November 9, 2026

Office of the Principal Legal Advisor
Regulatory Affairs Unit
Department of Homeland Security
500 12th Street SW, Washington, D.C. 20536-5901

Submitted via regulations.gov

RE: SHRM's Comment on the Department of Homeland Security's Proposed Rule on Optional Practical Training Fees (RIN 1653-AB01)

To Whom It May Concern:

As the trusted authority on all things work, SHRM is the foremost expert, researcher, advocate, and thought leader on issues and innovations impacting today's evolving workplaces. With nearly 340,000 members in 180 countries, SHRM touches the lives of more than 362 million workers and their families globally. SHRM welcomes the opportunity to comment on the Department of Homeland Security's (DHS) proposed rule establishing new fees for Optional Practical Training (OPT). While recognizing the importance of program integrity and protecting American workers, SHRM is concerned that the proposed fees could create substantial barriers to legitimate practical training opportunities and affect established connections between American higher education and the workplace.

I. Introduction

SHRM's membership of HR professionals and business executives operates at the intersection of talent acquisition, people management, and regulatory compliance. Our members represent employers of all sizes across nearly every industry and geographic region. Through an affiliate network of 556 chapters and 51 state councils, SHRM and its members have a presence in every congressional district, all 50 states, and U.S. territories. This extensive network enables SHRM to provide insights grounded in research, data, and practical workplace experience.

SHRM research demonstrates the persistent challenges employers face in recruiting qualified talent. Nearly seven in 10 HR professionals (68%) report difficulty recruiting full-time employees, and more than half (53%) indicate that recruiting has become more difficult compared with the previous year.[1] These challenges extend beyond candidate availability to qualifications and job readiness. Among HR professionals reporting skills-related recruiting challenges, 40% identify a lack of relevant work experience, 33% cite insufficient technical skills, and 23% point to gaps in

[1] Source: 2026 Talent Trends, SHRM, 2026.

essential interpersonal and professional skills, often referred to as power skills.[2] These findings underscore the importance of accessible education-to-employment pathways, including opportunities for eligible international students educated at U.S. institutions to gain practical experience under established program requirements.

SHRM recognizes DHS's objectives of preventing fraud, protecting American workers, and maintaining OPT program integrity, but questions whether the proposed fees would meaningfully advance these objectives and whether they could unnecessarily restrict legitimate participation. SHRM encourages DHS to consider the potential consequences for educational institutions, eligible students, and employers when evaluating whether to finalize this proposed rule.

II. Preserving Program Integrity and Established Education-to-Employment Pathways

OPT provides eligible international students with an established, regulated opportunity to apply the knowledge gained in their American educational program in real-world professional settings. By connecting classroom instruction with practical experience, the program supports the development of job-relevant skills, exposure to American workplace practices, and collaboration between educational institutions and employers. These experiences also foster cross-cultural exchange and strengthen adaptability, communication, and problem-solving skills.

SHRM research reinforces the value employers place on the availability of programs such as OPT. More than two-thirds (68%) of employers agree that their organizations would benefit from a more streamlined process for accessing U.S.-educated, foreign-born talent.[3] Additionally, American universities were the most frequently cited recruitment source for employers seeking foreign-born workers.[4] These findings highlight the importance of maintaining established pathways through which eligible graduates can gain practical experience and employers can engage with qualified talent.

The proposed fees are likely to substantially reduce OPT participation, limiting the available talent pool and potentially affecting employer partnerships with colleges and universities, including experiential learning initiatives and campus recruitment. As DHS acknowledges in its regulatory analysis, reduced participation could also result in employer productivity losses. SHRM encourages DHS to fully assess these potential effects, including implications for educational partnerships, workforce planning, and access to talent through authorized channels.

Protecting American workers and maintaining immigration program integrity are essential objectives that need not conflict with preserving legitimate, education-connected practical training. Nevertheless, the proposed fees raise questions about whether the financial burden imposed on participating institutions is proportionate to DHS's stated objectives. SHRM encourages the agency

[2] Source: 2026 Talent Trends, SHRM, 2026.
[3] Source: Workplace Immigration Employers See It as Key to Growth and U.S. Competitiveness, SHRM, 2023.
[4] Source: Workplace Immigration Employers See It as Key to Growth and U.S. Competitiveness, SHRM, 2023.

to evaluate whether the proposed fees are necessary to address identified program integrity concerns and whether less burdensome alternatives, including targeted oversight and enforcement measures, or reduced fees, could achieve comparable results without unnecessarily restricting participation by otherwise eligible students.

III. Potential Indirect Financial Implications for Employers

Although educational institutions would be responsible for paying the proposed OPT fees, DHS notes, on page 64596 of the NPRM, that institutions would not be precluded from funding these fees through contributions from external parties, including employers and other organizations. Institutions seeking to maintain practical training opportunities may therefore request financial assistance from employer partners, potentially shifting costs to businesses.

These potential new expenses arise as employers are already managing significant financial and compensation pressures. According to SHRM research, half of chief human resource officers (CHRO) (50%) identify wage inflation as a workplace challenge, with 17% citing it as their organization's single greatest challenge.[5] Salaries also represent a growing share of organizational operating expenses, increasing from 45% in 2025 to 49% in 2026.[6] Additionally, 92% of organizations awarded salary increases in 2026 based on merit or cost-of-living adjustments.[7] Additional costs associated with OPT participation could further strain organizational budgets, particularly for small and midsize employers with fewer resources to absorb them.

The proposed fee structure could also create disparities in access to practical training opportunities. Institutions with greater financial resources or established relationships with larger employers may be better positioned to secure external contributions, while smaller institutions and businesses may face greater difficulties sustaining participation. As a result, access to practical training could increasingly depend on institutional resources and employer financial capacity rather than student eligibility and educational objectives.

SHRM encourages DHS to assess whether its regulatory impact analysis adequately accounts for these indirect costs, including their distribution among educational institutions, employers, and participating students. Particular consideration should be given to the financial implications for smaller institutions and businesses and whether the proposed fees could create disparities in program participation.

IV. Implementation, Predictability, and Transition Relief

Any final rule establishing new OPT fees should include a clear and reasonable implementation timeline that provides educational institutions, participating students, and employers sufficient

[5] Source:2026 CHRO Priorities and Perspectives, SHRM, 2026.
[6] Source: 2026 CHRO Benchmarking Data Brief: Belt-Tightening in HR in 2026, SHRM, 2026.
[7] Source: 2026 CHRO Benchmarking Data Brief: Belt-Tightening in HR in 2026, SHRM, 2026.

time to prepare. Employers rely on predictable program requirements to inform workforce planning, recruitment strategies, and partnerships with educational institutions.

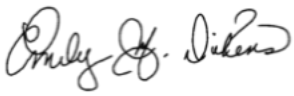
If the rule is finalized, SHRM encourages DHS to provide clear implementation guidance and appropriate transition measures, particularly for current OPT participants and students pursuing practical training opportunities. DHS should also take into consideration the reliance interests that students who enrolled in an OPT-participating institution may have, even if they are not currently participating in or pursuing OPT at the time the rule is finalized. Such measures would help minimize unnecessary disruptions, support consistent compliance, and provide stakeholders with greater certainty as they adjust to any new requirements.

V. Conclusion

SHRM supports DHS's objectives of protecting American workers, preventing fraud, and maintaining the integrity of the immigration system. At the same time, OPT provides a regulated pathway for eligible international students to apply the knowledge gained through their American educational program through practical training. SHRM encourages DHS to carefully evaluate whether the proposed fees are proportionate to the agency's stated objectives, including their potential effects on legitimate participation, educational partnerships, and employers. We urge DHS to consider less burdensome alternatives that advance program integrity while preserving access to authorized practical training under existing eligibility requirements.

SHRM remains committed to collaborating with policymakers and drawing on the collective experience and expertise of our membership to advance policies that support work, workers, and the workplace.

Sincerely,



Emily M. Dickens, J.D.
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SHRM