United States Conference of Catholic Bishops

CLINIC

Submitted via Regulations.gov

November 9, 2026

The Honorable Markwayne Mullin
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

RE: Optional Practical Training Fees, Docket No. ICEB-2026-0100, RIN 1653-AB01

Dear Secretary Mullin:

The U.S. Conference of Catholic Bishops (USCCB) and the Catholic Legal Immigration Network, Inc. (CLINIC), appreciate the opportunity to provide public comment regarding U.S. Immigration and Customs Enforcement's (ICE) proposed fees for the Optional Training Program (OPT), published in the *Federal Register* on October 8, 2026.[1]

The USCCB is a nonprofit corporation whose members are the active Catholic bishops of the United States, representing nearly 200 autonomous dioceses in all 50 states and the U.S. Virgin Islands. The USCCB advocates according to and promotes the pastoral teachings of the U.S. Catholic bishops in diverse areas of the nation's life. The U.S. Catholic bishops, the dioceses they lead, and other Catholic institutions have a strong reliance on the proper administration of the legal immigration system, which directly impacts the Church's ability to fulfill its religious mission and serve people in every state across the nation.

Embracing the Gospel value of welcoming the stranger and consistent with our faith-based mission, CLINIC has promoted the dignity and protected the rights of immigrants in partnership with a dedicated network of Catholic and community-based legal immigration programs since its founding in 1988. CLINIC's network, originally comprised of 17 programs, has grown to over 400 Catholic and community-based programs in 48 states and the District of Columbia. CLINIC is the largest nationwide network of nonprofit immigration programs. By supporting approximately 3,000 network employees, CLINIC and its Affiliates ultimately serve nearly 500,000 immigrants and their families each year. Through direct representation, technical assistance, litigation support, and policy advocacy, CLINIC and its Affiliates promote the dignity and protect the rights of immigrants consistent with Catholic social teaching and the Gospel call to welcome the stranger.

The Catholic Church in the United States is blessed by the presence of foreign-born seminarians, priests, religious sisters and brothers, and others who come to our country to undergo formation, provide expertise, and serve American communities. These faithful men and women, following in the footsteps of many generations before them, enrich our diverse communities of faith and

[1] Optional Practical Training Fees, 91 Fed. Reg. 64,566 (Oct. 8, 2026) [hereinafter NPRM].

strengthen the fabric of our nation. Their presence and their contributions, both in this country and beyond, can in many ways be attributed to the United States' role as one of the world's foremost destinations for religious study and formation. Hundreds of well-respected seminaries, colleges, and universities, many of which are Catholic, serve as the engines of this system.

On February 7, 2025, President Trump issued Executive Order (E.O.) 14205, *Establishment of the White House Faith Office*, highlighting the important roles that religious workers occupy in faith-based institutions, community organizations, and houses of worship. The E.O. recognizes that these organizations "have tremendous ability to serve individuals, families, and communities through means that are different from those of government and with capacity and effectiveness that often exceeds that of government. These organizations lift people up, keep families strong, and solve problems at the local level." That E.O. also reiterates the importance of E.O. 13397, *Responsibilities of the Department of Homeland Security with Respect to Faith-based and Community Initiatives*, and directs the U.S. Department of Homeland Security (DHS) to help strengthen faith-based and other organizations.

OPT plays an important role for many of those undergoing initial formation for the priesthood or religious life and those pursuing advanced studies if already ordained or having professed final vows. Unfortunately, ICE's proposed fee of $70,000 for initial OPT and $30,000 for subsequent OPT, payable by educational institutions, would end the ability of most to utilize OPT entirely, adversely impacting the individuals, the quality of their formation, and the communities they serve. Accordingly, we urge ICE to offer, at a minimum, a blanket exemption or fee waiver to religious institutions, as described below.

I. The Proposed Fees Would Place an Unreasonable Burden on Seminaries and Other Religious Institutions Whose F-1 Beneficiaries Rely on OPT

ICE's stated rationales for the proposed OPT fees—namely, preventing fraud/abuse in the program and protecting American workers—can best be described as painting with a very broad brush. In citing adherence to the Administration's policies as justification, ICE fails to be consistent and wholistic in its application. And while we suspect the broad generalizations undergirding these proposed fees present similar considerations for other stakeholders, we base our conclusions here on our unique expertise and experience within the Catholic tradition.

Contrary to the expectations laid out in E.O. 14205 and E.O. 13397, ICE has not sufficiently considered the impact of these proposed fees for the OPT program on seminaries, other institutions of religious formation, and their students. ICE's proposal also fails to adhere to E.O. 14205's explicit requirement to "identify and propose means to reduce burdens on the free exercise of religion, including legislative, regulatory, and other barriers to the full and active participation of faith-based entities, community organizations, and houses of worship in government-funded or government-conducted activities and programs." ICE seems to make no consideration of the unique circumstances facing those preparing for religious service, nor the reliance interests of the institutions preparing them for ministry. ICE simply ignores the realities of religious exercise in this context altogether, even though it knows seminaries are among those institutions certified to participate in the Student and Exchange Visitor Program (SEVP).

As justification for these proposed fees, ICE does not cite any instances of purported fraud or abuse of the OPT program with respect to seminarians, clergy, and other F-1 beneficiaries pursuing religious studies in the United States. While we agree that addressing fraud/abuse in the OPT

program is a legitimate and worthwhile goal, we are not aware of any such instances with respect to Catholic seminarians and others pursuing or recently completing religious studies. In the Catholic context, dioceses and other Catholic institutions apply specific religious criteria to seminarians, men ordained or preparing to be ordained to the priesthood or diaconate, religious sisters and brothers, and others serving the Church.[2] We know this to be true for many of our fellow faith traditions as well. These standards make it extremely difficult for the commission of fraud to take place through the use of OPT in the ways described by ICE in this proposal.

Similarly, ICE makes a blanket assumption, while primarily focusing on STEM,[3] that these proposed fees would help to protect American workers. This is based on the potential for the fees to prompt educational institutions to be more discerning in who they recommend for OPT and limiting situations where employers are preferentially hiring those using OPT over citizens and immigrants on employment-based visas. Whether or not that is true for other fields, it is not a phenomenon that is applicable to religious employers, given the very nature of religious employment. DHS itself has explicitly acknowledged the need for foreign-born religious workers and has taken action in other respects to support their presence in the United States, which our organizations have commended.[4] The Agency's points regarding the Federal Insurance Contributions Act (FICA) exemption also fall flat because both native-born and foreign-born ministers may be exempted from those withholdings under federal law.

The negative impacts of these proposed fees were affirmed by nearly 100 Catholic dioceses, seminaries, and other institutions in the United States surveyed by the USCCB. Of the 15 seminaries surveyed, all of which are SEVP certified, only 2 said they would be able to continue approving OPT requests from F-1 visa holders if the fees were finalized as proposed, and those two would need to do so at a reduced rate. Several anticipated reduced enrollment because Catholic dioceses and religious orders/congregations outside of the United States send men and women for religious formation in the United States with the specific expectation that they will acquire practical ministry experience that benefits them in their service elsewhere.

One major seminary in Florida that serves multiple U.S. dioceses asserted:

> [The proposed fees] would effectively close the door to OPT opportunities for many of these students, regardless of their qualifications or the valuable contributions they could make. This would not only undermine the educational and professional purpose of OPT but also deprive religious institutions, local communities, and the broader American workforce of the cultural, intellectual, pastoral, and professional contributions of international graduates. A fee structure that fails to account for the economic realities of ministry and other service-oriented vocations risks excluding precisely those individuals whose work contributes meaningfully to the common good.

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[2] *See, e.g.*, U.S. CONF. OF CATH. BISHOPS, PROGRAM OF PRIESTLY FORMATION IN THE UNITED STATES OF AMERICA 32–44 (6th ed. 2022), https://usccb.cld.bz/Program-of-Priestly-Formation-6th-edition/4/ (discussing norms for admission into a formation program); *see also* NOTRE DAME SEMINARY, NOTRE DAME SEMINARY GRADUATE SCHOOL OF THEOLOGY PRIESTLY FORMATION PROGRAM: ADMISSIONS CHECKLIST (Mar. 19, 2026), https://nds.edu/wp-content/uploads/2013/07/Application-and-Admission-Guidelines-for-the-Priestly-Formation-Program1.pdf (stating all of the requirements for admission).

[3] NPRM*, supra* note 1, at 64,572–75.

[4] *See* Improving Continuity for Religious Organizations and Their Employees, 91 Fed. Reg 2,049 (Jan. 16, 2026); *see also* Comment of the U.S. Conference of Catholic Bishops and Catholic Legal Immigration Network, Inc. (Mar. 17, 2026), https://www.usccb.org/resources/26-0317_Final%20-%20R-1%20IFR%20Comment.pdf.

Meanwhile, several dioceses expressed concerns that no longer having men be able to serve in a parish prior to ordination to the priesthood would "significantly damage the formation of the foreign seminarians." Likewise, international orders and congregations of men and women religious serving in multiple countries, including the United States, reported they would need to reconsider where their formation occurs, with multiple indicating they would likely need to send men and women to undergo formation in another country if the OPT fees are implemented as proposed. One congregation specifically stated this would hinder its ability to serve rural communities, which frequently benefit from the temporary service of men and women in formation utilizing OPT.

Curricular Practical Training, while a possibility for some F-1 visa holders in religious formation, does not provide the same benefits of OPT. This is especially true when it comes to OPT's ability to be used after graduation, which is when the vast majority of men and women would most benefit from practical immersion in a ministry setting.

For these reasons, imposing a fee of $70,000 for initial OPT, which is almost twice the total annual cost to educate one Catholic seminarian, represents an entirely unreasonable burden on seminaries and other educational institutions offering religious studies, inconsistent with the Administration's—and specifically the President's—own policy goals.

II. ICE Unlikely Has the Legal Authority to Promulgate the Proposed Fees

In several places throughout the proposal, ICE states that the fees, and particularly their amounts so disproportionate to the costs associated with adjudication, are specifically designed to deter participation in the OPT program.[5] The Administration's use of immigration fees in this way is relatively novel in the history of the U.S. immigration system. While the Agency cites DHS' broad authority under federal immigration law to administer the immigration system—namely, the Secretary's authority to regulate the time and conditions of nonimmigrants' admission under 8 U.S.C. 1184(a)—Congress has never authorized the use of such exorbitant immigration fees as a deterrence or punitive measure.

But more explicitly in relation to this proposal, in the very statutory provision cited by ICE, Congress exempts from the payment of the American Competitiveness and Workforce Improvement Act (ACWIA) fee for H-1B nonimmigrant worker petitions: "any employer that is a primary or secondary education institution, an institution of higher education, . . . a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization." ICE alleges that OPT is being used to bypass the H-1B visa's caps and fees.[6] And yet, it is now proposing fees well beyond any lawfully charged for the H-1B category and payable by institutions that Congress itself exempted from certain fees associated with H1-B petitions. At the very least, the language of the statute cited by ICE to support this regulatory action cuts against the action being taken, as a matter of congressional intent. Meanwhile, the comparable $100,000 fee the Administration has sought to charge for H-1B visas has already been blocked by several courts on the basis that it exceeds DHS'

[5] NPRM, *supra* note 1, at 64,574, 75.
[6] *Id.* at 64,571.

authority.[7] These proposed fees are likely to meet the same fate. Whatever the ultimate outcome, likely legal challenges will almost certainly frustrate ICE's short-term goal of expediency, which it specifically cited as justification for this fee-based approach over available alternatives.[8]

III. At a Minimum, ICE Should Exempt SEVP-Certified Seminaries and Religious Programs from the Proposed Fees or Make Waivers of the Proposed OPT Fees Available, Including to Comply with Religious Liberty Requirements

If ICE proceeds with charging the proposed OPT fees generally, it should provide a blanket exemption to SEVP-certified seminaries and religious programs from the proposed fees. This would be the simplest and least administratively burdensome means of conforming to the President's clear policy directives in E.O. 14205. The following language (in italics) could be used at proposed 8 C.F.R. 214.13(i) to achieve this:

> (1) An SEVP-certified educational institution must pay a one-time initial fee of $70,000 for each F-1 student the first time that the alien is recommended to participate in OPT under section 214.2(f)(10)(ii). *This fee does not apply to seminaries, as the term is used at 8 U.S.C. 1101(a)(15)(F), and other SEVP-certified institutions of higher education recommending current students or graduates of religious studies programs for participation in OPT, so long as the position being sought is with an employer meeting the same requirements as a qualifying organization under section 214.2(r). . . .*
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> (2) An SEVP-certified educational institution must pay the amount of $30,000 for each F-1 student prior to a subsequent recommendation of the alien to participate in OPT under section 214.2(f)(10)(ii) if the alien has previously participated in OPT and paid the initial OPT fee of $70,000. *This fee does not apply to seminaries, as the term is used at 8 U.S.C. 1101(a)(15)(F), and other SEVP-certified institutions of higher education recommending current students or graduates of religious studies programs for participation in OPT, so long as the position being sought is with an employer meeting the same requirements as a qualifying organization under section 214.2(r). . . .*

ICE offers limited discussion regarding its consideration of alternative regulatory approaches, such as site visits, training plans, and additional reporting to OPT more generally.[9] If exempting SEVP-certified seminaries and religious programs (among any others) from the proposed fees, the Agency could at the same time require their compliance with measures such as these. The relatively small percentage of people associated with these programs who are using OPT, compared with the number of OPT users overall, would largely nullify the rationales ICE offers for deciding against those alternatives in favor of the proposed fees. Additionally, U.S. Citizenship and Immigration Services already employs such measures with respect to employers participating in the Religious Worker Visa Program.[10]

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[7] *See* State of California v. Mullin, 1:25-cv-13829 (D. Mass. July 24, 2026) (order granting summary judgement), *stay denied*, 1:25-cv-13829-LTS (1st Cir. July 27, 2026); *see also* Global Nurse Force v. Trump, 4:25-cv-08454 (N.D. Cal. Sept. 30, 2026) (order granting in part and denying in part motion for preliminary injunction).

[8] NPRM, *supra* note 1, at 64,576.

[9] *See id.*

[10] *See* 8 C.F.R. § 214.2(r)(16). Based on a recent study, USCIS has also found very few instances of non-compliance based on its use of such measures. *See* U.S. CITIZENSHIP AND IMMIGRATION SERVICES, ON-SITE INSPECTIONS FOR RELIGIOUS WORKER PETITIONS, PA-2023-04 (Mar. 2, 2023), https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20230302-ReligiousWorkers.pdf.

If adopting a broader waiver process, and in the absence of blanket exemptions for SEVP-certified seminaries and religious programs, regulatory criteria for the waivers should explicitly provide eligibility for seminaries and religious programs.

Pursuing one of these approaches would also promote ICE's compliance with the Religious Freedom Restoration Act (RFRA), which requires the government to demonstrate that burdens on religious exercise are the least restrictive means of furthering a compelling interest.[11] If ICE were to proceed with the current proposal as is, it would likely run afoul of RFRA. After all, the formation of priests and others serving in ministry is intrinsically linked to religious exercise. Imposing the proposed fees on the use of OPT by men and women relying upon it as part of their religious formation would create the unreasonable burdens discussed. Site visits, training plans, and additional reporting may be able to satisfy the requirement that the government must establish that its interest in the application of the challenged law is compelling "to the person—the particular claimant whose sincere exercise of religion is being substantially burdened."[12] However, very high fees designed to generally deter or penalize usage of the OPT program reflect the sort of "broadly formulated interests" that have failed the compelling government interest analysis in RFRA caselaw.[13] ICE has already acknowledged the readily available alternatives, and its primary justification of expediency is highly unlikely to survive strict scrutiny under RFRA.

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Were ICE to move forward with implementing the proposed fees, at a minimum, we urge it to offer a blanket exemption or fee waivers to avoid unreasonably burdening religious institutions, such as Catholic seminaries, and their students/graduates in accordance with the Administration's stated policy aims. Thank you for taking our views into consideration.

Respectfully,



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[11] 42 U.S.C. § 2000bb-1(a)–(b).
[12] *See Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 420 (2006).
[13] NPRM, *supra* note 1, at 64,576.