A new proposal from the Department of Homeland Security has put OPT back in the spotlight, and not in a good way.

In short, DHS is floating a drastic change: a **$70,000 fee tied to the OPT program**. It is not a final rule today. But it is serious enough that anyone in F 1 status, and any employer that hires F 1 OPT talent, should pay attention now, not later.

This piece breaks down what is being proposed, what it could mean in practice, where things stand procedurally, and what steps make sense while the proposal is still only a proposal.

What OPT is, and why it matters

OPT (Optional Practical Training) is work authorization that allows eligible F 1 students to work in their field of study.

There are two common buckets:

- **Pre completion OPT**, used before graduation (less common, and it reduces the amount available after graduation).
- **Post completion OPT**, typically used after graduation.
- And for many STEM degrees, there is the **24 month STEM OPT extension**, which comes with extra compliance requirements for both the student and the employer.

OPT is not just a convenience. In many cases, it is the bridge between graduation and longer term work authorization. For

employers, it is a major talent pipeline. For students, it is often the only lawful way to gain US professional experience right after school while exploring longer term options like H 1B, O 1, TN (where eligible), E 2 (in limited scenarios), or employment based permanent residence.

So when DHS proposes a fee at this scale, the impact is obvious. It could reshape who can afford to stay and work, and which employers can realistically hire.

What DHS is proposing

DHS is proposing a rule requiring universities to pay a **$70,000 fee** for an international student's initial Optional Practical Training (OPT) recommendation and **$30,000** for each subsequent recommendation (such as STEM extensions)

At a high level, the concept being discussed is a significant fee burden that would attach to OPT participation.

Right now, the key point is that **this is a proposed change, not a finalized requirement**. But a proposal alone can create uncertainty, and uncertainty changes behavior. Hiring gets delayed. Students panic transfer. People make rushed immigration decisions. That is where the real damage often starts.

What this could mean for F 1 students

If a $70,000 fee becomes real in any form, the consequences could be immediate:

1. Affordability and unequal access

Most international students cannot absorb a fee like that. Even if it were technically payable over time, it could still block access based on wealth, not merit.

2. Changes to career timing

Many students rely on OPT as the period to find a longer term sponsor, build a record of achievement, or simply get a first US job. If OPT becomes prohibitively expensive, the timeline compresses. That usually means more denials, more status gaps, more emergency travel, more forced departures.

3. Higher risk of status violations

When lawful work authorization becomes harder to obtain, the odds of mistakes go up. Unemployment day limits, start dates, late filings, wrong employer information, and informal gig work can lead to significant issues. Even small errors can

become status problems that follow someone for years.

4. Increased reliance on alternative strategies

More pressure would shift toward other immigration options, not all of which are realistic:

- **H 1B** is capped and lottery-based for most private sector roles.
- **O 1** can work well, but requires a strong evidence profile.
- **Employment-based green card** strategies depend heavily on the employer's appetite and the role.
- Some may consider leaving the US and working for a related entity abroad, then returning later through L 1, which takes planning and a qualifying corporate structure.

This is doable for some. Not for all. And it is rarely quick.

What this could mean for employers

Employers often treat OPT hiring as routine, but a proposal like this changes the calculus.

1. Hiring budgets and internal approvals

If the fee is employer-paid or expected to be reimbursed, HR and finance may simply stop approving OPT hires, especially for entry-level roles.

2. Compliance scrutiny

Large fees usually come with a narrative of enforcement. That can mean more audits, more documentation requests, more site visits, and tighter expectations around training plans, supervision, and duties, especially for STEM OPT.

As highlighted in a comprehensive report by Congress, these changes could have far-reaching implications not just for employees but also for employers navigating this complex landscape.

3. Shift toward cap exempt or alternative categories

Some employers may push harder toward cap exempt H 1B pathways (universities, nonprofit research, affiliated entities). Others may avoid early career international hiring entirely, which has broad downstream effects.

What should be done while this is pending

This is the moment for calm, documented decision making.

1. Stay in valid status and avoid risky shortcuts

Do not assume a proposal means current rules are changing tomorrow. Also do not assume it will “go away.” Keep I 20 records clean, address updates timely, and work authorization rules followed exactly.

2. Tighten OPT and STEM OPT compliance

For those on STEM OPT, assume that scrutiny could increase even before any final rule. That means:

- Job duties align with the degree field
- Proper supervision and training are real, not paper
- I 983 training plan is accurate and updated when required
- Pay is consistent with similarly situated workers, where applicable
- Reporting deadlines are tracked carefully

3. Build a Plan B that is not wishful thinking

A realistic Plan B might include:

- Preparing for the next H 1B cycle early, with role and wage planning
- Exploring O 1 readiness, evidence collection takes time
- Evaluating whether a cap exempt H 1B employer relationship is possible
- If there is an overseas affiliate, mapping an L 1 timeline correctly
- If marriage based options exist, doing it carefully and legitimately, with counsel

Not everything applies in every case. The point is to stop relying on a single immigration bridge.

4. Consider participating in the public comment process

When a proposal goes into formal notice and comment, substantive comments can matter, especially from employers, universities, industry groups, and affected individuals. Comments that include real data, hiring impact, economic analysis, and compliance realities tend to carry more weight than general outrage.