November 9, 2026

Office of the Principal Legal Advisor
Regulatory Affairs Unit
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street SW
Washington, DC 20536-5901

RE: Proposed Rule by the Homeland Security Department on Optional Practical Training Fees
[DHS Docket No. ICEB-2026-0100]

Dear Principal Legal Advisor,

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, we write in response to the Oct. 8, 2026, notice of proposed rulemaking (DHS Docket No. ICEB-2026-0100), which would establish a new and historically large fee for each F-1 nonimmigrant student engaging in Optional Practical Training (OPT). The fees that would be enforced through a Student and Exchange Visitor Program (SEVP) certified institution are an unprecedented amount: $70,000 for an initial OPT participant and $30,000 for any subsequent OPT participant. Practical training opportunities for international students have existed for nearly 80 years, providing international students opportunities to supplement their classroom experiences through training in U.S. professional environments. The program in its present form was created by the George H.W. Bush administration in 1992. Each year, OPT allows hundreds of thousands of international students on F-1 visas to gain practical training in the United States during or after their studies. The program has a significant economic impact by attracting international students, fostering foreign talent and innovation, and contributing to the U.S. workforce.

We are concerned that these new proposed fees extend "far beyond the direct adjudication cost of [an] individual petition." Additionally, we are concerned that this newly imposed price tag on OPT would open the door for fraudulent participation. And finally, it would block the ability of international nonimmigrant students from gaining important real-world, practical experience in their field of study, which many consider an important part of choosing the U.S. for postsecondary education.

The new proposed fee will contribute to decline of international student enrollment and have an unintended negative impact on the U.S. economy.

In the 2025-2026 academic year, U.S. colleges and universities faced a 17 percent decline in new international student enrollment due to uncertainty in visa restrictions and a confusing policy landscape.[1] Recent reporting highlights that the total number of nonimmigrant visas issued for the 2026-2027 academic

[1] Institute for International Education (IIE) Fall 2025 Snapshot on International Student Enrollment: https://iie.widen.net/s/xd9xrsft6q/iie_fall-2025-snapshot_full-report

year fell significantly, and a dramatically higher fee will likely worsen that decline.[2] Higher education institutions across the country are directly experiencing the impact and many are projecting a 40 percent to 60 percent drop in international student enrollment.[3]

NAFSA: Association of International Educators estimates that international students have an over $40 billion annual economic impact and support more than 368,000 domestic jobs across the national economy.[4] This includes money that was spent on housing, food, transportation, and other living expenses while in the country for their studies. In 2024, the U.S. Department of Commerce estimated that international students contributed nearly $55 billion to the U.S. economy.[5] Because international students typically pay full tuition, substantial drops in enrollment can also cause significant financial deficits for U.S. campuses. This may result in reduced support for domestic students, an increase in tuition and fees for domestic students, or cuts to smaller academic programs across a campus.[6] Beyond the direct institutional impact, international scholars and students have long strengthened campuses and regional workforce ecosystems. The presence of international students on U.S. campuses also contributes to the global education of U.S. students, and remains indispensable to maintaining the nation's scientific leadership, international competitiveness, and institutional strength. Creating a new, unjustified, and unprecedented fee on top of existing visa hurdles will exacerbate these drops, making U.S. higher education far less competitive compared to foreign nations actively recruiting global talent.

The proposed fee may increase the risk of fraud.

While the proposed fee would be remitted by the institution of higher education, colleges and universities would likely pass that fee onto the individual international student or employer or stop recommending OPT altogether. While the proposed rule justifies the new fee as a way to combat fraud and abuse of OPT, we are concerned that this could unintentionally create and encourage fraudulent behavior by bad actors. The new fee creates a new "pay-to-play" structure for OPT because previously it was available to any qualified international student completing studies at a U.S. institution. This new fee does not help distinguish between a responsible institution and a qualified student and appears to punish institutions that follow the rules. Highly skilled, law-abiding international graduates who lack the financial ability to pay tens of thousands of dollars for OPT will be pushed to the margins and unable to access this program. This could

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[2] Sun, Albert. October 2026. "Legal Immigration Fell Sharply Under Trump Policies Adopted Early This Year," *New York Times* https://www.nytimes.com/interactive/2026/10/18/us/trump-immigrant-visas-decline.html

[3] Fischer, Karin. March 2026, "The Drop in International Students Last Year Was Worse Than We Thought," *The Chronicle on Higher Education*, https://www.chronicle.com/article/the-drop-in-international-students-last-year-was-worse-than-we-thought?sra=true

[4] NAFSA Economic Value Tool. 2026. https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2?gad_source=1&gad_campaignid=23387014747&gbraid=0AAAADfaRJMgMxRqlQhgMDEJ_hxEJ4tAB&gclid=CjwKCAjw_9bWBhBGEiwAomyTIvX2lkhy-aVCukSGkd3JVF1ZWtPfyQPRnf8vVivU6oPQBhT8Vdc65BoCleQQAvD_BwE#trends_reports

[5] OpenDoors Data, "Research Special Reports and Analyses" https://opendoorsdata.org/services/research-special-reports-and-analyses/

[6] Bound, J., Braga, B., Khanna, G., & Turner, S. (2020). "A PASSAGE TO AMERICA: UNIVERSITY FUNDING AND INTERNATIONAL STUDENTS." American Economic Journal. Economic policy, 12(1), 97–126. https://doi.org/10.1257/pol.20170620

directly incentivize unregulated employment arrangements, predatory third-party financial schemes, and charged job offers outside the legitimate Student and Exchange Visitor Information System (SEVIS) reporting framework. Furthermore, relying on a fee as a proxy for integrity mistakenly assumes that bad actors cannot afford high fees, when adverse actors and fraudulent shell enterprises are often the most willing to finance exorbitant costs to exploit regulatory loopholes. DHS already has fraud enforcement and regulatory guardrails in place through the Student and Exchange Visitor Program certification of institutions, as well as designated school official (DSO) training, review of OPT job descriptions and training plans, employer verification, and regular SEVIS reporting. Most troubling, this fee would go to the U.S. Department of the Treasury, not DHS, and would not be direct in improving processing or strengthening fraud enforcement.

Institutions support oversight necessary for preventing fraud and mismanagement. Reasonable alternatives that would address fraud and maintain the success of OPT could include:

- Risk-based SEVP audits;
- Employer-side verification for all OPT (as is already required for STEM OPT through E-Verify and the Form I-983 training plan), including employer site visits[7];
- SEVIS data analytics to identify employers that host implausible numbers of OPT students, shell employers, or unreported unemployment; and
- A fee, if any, clearly calibrated to the actual cost of the increased oversight.

The higher education community remains committed to working with the Department to support international and domestic students that have long strengthened our campuses, communities, and economy. However, this fee could result in increased fraud and cause bona fide students and institutions to withdraw from OPT.

OPT benefits American workers, drives U.S. innovation, and supports global diplomacy.

OPT allows students to further their education by gaining practical experience in the United States. We know that OPT makes the educational experience more valuable and more competitive for when students return to their home countries post-graduation. Removing this opportunity to limited, on-the-job workforce training removes an incentive and attractive aspect to prospective international students, especially in high-need areas. The success and continuation of OPT is incredibly valuable to the well-being of the nation's international competitiveness in science and innovation.

Furthermore, empirical evidence consistently refutes the belief that foreign-born graduates participating in OPT displace American workers or undercut U.S. labor markets. Research demonstrates that participation in 12-month OPT and the STEM OPT extension is correlated with lower unemployment rates among U.S.

[7] U.S. Citizenship and Immigration Services. Optional Practical Training Extension for STEM Students (STEM OPT), https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/optional-practical-training-extension-for-stem-students-stem-opt

workers in STEM fields.[8] Rather than competing against domestic talent, international graduates complement American workers in high-demand technical sectors and enable U.S. companies to scale operations, expand domestic research and development, and create new job opportunities nationwide. Imposing prohibitive fee barriers on OPT restricts access to this vital talent pipeline, threatening the productivity and growth of domestic employers. Furthermore, an economic analysis released by Business Roundtable (BRT) found that restricting OPT would reduce the number of jobs available in the United States. The BRT report concluded a 60% reduction in international students in OPT would result in a loss of 443,000 jobs over the course of a decade, "including 255,000 jobs held by native-born workers."[9]

America's leadership in critical technologies like super intelligence, semiconductors, and biotechnology will only continue to grow in importance. Disincentivizing global talent from entering the U.S. higher education system will weaken America's domestic innovation ecosystem, slow technological development, and cede competitive advantage to foreign adversaries who are actively expanding their international talent acquisition programs.[10]

Additionally, it is imperative to remember that OPT is a short-term, nonimmigrant training program that serves as a crucial mechanism for talent retention and international diplomacy. Living and continuing their educational experiences with American communities helps fosters a lifelong affinity for democratic values and free enterprise.

The proposed fee and other student visa changes complicate the future of OPT and international students.

DHS's efforts to eliminate "Duration of Status" (D/S) for F-1 students further complicates the future of OPT.[11] If that rule is implemented, post-completion OPT and STEM OPT extensions would no longer be smooth continuations of student status; instead, they would require students to submit separate Form I-539 Extension of Stay applications to U.S. Citizenship and Immigration Services alongside their OPT work authorization requests. Layering an unprecedented $70,000 to $130,000 OPT institutional fee on top of mandatory extension filings, shortened filing windows, and potential gaps in work authorization creates an insurmountable administrative and financial hurdle. In the long run, combining fixed-term admissions with exorbitant OPT fees effectively dismantles post-graduation practical training, signaling to global talent that the U.S. is no longer a reliable destination to complete their education.

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[8] Zavodny, Madeline. "INTERNATIONAL STUDENTS, STEM OPT AND THE U.S. STEM WORKFORCE" National Foundation for American Policy https://nfap.com/wp-content/uploads/2019/03/International-Students-STEM-OPT-And-The-US-STEM-Workforce.NFAP-Policy-Brief.March-2019.pdf

[9] Business Roundtable, "The Economic Impact of Curbing the Optional Practical Training Program." 2018. https://www.businessroundtable.org/rebuilding-together/immigration/economic-impact-curbing-optional-practical-training-program

[10] Zegart, A. Johnston, E.V., "The 2026 US Talent Report: Benchmarking America's STEM Pipeline Amid the Great Talent Competition," Hoover Institution, Stanford University. https://www.hoover.org/research/2026-us-talent-report-benchmarking-americas-stem-pipeline-amid-great-talent-competition

[11] September 2025 higher education comments on Duration of Status proposed rule: https://www.acenet.edu/Documents/Comments-Duration-of-Status-092925.pdf

DHS should withdraw the flawed proposed rule.

The contributions of international students remain essential to American higher education and the nation's leadership in research, technology, and economic growth. The proposed OPT fee rule places an unreasonable financial strain on institutions and international scholars, risks severely accelerating declining enrollment figures, and offers no clear benefit or service improvement to the students or institutions who diligently comply with OPT program requirements. We strongly urge the Department of Homeland Security to withdraw the proposed OPT fee rule in its entirety. We note that the higher education community has previously commented in support of increased fees and administrative costs when those fees have been directed to improving processing, addressing fraud, and improving the program for participating students and institutions. Should DHS choose to proceed with regulatory changes, we urge the Department to conduct a realistic economic impact assessment, which incorporates the cumulative toll of ongoing visa declines and the loss of international student contributions to the national economy. We also ask that any final rule provide explicit statutory transparency on all proposed fee uses and revenue destinations.

Thank you for your consideration of these comments.

Sincerely,



Ted Mitchell
President

On behalf of:

American Association of Colleges and Universities
American Association of Collegiate Registrars & Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Association of Veterinary Medical Colleges
American Council of Learned Societies
American Council on Education
Association of American Law Schools
Association of Governing Boards of Universities and Colleges
Association of Independent Colleges and Universities in Massachusetts
Association of Independent Colleges and Universities of Pennsylvania
Association of Independent Kentucky Colleges and Universities
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities

Association of Research Libraries
Association of Schools and Colleges of Optometry
Association of Vermont Independent Colleges
COGR
College and University Professional Association for Human Resources
Commission on Independent Colleges & Universities in New York
Connecticut Conference of Independent Colleges
Council for Advancement and Support of Education
Council for Christian Colleges & Universities
Council of Graduate Schools
EDUCAUSE
ETS
Independent Colleges and Universities of Florida
Independent Colleges of Washington
Kansas Independent College Association
NAFSA: Association of International Educators
NASPA-Student Affairs Administrators in Higher Education
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
Presidents' Alliance on Higher Education and Immigration
Phi Beta Kappa Society