

Supporting Optional Practical Training in the *Washtech* case The Important Perspective from U.S. Higher Education

May 4, 2021

The Presidents' Alliance on Higher Education and Immigration and NAFSA: Association of International Educators invite colleges and universities to [join in supporting](#) an amicus brief in support of Optional Practical Training (OPT). To join in support of this brief, we ask that you sign up by 5 pm ET, May 28, 2021.

The brief outlines the importance of OPT to colleges and universities, their students, and higher education in this country. It highlights the value of OPT as an important educational component to a student's program of study, as a key complement to the classroom experience, and as supplemental training and experiential learning.

Why join?

Washtech Lawsuit Continues to Threaten Optional Practical Training (OPT)

The plaintiffs in the Washtech case are challenging the authority of the federal government to allow international students to work in the U.S. after graduation under OPT and STEM OPT, the student experiential learning programs. These programs provide temporary employment authorization to international students so they may gain practical training related to their field of study in the United States. In January 2021, we celebrated an important win in court when a D.C. district court judge issued a final ruling concluding that the Department of Homeland Security (DHS) has legal authority to allow international students to work in the U.S. after graduation under OPT. However, as expected, the Washtech plaintiffs have appealed the decision, and so we are coordinating this new amicus brief for colleges and universities.

Please note that this 2021 amicus brief is substantively the same as the 2019 OPT [amicus brief](#), also coordinated by the Presidents' Alliance and NAFSA and drafted by Ishan Bhabha and his team at Jenner & Block. 118 institutions joined the 2019 amicus brief. See [here](#) for information on the Alliance's previous OPT amicus brief and statements and [here](#) for NAFSA's overview of the WashTech litigation.

The Perspectives of Higher Education Institutions Are Vital

Access to OPT attracts students from around the world and is vital to the recruitment efforts of U.S. higher education institutions. At a time when U.S. colleges and

universities are still grappling with the sharp declines of international student enrollments and travel restrictions due to the impact of the global pandemic, we must take proactive steps to reinvigorate international student mobility. Many competitor countries like Australia and Canada have similar programs to OPT that attract students away from the United States. And, countries like Canada now are taking new steps to create additional pathways for international students to stay and work after graduation. We already see increased global competition for international students, and the impact of losing programs such as OPT would threaten the United States' role as the leader in international education.

- The U.S. government has allowed international students to pursue practical training in some form since the 1950s.
- U.S. colleges and universities have a front-row seat to the value of OPT for their institutions and their students. They offer an invaluable perspective that differs from the perspectives of the parties in the case and the business organizations that have intervened.
- U.S. colleges and universities have the primary perspective on the educational and training role of OPT for international students.
- Experiential learning is a key component of U.S. higher education. The internship, training, and career preparatory work opportunities that are available through OPT are part of the broader educational life cycle for all students on campus and beyond.
- These students and their dependents contributed \$38.7 billion and nearly 416,000 jobs to the U.S. economy in the 2019-2020 academic year, making international education the fifth largest U.S. services export. Also, according to [NAFSA](#), for every 8 international students we welcome, 3 US jobs are created or supported.
- Open Doors' recent figures, even prior to the pandemic, show a drop in new international student enrollments. Other nations are competing successfully for these students, in part by highlighting their more welcoming policies.