



OFFICE OF INTERNATIONAL SERVICES

University Center for International Studies, University of Pittsburgh

2020 Challenge to OPT/WashTech Lawsuit

Optional Practical Training is facing a challenge in the U.S. Courts. A U.S. labor organization, Washington Alliance of Technical Workers Union (WashTech) has filed a lawsuit, contending that OPT harms U.S. workers and that the Department of Homeland Security (DHS) did not have statutory authority to publish the regulations establishing OPT. This is a lawsuit that has been in litigation in various stages for over 10 years, and in a [July 2019 ruling](#), the court determined that the case could proceed.

The case is currently pending before the Federal District Court in Washington D.C. WashTech is the Plaintiff in the case and the DHS is the Defendant. However, because it was not clear that the current Administration would be willing to vigorously defend OPT, three additional organizations sought permission to "Intervene" in the case. That motion was granted, so the case is now being defended by DHS, and also by the National Association of Manufacturers, the Chambers of Commerce of the United States of America, and the Information Technology Industry Council.

Both sides of the case have filed motions for Summary Judgment. A status conference is currently scheduled for May 1, 2020.

(https://www.nafsa.org/sites/default/files/media/document/washtechremand_20190701.pdf)

Pitt Involvement

In October 2019, the University of Pittsburgh joined over 100 other colleges and universities to sign an [Amicus Brief](#) in the matter, outlining the benefits of OPT to international students and to the U.S. economy, and providing strong support for the continuation of OPT. The Amicus Brief was coordinated by the [President's Alliance on Higher Education and Immigration](#) and [NAFSA: Association of International Educators](#).

What an International Student Should Know

We do not know how the federal courts will rule in this case. No matter the outcome at the lower level, the decision will almost certainly be appealed all the way to the Supreme Court. In addition, even if the courts agree with WashTech, there will likely be a grace period granted to accommodate current students and employers, since OPT has been in existence for so long. Therefore, we do not expect any major changes to employment benefits following graduation in the immediate future, though we cannot guarantee anything.

OIS will continue to monitor this case closely and will notify our student body as soon as we have any additional information to report.

Resources

Is OPT in Peril? Inside Higher Ed (November 2019)

<https://www.insidehighered.com/news/2019/11/26/lawsuit-challenges-program-allows-international-students-work-us-after-graduating>

STEM OPT WashTech Litigation, NAFSA Association of International Educators (December 2019)

<https://www.nafsa.org/professional-resources/browse-by-interest/stem-opt-washtech-litigation>