February 22, 2021

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas:

We are writing about the ongoing U.S. Citizenship and Immigration Services (USCIS) delays—originated at the Dallas, Texas lockbox—in processing and issuing receipts for students applying for Optional Practical Training (OPT) work authorizations. While we appreciate the efforts of USCIS to minimize the delays, we have significant concerns with the threat to the employment and immigration status of thousands of students in New York and around the country, which have been caused by the delays. While we agree with the letters submitted by ACE and NASFA, we would like to express our additional concerns and request immediate action to remedy the OPT processing delays situation.

New York State is home to one of the most comprehensive and diverse systems of higher education in the world, with more than 450 institutions, both public and private, that vary in size and mission. We share a common commitment to excellence, as we strive to provide the best education for all of our students, whether they come from around the corner or from across the globe. Many of our campuses are the economic anchors in their communities: not only educating the next generation of leaders, training the modern workforce, and performing groundbreaking research, but also providing a stable employment base and a healthy counterweight to brain drain across the State.

According to the recent Open Doors Report on International Education, in the 2019 – 2020 school year, over 1 million international students studied in the U.S., which includes roughly 220,000 individuals participating in OPT.1 In New York, among the institutions listed on this letter, there are at least 9,000 international graduates with OPT. International students and their enrollment in U.S. institutions have a tremendous impact on the U.S. economy, driving job growth and innovation capacity. 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). Programs such as OPT that draw international students to the U.S. are imperative as we seek to rebuild our economy following the COVID-19 pandemic.

Prior to October 2020, F-1 visa students who applied for OPT or STEM OPT typically received a receipt within 2-3 weeks. However, students are now facing delays of two to three months after filing to the lockbox in Dallas, Texas. Of the international students with OPT in New York, we have heard of at least 550 students who are still awaiting receipts. To further exacerbate

1 https://opendoorsdata.org/data/international-students/enrollment-trends/
the situation, on January 8, 2021 without formal notice, USCIS changed the filing location from Dallas to a lockbox in Chicago, Illinois. Students who had already filed to the Texas lockbox, in addition to the uncertainty regarding whether their application was properly received to begin with, now had the additional insecurity without clear guidance on what to do about their still-missing filing receipts.

For most institutions, international student graduates participating in OPT fall into two groups, 1) recent graduates applying for post-completion OPT or 2) graduates with a current, active, post-completion OPT applying for the STEM OPT extension. Students applying for post-completion OPT have a 60-day grace period after the end of their academic program in which they may file (or refile) an OPT request. At this time, international students have valid concerns regarding the loss of an ability to re-file, should the petition not be accepted, and the student not learning of this until well beyond the F-1 60-day grace period. Students filing for the STEM OPT extension must file before their original OPT ends but are permitted to continue working if they can show a receipt for a timely filed request. As there is no clear guidance from USCIS, some employers are accepting the express mail receipt and a letter from their institution, but others are requiring the USCIS receipt. This may mean a student is furloughed, or even laid off; and if they are laid off, they would then no longer have any employment on which to base the STEM extension request. Furthermore, once their initial OPT period has ended, international students are unable to apply for the STEM OPT extension. In addition, many students in both categories may face denials because they paid their filing fee with a money order, which typically expires after 90 days.

International student graduates are experiencing a significant disruption to complete their full education, including post-completion practical training, in addition to potentially delayed or withdrawn job offers. At this time, we are respectfully requesting that USCIS do everything possible to begin processing receipts immediately and issue a public announcement stating that students will not lose their OPT opportunity until normal processing resumes. Specifically, we encourage USCIS to:

- 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.
- 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.
- Not penalize OPT applicants if they submitted applications to the wrong address because the lockbox address was suddenly changed.
- 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.

- Accept a refiled application that cures the deficiency, despite being outside the regulatory filing windows, 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.
- Allow applicants to submit I-765 applications up to 180 days (rather than 90 days) before the I-20 program end date. The additional time will help some STEM applicants whose end dates range from May to July or even later in the year, since their 90-day marks are fast approaching (depending on an institution’s semester end date).

While we recognize that some of these changes are under way, including several meaningful updates stated in the recent notice from the USCIS Public Engagement Division regarding applicants filing for OPT, we want to present these concerns in full. We thank you for your long-standing support for America’s colleges and universities and our international student populations and look forward to working with you on these important matters.

Sincerely,

Columbia University
Cornell University
New York University
Stony Brook University
University of Rochester

Cc: New York Congressional Delegation
Dr. Elizabeth Sherwood-Randall, Homeland Security Advisor and Deputy National Security Advisor