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Advocacy Corner

by Mackenzie Kerby



It was just a few short days ago when the Department of Homeland Security released an update on the new proposed rule that impacts both F1 and J1 visas. Among other items, this rule, if approved, would eliminate the decade long “duration of status” (D/S) policy for all international students. While there is still a 30-day comment period to respond, this proposed rule has thrown yet another wrench into the already struggling intensive English program industry.

The decline of intensive English program student enrollments from 2018 to 2019 has only paved the way for a sharper decline due to this year’s pandemic. Removing the D/S policy would continue to negatively impact our industry by making the immigration process much more difficult for students. With everything going on this year both inside of the industry and out, it’s hard to keep track of new developments. Here’s what you need to know on this new proposed rule. This rule proposes:

- A student's length of stay would be determined by the program end date on the I-20. Many IEPs issue I-20s for one year. Current policy allows students to request a program extension from their DSO if needed. The new rule would require students to take an additional step and request an extension of stay with USCIS or at a port of entry.
- A 2 year limit on aggregate ESL study. F1 students would have a cap of 24 months in language training programs. DHS claims that two years is the appropriate amount of time for students to complete their language training without exploiting the system. The proposed change would not allow students who need over 24 months to complete a program of study to file for extension.
- A lifetime two-year rule. F1 students would be bound

by this two-year time frame indefinitely. While students may not study more than two years in their original IEP programs, they do often return to the US as business professionals to brush up on their English skills at a later time in life. This portion of the rule directly impacts each language program’s goal to have students return and be “lifers” within their programs.

- A limit to pursue new F1 programs at the same educational level. Students would be able to pursue no more than 3 programs within the same level. As transfers are very common in the IEP industry, this would directly impact transfer-in procedures and could impact which students IEPs can and cannot accept.
- A limit on reverse matriculation. Students who complete one level of the educational studies (i.e. university) would only be allowed to return to a lower level of studies (i.e. English language training) once. This will impact students who return to language study after completing their degree program to strengthen their English to gain test scores for higher degree seeking programs.

Between the pandemic, layoffs, political landscape, changes to immigration policy, and so much more, I know the fatigue is real. I encourage you to press through the fatigue and make at least one step to advocate on behalf of your job, your program, and your students. Check out the quick ways you can get involved below:

1. Share your thoughts and questions about how this proposed rule will impact your program on EnglishUSA’s Engage. EnglishUSA is working to collect your responses to better inform our official response as an organization.
2. Attend the ‘Advocacy is NOT a Choice’ session at the EnglishUSA Stakeholder’s conference. This 45-minute session will take you through the basics of getting started with advocacy and how you can make your voice heard.

3. Engage with your Congress people via the Connecting Our World “Fight Back Against Duration of Status Change” page. In just two short minutes, you can send emails to your senators and representatives.

4. Tweet your Congress people with a short and simple tweet like: “#Internationalstudents contribute \$41b to the US economy & support 450k jobs. Protect our students & our jobs against changes to the #durationofstatus policy.”

Mackenzie Kerby is the Acting Regional Director for ELS Language Centers. Prior to this, she taught English at all levels: IEPs, high school, and university. She has presented at EnglishUSA PDC, TESOL, and is published in The Year’s Work in English. Ms. Kerby’s interest lies in advocacy for international education.

