November 9, 2026

Submitted electronically via Regulations.gov

U.S. Department of Homeland Security U.S. Immigration and Customs Enforcement, Student and Exchange Visitor Program

Re: Optional Practical Training Fees, Notice of Proposed Rulemaking (Docket No. ICEB-2026-0100 | RIN 1653-AB01)

To Whom It May Concern:

The CHRO Association (formerly HR Policy Association) appreciates the opportunity to comment on the Department of Homeland Security's proposed rule establishing new fees for Optional Practical Training (OPT). The Association is a public policy advocacy organization that represents the most senior human resources officers (CHROs) at nearly 400 of the largest corporations doing business in the United States and globally. Collectively, these companies employ more than 10 million employees in the United States — nearly nine percent of the private-sector workforce — and approximately 20 million employees worldwide. Since its founding, one of the Association's principal missions has been to ensure that laws and policies affecting human resources, including talent, are sound, practical, and responsive to the labor and employment issues arising in the workplace.

The Association and its member companies remain committed to supporting the Administration's agenda of prioritizing American workers and advancing national prosperity. Our members rely on a steady pipeline of early-career talent to fill technical and professional roles across every industry, and graduates of U.S. colleges and universities, including international students working under OPT and STEM OPT, are an important part of that pipeline. For the reasons below, the Association respectfully raises concerns with the proposal and urges the Department not to finalize it as written.

The Proposal

The proposed rule would require a Student and Exchange Visitor Program (SEVP)-certified school to pay a fee of $70,000 before its designated school official recommends a student for a first period of OPT, and $30,000 for each later recommendation, including the STEM OPT extension. A school's recommendation could not be entered in the Student and Exchange Visitor Information System, and U.S. Citizenship and Immigration Services could not grant employment authorization, until the fee is paid.

The Association shares the Department's interest in program integrity. However, the proposed fees are many times larger than the cost of administering OPT, apply to every student regardless of a school's or employer's compliance record, and would likely make OPT effectively unavailable to a large share of international graduates.

Concerns for Employers

The proposal would reduce access to critical STEM talent

OPT and STEM OPT are a major source of early-career engineers, technologists, data scientists, and other technical professionals for U.S. employers[1]. In advanced hardware fields such as semiconductor design, advanced packaging, and microelectronics fabrication, the training required is deep and specialized, and graduates of U.S. research universities are central to meeting demand. Federal data show how heavily the advanced-degree pipeline depends on international students: in 2024, temporary visa holders earned about two-thirds of U.S. doctorates in electrical and computer engineering, the field behind chip design and fabrication, and nearly half in chemical and petroleum engineering (NCSES, Survey of Earned Doctorates 2024). Most of these graduates stay, with roughly three-quarters of temporary visa holders who earn science and engineering doctorates still in the United States five years later. The pipeline is already tightening, as international science and engineering master's enrollment fell 24 percent from 2024 to 2025. Increased fees would discourage international students from pursuing OPT, or from studying in the United States at all, and would shrink an important pipeline of entry-level talent in fields where employer demand is strong. Because the fee falls first on schools, many institutions, particularly those with fewer resources, may be unable to absorb it. Whether schools pass the cost to students or limit OPT recommendations, the result is fewer qualified graduates available to hire.

The proposal would weaken recruiting and retention

OPT is often the first step in a longer relationship between an employer and a new graduate. Employers use the OPT period, and the STEM OPT extension in particular, to train and evaluate early-career employees, and many of those employees later become long-term U.S. workers. New financial barriers on highly skilled graduates would make it harder for employers to recruit these candidates and to retain them through the period when they build skills and become productive.

The proposal would impair workforce planning

Large employers plan their early-career hiring well in advance, including campus recruiting cycles that begin many months before graduation. A change of this scale, with the prospect of uncertain or reduced access to OPT, makes it difficult to plan. Entry-level and hard-to-fill technical roles, where shortages already exist, would be hit hardest, and employers would have fewer options to fill them. The effect is sharpest in capital-intensive sectors such as semiconductors and advanced hardware, where development cycles run for years and new engineers need long onboarding. An upfront cost of up to $100,000 per student across the

[1] U.S. Immigration and Customs Enforcement, Student and Exchange Visitor Program, *2024 SEVIS by the Numbers Report* (June 2025), https://www.ice.gov/doclib/sevis/btn/25_0605_2024-sevis-btn.pdf. See also Congressional Research Service, In Focus IF12631 (May 30, 2025), https://www.everycrsreport.com/files/2025-05-30_IF12631_6ea036158b9559dd44cb4aa1679d993146595025.pdf.

4201 Wilson Blvd, Ste 110-368, Arlington, VA 22203 | (202) 682-3100

initial and STEM OPT periods would disrupt research budgeting and put specialized startups, pilot production lines, and university-affiliated incubators out of reach.

The proposal would shift talent to competing global markets

Other countries actively compete for international graduates by offering affordable and accessible post-graduation work pathways. Between 2017 and 2023, international student enrollment grew 85 percent in Canada, 72 percent in the United Kingdom, and 63 percent in Germany, while it fell 3 percent in the United States[2]. If the United States makes its pathway substantially more expensive and less certain, graduates educated at American institutions are more likely to build their careers elsewhere. That would remove critical talent from the U.S. workforce and weaken the competition and innovation that drive growth here at home. That outcome runs counter to the goal of protecting U.S. jobs. It also arrives alongside other recent cost increases on employment-based immigration pathways, which compounds the effect.

The proposal would undercut national industrial and economic security priorities

Advancing domestic semiconductor and advanced manufacturing is a stated priority of this administration. Commerce Secretary Howard Lutnick has said, "My objective, and this administration's objective, is to get chip manufacturing significantly onshored." He has also described "a fundamental objective to bring semiconductor chip manufacturing home" as a goal set by the President, who has stressed that "without the chips and semiconductors, nothing runs today." The administration has backed those statements with tariff relief tied to companies that manufacture chips in the United States. The CHIPS and Science Act, which authorized over $280 billion to expand domestic semiconductor manufacturing and research, laid the groundwork. A core constraint on all of this investment is specialized engineering talent, not only equipment and capital. Raising the cost of employing graduates in these fields would weaken the return on public and private investment alike.

Engineers also support other jobs. Each advanced design or process engineer hired helps anchor work for technicians, layout designers, assemblers, and supply chain operators in the United States. If employers cannot hire the engineers, much of that downstream work does not follow. For employers in sectors tied to national security, the added cost could also push critical research functions offshore, where the talent they need is available. Policies that raise the cost of hiring this talent therefore work against the administration's own stated priority.

The proposal would strain universities and research partnerships

Because the fee is assessed on schools, universities would have to absorb it, pass it on to students or employers, or decline to recommend students for OPT. None of those options is sustainable at the proposed scale. DHS itself estimates $8.4 billion to $16.5 billion in annual fees across 2,478 schools. The likely result is fewer international students choosing U.S. graduate

[2] National Science Board, National Center for Science and Engineering Statistics, *The State of U.S. Science and Engineering 2026* (NSB-SEP-2026-1, May 2026),https://www.ncses.nsf.gov/pubs/nsbsep20261/assets/nsbsep20261.pdf

4201 Wilson Blvd, Ste 110-368, Arlington, VA 22203 | (202) 682-3100

programs and added strain on the industry-academic partnerships that depend on a steady flow of graduate researchers.

Legal and Procedural Concerns

The Association also has concerns that the proposal is inconsistent with the law and rulemaking practice.

- **The fees appear to exceed DHS's fee authority.** DHS's authority to set immigration-related fees is tied to recovering the cost of providing the relevant services. Fees of $70,000 and $30,000 appear untethered from any plausible cost of administering OPT.
- **The proposal does not adequately consider less burdensome alternatives.** The Regulatory Flexibility Act requires agencies to consider alternatives that would reduce the burden on affected small entities. A blanket fee on every user is a disproportionate way to address fraud, if it addresses fraud at all, when targeted tools exist.
- **Setting fees to discourage use of a program is arbitrary and capricious.** Under the Administrative Procedure Act, the stated purposes of fraud prevention and labor-market protection must be reasonably connected to the policy chosen. A fee set far above cost, and aimed at reducing participation in an established program, is not.

Recommendations

The Association respectfully recommends that the Department:

1. **Amend the proposed rule** and instead pursue program-integrity measures that address fraud directly.
2. **Target fraud and abuse with existing tools.** The Department already has mechanisms to address noncompliant schools, school officials, and employers, including SEVP oversight and site visits, the training plan requirements and employer E-Verify participation required for STEM OPT, and enforcement against bad actors. Resources devoted to those tools would address misconduct without penalizing compliant schools, employers, and students.
3. **If the Department proceeds with any fee,** set it at a level supported by documented administrative cost and phase it in. The Department should also establish clear, non-discretionary exemptions for graduates working in critical and emerging technology sectors, such as semiconductor design and fabrication, advanced packaging, quantum systems, and defense industrial base hardware, and for those working on federally funded research.
4. **Keep the STEM OPT designation current.** The Department should accelerate its annual review of the STEM-designated degree list so it covers interdisciplinary programs, such as hardware-software co-design, photonics, advanced robotics, materials informatics, and cyber-physical systems, and so graduates of those programs receive the full 24-month STEM OPT period.

5. **Create a more predictable path to permanent residence.** The Department and its interagency partners should recognize dual intent for F-1 STEM OPT participants, issue guidance recognizing work done during STEM OPT as evidence in national interest waiver and O-1A cases, and modernize cap-gap protections so work authorization continues through the full fiscal year for STEM OPT employees with pending H-1B petitions.

Conclusion

The CHRO Association supports a legal immigration system with strong integrity protections. The proposed fees, however, would impose extraordinary costs on schools and, in practice, on students and employers, while doing little to address the fraud the Department identifies. They would also weaken U.S. competitiveness in critical technologies. We urge DHS to amend the proposal and to work with employers and educational institutions on measures that protect the system without closing off a critical source of talent.

Thank you for considering these comments. The Association would welcome the opportunity to discuss them further and to share the perspectives of our members.

Respectfully submitted,

Chatrane Birbal

Chatrane Birbal
Senior Vice President, Public Policy & Government Relations
CHRO Association

4201 Wilson Blvd, Ste 110-368, Arlington, VA 22203 | (202) 682-3100