

Overview of DHS Proposed OPT Fee Rule for F-1 Students
Office of International Programs and Compliance
New Mexico State University
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Executive Summary

On October 8, 2026, the U.S. Department of Homeland Security (DHS) published a proposed rule that would establish substantial new fees for Optional Practical Training (OPT) participation by F-1 students. Under the proposed rule, SEVP-certified institutions would be required to pay \$70,000 for an initial OPT application (recommendation) and \$30,000 for any subsequent OPT application (recommendation), including STEM OPT extensions. The proposal would apply to all types of OPT and is intended, according to DHS, to reduce fraud and abuse, strengthen immigration system integrity, and protect U.S. workers. If finalized, the initial fee requirement would take effect 60 days after publication of the final rule. DHS would retain limited discretion to issue refunds before an EAD is issued. Stakeholders have until November 9, 2026, to comment on the proposed rule and until December 7, 2026, to comment on the related information collection provisions.

DHS Proposes New OPT Fees for F-1 Students

On October 8, 2026, the U.S. Department of Homeland Security (DHS) published a proposed rule in the Federal Register that would establish new fees related to Optional Practical Training (OPT). The public has until November 9, 2026 to submit comments on the proposed rule and until December 7, 2026 to comment on the information collection provisions included in the notice.

Under the proposal, DHS would impose new fees on F-1 students participating in OPT. The proposed fee structure includes:

- \$70,000 for an initial OPT application/recommendation; and
- \$30,000 for any subsequent OPT application/recommendation.

DHS states that these fees are intended to deter fraud and abuse within the OPT program, strengthen the integrity of the U.S. immigration system, and protect U.S. workers.

Who Would Be Responsible for Paying the OPT Fee?

Optional Practical Training (OPT) has long been a component of F-1 student status, allowing eligible students to engage in employment directly related to their field of study.

OPT may include up to 12 months of standard OPT (combining pre-completion and post-completion OPT) and, for qualifying students, an additional two-year STEM OPT extension.

Under the proposed rule, the responsibility for paying the OPT fees would fall on the College/University recommending the student for OPT. Specifically, an SEVP-certified institution would be required to:

- Pay \$70,000 before making an initial OPT recommendation for an F-1 student; and
- Pay \$30,000 before making any subsequent OPT recommendation for a student who previously participated in OPT and for whom the initial fee has already been paid.

What Types of OPT Would Trigger the Fee Requirement?

The proposed rule would apply to all forms of F-1 OPT, including:

1. Pre-completion OPT [8 CFR 214.2(f)(10)(ii)(A)(1)-(2)]
2. Post-completion OPT [8 CFR 214.2(f)(10)(ii)(A)(3)]
3. STEM OPT Extensions [8 CFR 214.2(f)(10)(ii)(C)]

Proposed 8 CFR 214.13(i)(1) states that an SEVP-certified educational institution must pay \$30,000 before making a subsequent OPT recommendation for an F-1 student who previously participated in OPT and for whom the initial \$70,000 fee has already been paid. The payment must be made before the Designated School Official (DSO) recommends the F-1 student for OPT in SEVIS.

When Would the Fees Take Effect?

Publication of the proposed rule on October 8, 2026, initiates the notice-and-comment process required under the Administrative Procedure Act (APA). Once the public comment period closes on November 9, 2026, DHS must review the comments, prepare a final rule, and submit it to the Office of Management and Budget (OMB) and the Office of Information and Regulatory Affairs (OIRA) for review.

If DHS ultimately publishes a final rule, the agency will specify any revisions made in response to public comments and establish the effective date of the new requirements.

Proposed 8 CFR 214.13(i)(3) provides that the initial \$70,000 fee would apply beginning 60 days after publication of the final rule. Any first-time OPT recommendation issued on or after that date would trigger the fee. Thereafter, subsequent OPT recommendations for students who have already participated in OPT and for whom the initial fee has been paid would be subject to the \$30,000 fee.

The proposed transition provision states:

“SEVP-certified schools recommending any type of OPT for an alien must pay the fee of \$70,000 for each alien who receives a DSO recommendation for OPT that is dated on or after [60 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE]. Thereafter, any subsequent DSO recommendations for OPT issued for any F-1 student who has previously participated in OPT, and for which the \$70,000 OPT fee has been paid, will be subject to the subsequent OPT fee of \$30,000 per alien.”

Would OPT Fee Refunds Be Available?

The proposed rule would allow DHS to issue refunds for either the \$70,000 initial fee or the \$30,000 subsequent fee, but only under limited circumstances. Any refund would be entirely discretionary and could only be granted if USCIS has not yet issued the EAD associated with the OPT application or extension.

The proposal provides that:

“SEVP may exercise discretion to grant a refund request from a school on a case-by-case basis, provided that the F-1 student has not been issued the OPT employment authorization document for the subsequent OPT, or granted OPT extension, associated with the fee that is subject to the refund request.”

The proposed rule further states:

“This fee will not be refunded under any circumstances once the F-1 student is issued the employment authorization document for the OPT or OPT extension.”

Before requesting a refund, the DSO would be required to remove the student’s OPT recommendation from SEVIS. The proposal also notes that SEVP may issue additional guidance regarding fee refund adjudications through the SEVP website.