High-level Guidance to Submit Comments on the DHS's OPT Fee Proposed Rule

Steps to Submit Your Comment

Deadline: November 9, 2026

DRAFT. Using this guidance, work with the appropriate stakeholders at your institution to draft your institution's comment. As you draft your comment, keep in mind that the following pages are intended to help guide you and give you an example and ideas, but the comment should be edited with your original input and tailored to discuss your institution's perspective.

Any text included in an institutional comment should be, where possible, unique, as DHS may bundle any comments that are too similar to each other. Feel free to choose and edit bullet points you want to focus on and the arguments that are most relevant to your institution. You do not need to cite this document in your comment, nor do you need to provide all of the information suggested.

As always, when providing potentially personally identifiable information, be sure to consider protection of student information under FERPA and discuss with your general counsel's office as well.

Institutional comments should be signed by a representative of the institution and provide the business contact information of the representative for any followup questions or concerns. However, keep in mind that this comment will be publicly available, so personal addresses or cell phone numbers are not recommended.

SUBMIT. Comments can only be submitted online. Visit https://www.federalregister.gov/documents/2026/10/08/2026-20660/optional-practical-training-fees#open-comment. Click on "Submit a Public Comment." The button will look like this:



You can also click here for the direct link to the comment box. Either enter your comment in the text box (must be fewer than 5,000 characters) or upload your comment as a text-searchable PDF (we recommend submitting a PDF).

Below are additional resources produced by organizations to assist in the development of comments in response to the proposed rule.

- OPT Observatory: A collection of data produced via a FOIA request from the SEVIS system concerning, among other things, use of OPT and STEM OPT. Accompanying guidance for using this tool and providing comments on the proposed rule can be found here.
- NAFSA Economic Value Tool: Economic value tool produced by NAFSA and JB International providing national and state-specific statistics on economic value created by international students. (Please note the website will be down beginning November 5 to update it with new data. Contact govrel@nafsa.org for data, if necessary.)

Proposed OPT Fee Comment Guidance

Toward the beginning of the letter, and referenced throughout, institutions should consider including a summary statement of opposition, urging the administration to withdraw the proposed rule.

Institutions are then strongly encouraged to address the following topics in their comments and include relevant institutional data and examples to illustrate the proposed rule's potential impacts:

1. **Costs and Burdens Imposed on Institutions**
    - Institutions would face substantial payment obligations to allow international students and graduates continued access to OPT, and some would be unable to pay the fees.
        - ***Collect*** estimates of the total fees your institution would face based on anticipated OPT and STEM OPT participation, and ***compare*** these amounts with available institutional resources.
        - ***Provide*** examples of how these obligations would impact institutional budgets, particularly where resources are limited or funds cannot be used for these payments.
    - The rule does not account for the true costs and burdens that institutions would incur to collect fees
        - ***Collect*** estimates of the costs of building and maintaining processes to make payments and/or collect funds from students, employers, or other sources including necessary liability and risk assessments.
        - ***Explain*** the financial approval procedures required for payments of this size, the time needed to secure approval, and any resulting delays for students.
    - Implementation would require additional financial approvals, staffing, training, systems, recordkeeping, payment processing, student advising, and refund management.
        - ***Collect*** estimates of the staffing and training costs needed to implement the requirements, including additional hiring or reassignment of existing staff.
        - ***Provide*** estimates of the time and cost associated with additional recordkeeping, payment processing, and a realistic implementation timeline, including the time needed to obtain approvals, establish systems, train staff, advise OPT and STEM OPT participants and communicate changes to students.
        - ***Compare*** those estimates with the time and cost estimates included in the proposed rule and ***explain*** additional costs or estimates not discussed or understated in the proposed rule.

2. **Actions taken by your institution to prevent fraud and maintain program integrity**
    - ***Explain*** how a blanket fee is not an effective anti-fraud measure, rather it punishes institutions and students that follow the rules.
    - ***Describe*** the steps your institutions take to prevent fraud or misuse of the OPT program.
    - ***Express*** your institution's intent to ensure compliance with all requirements for OPT participation.

3. **Harms to the economy, communities and U.S. global competitiveness caused by the loss of international enrollment and economic contributions**
    - International students benefit U.S. higher education, the economy, and U.S. global competitiveness.
    - Practical training is distinct from classroom education and provides unique skills and opportunities for students.
        - ***Collect*** information on the economic impact of international students and OPT participants to your state, district, or community, including direct economic contributions.
        - ***Provide*** examples of the contributions your international students have made to your university, including contributions to research or education, domestic students, or the U.S. economy.
        - ***Explain*** how international students provide domestic students with necessary cultural competency that is so important to success in a global market for employment and ideas.

4. **Harm to International and Domestic Students**
    - International students would lose opportunities to gain practical experience directly related to their education.
        - ***Collect*** data on OPT and STEM OPT participation at your institution/state, including students' fields of study, types of employers, and compensation where available.
        - ***Provide*** examples of how practical training builds skills that complement classroom education and supports students' professional development.
        - ***Explain*** that when international students are deciding where to study, a key factor in that decision is the opportunity for experiential or applied learning that is available through OPT.
    - The fees would create two groups of otherwise eligible international students: those who can access practical training because they, their institutions, or employers can afford the fees, and those who cannot.
        - ***Explain*** how students', employers', institutions' ability to pay would determine access to training among students who meet the same eligibility requirements.
        - ***Provide*** examples of students with fewer financial resources who would face disproportionate harm or for whom the fees would be particularly prohibitive.

- International student participation helps institutions sustain academic programs and course offerings that also serve domestic students. Reduced international enrollment could limit the number and variety of programs and courses available to domestic students.
    - ***Consider collecting*** data and examples showing how international enrollment supports program viability, course availability, and specialized fields of study, and how enrollment losses could reduce domestic students' access or the quality of these opportunities.

5. Harm to Research and Workforce Needs

- Disruptions to research teams, employer partnerships, and workforce pipelines would impact learning, mentorship, and career opportunities for both international and domestic students.
    - ***Provide*** examples of research projects and partnerships that could be affected that create opportunities for both OPT participants and domestic talent.
    - ***Explain*** how losing these participants could delay projects, weaken collaborations, or reduce research and training capacity.
    - ***Collect*** information from employer partners about anticipated recruitment challenges and effects on internships, mentorship, and hiring.
    - ***Be careful*** when describing pipeline function to recognize the role of OPT as an educational experience not solely one of transitioning to employment.
- Weakened pathways into critical fields would reduce graduates' contributions to innovation and opportunities that also benefit American workers.
    - ***Provide*** examples of OPT participants contributing to discoveries, patents, startups, healthcare delivery, or other advances.
    - ***Explain*** how their work complements the skills of American colleagues and supports job creation, team productivity, or business expansion.
    - ***Collect*** evidence of potential consequences for regional workforce needs and institutions' ability to translate research into practical benefits.
- The proposed fees would weaken higher education's ability to prepare and retain talent that supports the nation's research enterprise and workforce needs in STEM, healthcare, and other critical fields.
    - ***Collect*** data or ***explain*** how your institution's OPT and STEM OPT participants contribute to regional and national workforce needs.
    - ***Provide*** examples of how practical training connects your academic programs to workforce priorities, including service to underserved communities and fields facing persistent shortages.
- Colleges and universities also employ OPT and STEM OPT participants whose work supports campus research, teaching, and other institutional functions.
    - Without providing student-specific information, ***discuss*** the contributions of OPT and STEM OPT participants on your campus.
    - ***Explain*** how reduced access to these graduates would impact staffing, institutional capacity, and continuity of ongoing work.

Institutions may also consider addressing the following topics, depending on their circumstances, priorities, and available data:

1. **Fee Amounts, Legal Authority, and Effectiveness in Addressing Fraud and Protection of American Workers**
    - ***Question*** DHS's authority to impose these charges and its justification for the proposed amounts.
    - ***Address*** DHS's stated objective of reducing OPT participation to lessen its oversight burden.
    - ***Highlight*** that fee revenue would be deposited into the Treasury rather than dedicated to fraud detection or OPT oversight.
    - ***Explain*** why ability to pay does not demonstrate compliance or prevent fraud.
    - ***Discuss*** how financial barriers could exclude legitimate participants without effectively targeting misconduct.

2. **Less Burdensome Alternatives Exist That Would Address DHS's Concerns**
    - ***Express*** support for appropriately defined oversight to address legitimate concerns on abuses within the system.
    - ***Discuss*** how this proposal is not the least burdensome alternative to meet the goals of the proposed rule.
    - ***Describe*** how the agency did not fully analyze less burdensome alternatives to meet its goals, including those alternatives mentioned in the proposed rule

3. **Unresolved Implementation Questions and Concerns**
    - ***Identify*** inconsistencies between the proposed rule and SEVP communications about how the fees would apply. For example it is unclear under the proposed rule how the proposed fee structure would operate:
        - The proposed rule is ambiguous as to how many times the subsequent $30,000 fee must be paid.
        - An October 8 SEVP notice says the fees are $70,000 for the first year of OPT and $30,000 for the second year, with nothing after that. But OPT isn't structured by year: an initial grant isn't always one year, and a later grant isn't always a "second year." Also it is unclear how this would apply if a student were to remain at the same institution, or attend another institution for subsequent degree programs.
        - Finally, as written, the proposed rule attaches the fee payment to the institution. This creates a situation where SEVP could receive multiple initial $70,000 fees for one student. For example, if a student completes an OPT opportunity at one institution then transfers to another institution then seeks another OPT experience, the second institution could be required to pay the initial $70,000 fee.

- ***Request*** clarification on when subsequent fees would be required. Point out the conflicting wording and the significant burden of the initial $70,000 fee, as well as one or more subsequent $30,000 fees.
- ***Address*** remaining questions involving multiple OPT periods, progression to higher degrees, and transfers between institutions.

4. Insufficient public comment period

- ***Explain*** why 30 days is insufficient to assess a proposal with substantial educational, financial, and workforce consequences.
- ***Describe*** the time institutions need to gather data, consult students and employers, coordinate across departments, and obtain leadership review.
- ***Request*** an extension to allow informed, substantive comments.