



# GMS Flash Alert

## Immigration Edition

2022-200 | November 4, 2022



# United States - ACICS-Accredited Institutions No Longer Recognized for U.S. Immigration

On November 1, 2022, the United States Citizenship and Immigration Services (USCIS) announced that degrees conferred by post-secondary institutions solely accredited by the Accrediting Council for Independent Colleges and Schools (ACICS) will no longer qualify as a U.S. degree for immigration purposes.<sup>1</sup> This announcement follows the U.S. Department of Education's decision on August 19, 2022, to no longer recognize ACICS as an accrediting agency, due to ongoing concerns of ACICS' failure to meet the standards of the Department of Education and a history of non-compliance.<sup>2</sup>

## WHY THIS MATTERS

The USCIS' announcement affects employers that wish to hire foreign nationals who have graduated from, or are currently enrolled in, a post-secondary institution solely accredited by ACICS. Individuals who graduated from these post-secondary institutions will no longer be able to leverage their degrees to apply for the science, technology, engineering, and mathematics (STEM) optional practical training (OPT) extension program. Such degrees will also no longer qualify as a U.S. degree for purposes of the H-1B advance degree exemption (also known as the master's cap), nor can they be used to meet the educational requirements for H-1B specialty occupation petitions, or 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.

## STEM OPT Applications

Current U.S. immigration regulations state that F-1 students who wish to apply for a 24-month STEM OPT extension must possess a degree from a Department of Education-recognized U.S. educational institution at the time that they file their STEM OPT application.<sup>3</sup> The USCIS considers the filing of the STEM OPT application to be the date of the Designated School Official (DSO)'s recommendation on the Form I-20.

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As such, the USCIS will issue a denial to any F-1 student filing Form I-765, *Application for Employment Authorization* pursuant to a STEM OPT extension if:

- the STEM degree under which the STEM OPT extension is sought is obtained from an institution that was solely accredited by ACICS; and
- the student's DSO recommendation for STEM OPT on Form I-20 is dated on or after August 19, 2022.

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## KPMG NOTE

Students are encouraged to contact their DSO for guidance if they attended an ACICS-accredited institution and their DSO's recommendation for a STEM OPT extension is dated on or after August 19, 2022. Those who are unsure whether their school is solely accredited by ACICS can look up their academic institution using the [Database of Accredited Post-secondary Institution and Programs](#) website. Students whose Forms I-20 have a DSO recommendation dated prior to August 19, 2022, are not affected.

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Individuals who receive a denial on their STEM OPT application will have sixty (60) days to depart the U.S., transfer to a different academic institution, or enroll in a new study program at an accredited, Student and Exchange Visitor Program (SEVP) certified school.

## H-1B Specialty Occupation Petitions

Following the USCIS' announcement, any degrees conferred on or after August 19, 2022, by post-secondary institutions only holding ACICS accreditation will not qualify as a U.S. degree when determining eligibility for the H-1B advanced degree exemption (or master's cap), nor can they be used to satisfy the education requirements for H-1B specialty occupation petitions. This does not apply to any degrees conferred by an ACICS-accredited institution before August 19, 2022.

The loss of recognition of ACICS as an accrediting agency also affects petitioners who are seeking an exemption from the H-1B cap or an ACWIA fee exemption on the basis of being an institution of higher education. Namely, ACICS-accredited institutions will no longer qualify for an exemption from the H-1B cap or the ACWIA fee, as only post-secondary institutions that are accredited or that hold a pre-accreditation status by a nationally-recognized accrediting agency or association qualify for these exemptions.

## I-140 Petitions Under Advanced Degree and Professional Categories

In its November 1, 2022 announcement, USCIS also confirmed that any degree conferred on or after August 19, 2022, by post-secondary institutions only holding ACICS accreditation will not qualify individuals for 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. This does not apply to any degrees conferred by an ACICS-accredited institution before August 19, 2022.

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## KPMG NOTE

KPMG Law LLP in Canada is tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

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## FOOTNOTES:

- 1 See United States Citizenship and Immigration Services, “[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](#)” (November 1, 2022).
- 2 See U.S. Department of Education, “[U.S. Department of Education Terminates Federal Recognition of ACICS, Enhances Federal Aid Program Participation Requirements for ACICS-accredited Colleges](#)” (August 19, 2022).
- 3 See Department of Homeland Security, “[Students: Determining STEM OPT Extension Eligibility.](#)”

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## Contact us

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*\* Please note the KPMG International member firm in the United States does not provide immigration or labor law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Canada.**

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