

GAO Report Makes Recommendations To Tighten OPT Program

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On March 7, 2014, the U.S. General Accountability Office (GAO) released a February 27, 2014 [report on the F-1 and M-1 optional practical training \(OPT\) benefit](#), recommending that the Bureau of Immigration and Customs Enforcement (ICE) “identify and assess OPT-related risks and require additional employment information from students and schools.”

GAO’s examination of the OPT program was sparked by a May 31, 2012 [letter to GAO from Senator Charles "Chuck" Grassley](#) (R-Iowa), who asked GAO “to fully investigate the use of OPT, including who uses it and how students are tracked, determine what weaknesses exist, and suggest ways to improve the procedures and policies that govern its administration.”

GAO’s report is based principally on analysis of SEVIS data and SEVP policy guidance as well as personal interviews with government and other stakeholders, including NAFSA. Jill Welch, deputy executive director, public policy at NAFSA says the GAO report does ask important questions about DHS oversight of the OPT program, but doesn’t identify any serious security risks.

“That’s because foreign students are an asset to the United States, not a risk,” says Ms. Welch. “Foreign students comprise only 4% of all visitors who enter the United States as nonimmigrants, and yet they are the most heavily tracked throughout their stay. The other 96%, most of whom enter on visitor and business visas, are not monitored at all. We believe that DHS has adequately responded to the recommendations made in the report, and we would hope that the report does not interfere with the push for immigration reform, since international students contribute \$24 billion to the U.S. economy and bring the world to our campuses.”

DSOs can expect future developments and changes to OPT policy and practice that stem from GAO’s recommendations. DHS’ responses to each of the recommendations, and estimated dates for completing work on them over the course of the year, are included in the report’s appendix.

GAO'S RECOMMENDATIONS AND DHS'S RESPONSES

1. **Recommendation:** To strengthen ICE's efforts to develop and implement a process to identify and assess risks in SEVP, the Director of ICE should direct SEVP, in coordination with CTCEU, to identify and assess potential risks in OPT, including obtaining and assessing relevant information from CTCEU and ICE field offices.
 - **DHS Response:** Concur. As part of ongoing efforts of SEVP, ICE is developing an overall risk management program focusing on identifying schools that may pose a risk. SEVP will work with CTCEU in developing factors to identify risks for schools and students association with OPT. Estimated Completion Date (ECD): September 30, 2014.
2. **Recommendation:** To better ensure designated school officials' (DSO) and students' compliance with OPT requirements, and strengthen efforts to identify and assess potential risks in OPT, the Director of ICE should direct SEVP to require that pre-completion and 12-month post-completion OPT students report to DSOs, and DSOs record in Student and Exchange Visitor Information System (SEVIS), students' employer information, including the employer's name and address.
 - **DHS Response:** Concur. The functionality to track OPT employment information, including the employer's name and address, dates of employment, and any periods of unemployment, have already been incorporated into SEVIS. The software that includes the required data fields is scheduled to be released in 2014. ECD: January 31, 2015.
3. **Recommendation:** To better ensure DSOs' and students' compliance with OPT requirements, and strengthen efforts to identify and assess potential risks in OPT, the Director of ICE should direct SEVP to develop and distribute guidance to DSOs on how to determine whether a job is related to a student's area of study and require DSOs to provide information in SEVIS to show that they took steps, based on this guidance, to help ensure that the student's work is related to the area of study.
 - **DHS Response:** Concur. SEVP will develop and distribute guidance to address this recommendation. Specifically, SEVP will develop information requirements and internal controls for both the DSO and SEVP personnel. ECD: September 30, 2014.
4. **Recommendation:** To better ensure DSOs' and students' compliance with OPT requirements, and strengthen efforts to identify and assess potential risks in OPT, the Director of ICE should direct SEVP to require that students report to DSOs, and DSOs record in SEVIS, students' initial date of employment and any periods of unemployment.
 - **DHS Response:** Concur. Regulation at 8 CFR 214.2(f)(12)(i) requires such reporting by students and designated school officials. In addition, 8 CFR 214.3(g)(2)(ii) explicitly requires schools to report changes in an F-1 student's personal information or employer information within 21 days of the change if the student is authorized by U.S. Citizenship and Immigration Services (USCIS) to engage in a 17-month extension of OPT. SEVP will issue guidance to clarify the importance of the reporting obligations in order for students to maintain lawful nonimmigrant student status. It is expected that the guidance will assist DSOs in collecting this information for reporting in SEVIS. ECD: January 31, 2015.
5. **Recommendation:** To better ensure DSOs' and students' compliance with OPT requirements, and strengthen efforts to identify and assess potential risks in OPT, the Director of ICE should direct SEVP to develop and provide guidance to DSOs and USCIS on how much time constitutes 1 full academic year for the purposes of recommending and authorizing OPT.
 - **DHS Response:** Concur. SEVP will provide guidance clarifying what periods of enrollment qualify as – one full academic year for purposes of recommending and authorizing OPT. ECD: September 30, 2014.

6. **Recommendation:** To better ensure DSOs' and students' compliance with OPT requirements, and strengthen efforts to identify and assess potential risks in OPT, the Director of ICE should direct SEVP to develop and implement a mechanism to monitor available information in SEVIS to determine if foreign students are accruing more OPT than allowed by ICE regulations.
 - **DHS Response:** Concur. SEVP will implement operational procedures to conduct periodic queries on the basis of maximum OPT eligibility time periods to identify F-1 students who may have exceeded their OPT eligibility. SEVP will then coordinate with USCIS for follow-up on individual student cases. ECD: September 30, 2014.