



FORDHAM UNIVERSITY

THE JESUIT UNIVERSITY OF NEW YORK

THE OFFICE OF THE PRESIDENT

3 February 2021

The Honorable Alejandro Mayorkas
Secretary, United States Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue, NW
Washington, D.C. 20016

RECEIVED

By ESEC External at 12:18 pm, Mar 01, 2021

Dear Secretary Mayorkas,

Congratulations on your confirmation as Secretary of the United States Department of Homeland Security. As former Director for the United States Citizenship and Immigration Services (USCIS) you know how important the Optional Practical Training (OPT) program is for institutions of higher education and the American economy. Therefore, as you transition into your role as Secretary, I strongly urge you to prioritize strengthening the OPT program for current and future students.

Fordham University is an independent institution in the Catholic and Jesuit tradition. International students are challenged and cherished at Fordham where they enrich the communities in which our campuses are located and enhance our classrooms with their perspective and scholarship. Jesuit education is cosmopolitan education, and at Jesuit institutions like Fordham, and your *alma mater*, Loyola Marymount University, cities are extensions of the classroom.

Fordham encourages our international students to take advantage of our location in New York City by pursuing the many internship opportunities available to them. The OPT program, as you know, provides these students with the opportunity to go further by gaining valuable work experience either while enrolled or after they graduate, one of the many reasons why international students choose to study at American institutions of higher education. OPT program participants contribute to the entrepreneurship of flourishing businesses, bring diversity of thought and perspective to well-established companies and organizations, and contribute significantly to the American economy. According to NAFSA: Association of International Educators, international students contributed \$38.7 billion and supported 415,996 jobs to the U.S. economy during the 2019-2020 academic year.

Unfortunately, our international students have experienced significant challenges with the OPT program, especially delays related to receipting and adjudicating OPT work authorization applications. On behalf of Fordham University's former, current, and prospective international students, I urge you to prioritize ensuring that the OPT program receives the resources it needs to reduce and ultimately eliminate backlogs, and in the meantime, that USCIS provide maximum flexibility to students undergoing the application process, including granting conditional application approvals and extensions, minimizing penalties, and exercising discretion with respect to application filing dates and regulatory filing timeframes.

Fordham University remains committed to ensuring the success of the OPT program, and if we can be of assistance to you or your colleagues in helping to strengthen it, please contact Bill Colona, Director of Government Relations, Federal and Urban Affairs, at wcolona@fordham.edu or (718) 817-3020.

Sincerely,


Joseph M. McShane, S.J.



June 24, 2021

Joseph M. McShane, S.J.
President
Fordham University
441 East Fordham Road
Bronx, NY 10458

Dear President McShane:

Thank you for your February 3, 2021 letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf.

You noted that some international students have experienced challenges with the Optional Practical Training (OPT) program as a result of increased processing times related to receipting and the adjudication of OPT submissions. DHS is actively working to decrease processing times and has taken several steps to provide additional flexibilities to applicants, including F-1 students requesting OPT and STEM OPT.

On January 8, 2021, U.S. Citizenship and Immigration Services (USCIS) issued a statement¹ explaining the challenges we are facing at certain intake facilities (“lockboxes”) as a result of COVID-19 restrictions, an increase in filings, a high volume of mail, and other external factors that continue to affect the issuance of receipt notices.² In order to decrease processing times related to intake and receipt issuance, USCIS personnel continue to work extra hours and redistribute the workloads to the extent possible.

In addition, on February 26, 2021, USCIS announced the following flexibilities for F-1 students requesting OPT and STEM OPT whose applications were received on or after October 1, 2020, through May 1, 2021, inclusive:³

- **14-month OPT Period Flexibilities.** F-1 students may participate in up to 12 months of post-completion OPT, which must be completed within 14 months from the end of their program. Due to increased processing times at the lockbox, some applicants may only be eligible for a shortened period of OPT within that 14-month period. To allow F-1 students to complete the full period of requested OPT (up to 12 months),

¹ For additional information, please see <https://www.uscis.gov/news/alerts/uscis-lockbox-updates>.

² Delays in issuance of USCIS receipt notices include receipt notices for Form I-765, Application for Employment Authorization, based on eligibility categories described in 8 CFR 274a.12(c)(3), related to OPT for F-1 students.

³ Additional information is available at <https://www.uscis.gov/news/alerts/uscis-extends-flexibilities-to-certain-applicants-filing-form-i-765-for-opt>.

USCIS will allow the 14-month period to commence from the **date of approval** of the Form I-765, Application for Employment Authorization for applications for post-completion OPT.

- On February 26, 2021, USCIS began approving applications for post-completion OPT with validity dates reflecting the same amount of time originally recommended by the designated school official from their school on the Form I-20, Certificate of Eligibility for Nonimmigrant Student Status.
 - F-1 students requesting post-completion OPT who received an approval of Form I-765 for less than the full amount of OPT time requested (not to exceed 12 months) due to the requirement that the OPT be completed within 14 months of the program end date may request a correction of the Employment Authorization Document due to USCIS error. USCIS will issue a corrected EAD with a new end date, as requested, to cover the full amount of OPT time recommended in the original application.
- **Refiling Following Rejection.** Applicants for OPT must file the Form I-765 during certain timeframes. However, we recognize that due to increased processing times at the lockbox, some applicants who timely filed Form I-765 for OPT and whose applications were later rejected are unable to timely refile within the required application timeframes. USCIS will accept a refiled Form I-765 for OPT and STEM OPT as filed on the original filing date if:
 - The original, timely filed application was received on or after October 1, 2020, through May 1, 2021, inclusive; and
 - USCIS subsequently rejected it.

Refiled applications must have been received by May 31, 2021, for USCIS to treat the application as though it was filed on the original received date.

- **Missing or Deficient Signatures.** Applications with missing or deficient signatures are generally rejected at the lockbox. This policy remains unchanged. However, if the lockbox accepted a Form I-765 application for OPT or STEM OPT with a missing or deficient signature, USCIS will issue a Request for Evidence rather than deny the application, to give the applicant the opportunity to respond and provide the necessary signature or correct the deficiency. We encourage applicants filing Form I-765 to review the form instructions on the USCIS website to ensure their application is complete before filing it.

In addition to the above flexibilities, on April 12, 2021, USCIS announced that F-1 students seeking OPT can now file Form I-765 online. By offering eligible F-1 students the option to file Form I-765 online, USCIS continues to make the process of applying for immigration benefits more efficient, secure, and convenient for applicants.

Finally, USCIS posts processing times for the different benefit requests online at <https://www.uscis.gov>. The processing times for OPT Form I-765 applications have decreased in the last month.

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While USCIS has taken steps to help to decrease processing times related to intake and adjudication of OPT applications for employment authorization, we will continue to review this situation and any additional steps taken on this issue will be announced on the USCIS website.

Thank you again for your letter. Should you wish to discuss this matter further, please do not hesitate to contact the USCIS Public Engagement Division at public.engagement@uscis.dhs.gov.

Respectfully,

A handwritten signature in black ink that reads "Tracy L. Renaud". The signature is written in a cursive, flowing style.

Tracy L. Renaud
Acting Director