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PROGRAM ALLOWING FOREIGN STUDENTS TO WORK IN U.S. HAS GROWN RAPIDLY

Schools, employers, students fret over possible changes to work-authorization program under Trump administration

By Melissa Korn
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A work-authorization program for foreign graduates of U.S. colleges and universities has been expanding rapidly, new data show, potentially putting the program more squarely in the Trump administration's crosshairs as it considers letting in fewer foreign workers.

The U.S. government authorized 257,064 applications for its Optional Practical Training program in 2016, according to a new Pew Research Center report based on data the group received through a public-records request to Immigration and Customs Enforcement. That is nearly double the number in 2014, and up from 79,877 in 2008.

Separate data from the Institute of International Education indicate that the growth has continued since. The group reported in November that the number of Optional Practical Training participants rose by 19% between the school years that ended in 2016 and 2017.

Optional Practical Training allows new graduates to stay in the U.S. and work for one year, and is widely viewed as a steppingstone to a coveted H-1B work visa. Beginning in 2016, graduates in science, technology, engineering and mathematics fields were allowed to extend their stays by an additional 24 months, making the program even more attractive to foreign students.

U.S. schools have used the prospect of at least short-term postgraduate employment as a way to appeal to foreign students. Institutions including Columbia University, Yale University and Southern Methodist University have changed how they classify some economics and finance degrees, to allow graduates to benefit from the longer STEM option.

International-student enrollments have begun to stagnate and even decline in some areas since President Donald Trump began signaling a tougher policy on immigration during the campaign. Schools say potential changes to the Optional Practical Training program under the current administration could further depress those numbers.

The Trump administration threatened in March to limit student visas for Chinese nationals, amid heightened rhetoric over a trade war.

The government has also signaled its intention to change a variety of other regulations governing legal immigration, including possibly reducing the two-year extension for participants with science, technology, engineering and mathematics degrees, according to people familiar with the discussions.

In its spring regulatory update, published Wednesday, the Department of Homeland Security said that Immigration and Customs Enforcement would propose "comprehensive

reform of practical training options” with the aim of reducing fraud and abuse. The department said it would pursue the rules “to improve protections of U.S. workers who may be negatively impacted” by foreign-student workers.

Earlier this spring, U.S. Citizenship and Immigration Services quietly changed the program’s eligibility guidelines, so that to receive the two-year STEM work extension, the graduate workers must be on-site at the employer—limiting options for foreign graduates who want to be employed by consulting firms, where associates spend much of their time embedded in other companies.

A spokesman for USCIS, which issues employment authorization under the program, said third-party placements “undermine” the STEM extension, make it difficult to ensure compliance with the training element of the program and allow for “increased potential for visa fraud.” He said the language posted this spring wasn’t a change, but rather further detailed the existing policy.

Leon Fresco, an immigration attorney and partner at Holland & Knight LLP, said there is continued discussion over whether Homeland Security may even eliminate the program entirely by arguing it is an illegal work component of a student visa.

While doing away with the program would certainly be a big hit to schools, Mr. Fresco said, there may not be cause for immediate concern. “There are so many things DHS is trying to do now, and it is like funneling a highway through a straw.”