)](#) and [8 CFR 204.5\(l\)\(2\)](#). However, a degree conferred by those colleges and universities before Aug. 19, 2022, while the college or university was accredited, is generally considered to be a degree from an accredited institution, and can be used to qualify for the H-1B master's cap or for the beneficiary requirements at 8 CFR 214.2(h)(4)(iii)(C)(1) and I-140 petitions filed under the advanced degree and professional classifications, as long as all other requirements are met.

The loss of recognition also affects cases in which the petitioner is claiming an H-1B cap or ACWIA fee exemption as an institution of higher education. To qualify for an H-1B cap or ACWIA fee exemption, the university or college must meet the definition of an “institution of higher education” in 20 U.S.C. 1001(a). That definition requires, in pertinent part, that the institution “is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency...” Those institutions that are no longer recognized by a qualified accreditation agency, or otherwise recognized as preaccredited, would no longer qualify for an exemption from the H-1B cap or the ACWIA fee, unless they are exempt on another basis.

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