

# PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

## Anticipated Arguments and Requested Information for Higher Education *Amicus* Brief in the OPT *WashTech* Litigation

September 1, 2019

This document outlines the anticipated arguments in the higher education-focused *amicus* brief to be drafted by Jenner & Block in the ongoing *Washington Alliance of Technology Workers v. DHS* litigation (*WashTech*). It also identifies specific information, including data and anecdotes, that Jenner & Block hopes to collect from participating institutions for the brief.

*WashTech* represents a legal challenge to the expansion and continued existence of Optional Practical Training (OPT).<sup>1</sup> The Presidents' Alliance, together with NAFSA, is coordinating an *amicus* brief for higher education institutions to join. The **anticipated arguments** in the brief are that:

- Hundreds of thousands of international students and graduates participate in optional practical training across the nation.
- Optional practical training provides experiential learning that is now, and has long been, a crucial component of education in this country.
- Higher education benefits tremendously from optional practical training, as does the U.S. economy.
- Any rollback of optional practical training will harm international students as well as American higher education.

The brief will support these arguments with legal precedent, academic literature, and publicly available statistics. In addition to these sources, Jenner & Block hopes to collect the following **information from participating institutions**:

- Narratives from or about OPT participants or alumni,<sup>2</sup> particularly narratives that address:
  - What role OPT played in their decision to pursue higher education in the United States
  - How OPT complemented and advanced their classroom learning
  - How OPT made them competitive for future employment
- Specific examples of notable OPT participants or alumni who have made significant contributions during or after their OPT experiences (whether to campus, community, employer, or otherwise)
- Examples of OPT participants or alumni who were employed *by the participating institution* during the OPT program

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<sup>1</sup> The *WashTech* litigation was covered in our [July 9, 2019 member update](#). For more information regarding the litigation, see NAFSA's summary of the litigation [here](#) and a legal analysis [here](#). For questions, please contact [info@presidentsimmigrationalliance.org](mailto:info@presidentsimmigrationalliance.org).

<sup>2</sup> Campuses should collect narratives from students in an ethical manner and with informed consent. For more information regarding best practices for story collection, see [Immigrants Rising Storytellers Bill of Rights](#). The best practices include obtaining informed consent, permission to share a students' story, and providing information regarding how student information will be used.

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- Statements from OPT participants or faculty or administrators about:
  - The educational value and importance of the program
  - The anticipated negative effects of limiting and eliminating OPT
- The most recent numbers for use of OPT at the participating institution, including current and historical participation in OPT per year<sup>3</sup>

Jenner & Block also welcomes insight on **scholarly works or historical studies** that demonstrate the importance of experiential learning in general or OPT in particular.

**The deadline to join this *amicus* brief is October 11, 2019.  
Institutions can learn more and express interest in joining the brief [here](#).**

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<sup>3</sup> SEVP/ICE published [2017 data](#) on the top 100 schools by total number of students participating in OPT.