January 26, 2021

David Pekoske, Acting Secretary
U.S. Department of Homeland Security
Office of the Secretary
Nebraska Avenue Complex
3801 Nebraska Avenue, NW
Washington, DC 20395

Dear Acting Secretary Pekoske,

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, we write to you today regarding the current delays in receipting and adjudicating Optional Practical Training (OPT) work authorization applications, as part of the COVID-19 issues impacting the U.S. Citizenship and Immigration Services (USCIS) lockbox. We appreciate that USCIS is acting to address these delays by "working extra hours and redistributing its workload in order to minimize delays."[1] In addition, USCIS has recently announced that applications should be directed to a lockbox in Chicago and that applications are now being transferred to that location. However, we are concerned that students and graduates will miss employment start dates and could fall out of status due to these delays.

These delays are especially concerning given the ongoing delays from USCIS on OPT processing, which started the summer of 2019 before the COVID-19 emergency.[2] As you know, international students and their enrollment in U.S. institutions have an enormous economic impact on the overall U.S. economy. A recent study from NAFSA: Association of International Educators found that the overall economic impact generated by international students had already started to decline in 2019, down to $38.7 billion (or $1.8 billion less than 2018).[3] The declining enrollment numbers for 2020 are likely to perpetuate a large economic impact as we continue to deal with the economic impacts of the global pandemic.

Given the need for flexibility, and the importance of supporting our international students during the COVID-19 crisis, we ask that USCIS extend flexibility to OPT applicants during this unprecedented time. Specifically, we ask that USCIS:

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[1] https://www.uscis.gov/news/alerts/uscis-lockbox-updates#:~:text=As%20a%20result%20of%20COVID,petition%20with%20a%20USCIS%20lockbox.
[2] https://www.insidehighered.com/news/2019/06/25/international-students-applying-work-authorization-face-longer-wait-times
[3] https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2

1. Grant conditional approval for I-765 OPT applications that have been delayed due to the lockbox situation, so students and graduates do not miss their start date for employment or risk falling out of status;
2. Grant conditional extension for STEM OPT applicants to extend their existing work authorization if their applications have been delayed and clarify that employers can use a receipt or other confirmation of timely filing for I-9 purposes, so STEM OPT students who have not yet received a receipt notice can continue working for 180 days beyond the expiration of their standard OPT as their application is being processed;
3. Do not penalize OPT applicants if they submitted applications to the wrong address because the lockbox address suddenly changed;
4. Coordinate with DHS' Student and Exchange Visitor Program to ensure that Student and Exchange Visitor Information System (SEVIS) records and pending STEM OPT requests are not improperly cancelled or terminated, and to quickly and efficiently apply relevant data fixes to SEVIS records if needed;
5. If an OPT or STEM OPT application is rejected, but because of receipt notice and processing delays the student is beyond regulatory filing timeframes by the time the student is made aware of the rejection, accept a refiled application that cures the deficiency, despite being outside the regulatory filing windows; and
6. Given the ongoing delays for OPT processing, allow applicants to submit I-765 applications up to 180 days (rather than 90 days) before the I-20 program end date (standard post-completion OPT applicants) or the expiration date of the student's current OPT employment authorization (STEM OPT extension applicants), given that processing time is closer to five months rather than a standard 90 days.

We look forward to working with you on these important matters for our institutions and our international students during the COVID-19 pandemic.

Sincerely,

Ted Mitchell, President

On behalf of:

ACPA-College Student Educators International
ACT
American Association of Collegiate Registrars and Admissions Officers
American Association of State Colleges and Universities
American Association of University Professors
American College Health Association
American Council on Education
American Dental Education Association
APPA, "Leadership in Educational Facilities"
Association of American Colleges and Universities

Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Independent California Colleges and Universities
Association of Independent Colleges and Universities in Massachusetts
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Association of Research Libraries
College and University Professional Association for Human Resources
Consortium of Universities of the Washington Metropolitan Area
Council for Christian Colleges & Universities
Council of Graduate Schools
Council of Independent Colleges
EDUCAUSE
ETS
Higher Education Consultants Association
NAFSA: Association of International Educators
NASPA - Student Affairs Administrators in Higher Education
National Association for Equal Opportunity in Higher Education (NAFEO)
National Association for College Admission Counseling
National Association of Colleges and Employers
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators
New England Commission of Higher Education
Southern Association of Colleges and Schools Commission on Colleges
State Higher Education Executive Officers Association
UPCEA