



## CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

### Leaked Draft Executive Order Calls for More Monitoring of Foreign Students and More Hurdles to Obtain Post-Graduate Jobs

BY ARIEL G. SULLIVAN • FEBRUARY 23, 2017

In the midst of all the coverage surrounding the “Travel Ban,” it is easy to forget that there are more immigration-related executive orders on the way which will also impact our nation’s colleges and universities. Hidden in one leaked draft order, entitled “[Executive Order on Protecting American Jobs and Workers by Strengthening the Integrity of Foreign Worker Visa Programs](#)” dated [January 23, 2017](#), is a directive that actually has to do with changes to the F-1 student visa program, and not just as it relates to foreign student workers. Specifically, Section 4(a)(v) of the draft order contains a directive to the Secretary of the Department of Homeland Security to propose “a regulation that would reform practical training programs for foreign students to prevent the disadvantaging of U.S. students in the workforce...restore the integrity of student visa programs, ensure compliance, and improve monitoring of foreign students.”

While the language of the directive is broad, a new regulation aimed at repairing “the integrity of student visa program” and enhancing “monitoring of foreign students” would surely result in more time-consuming obligations for colleges and their Designated School Officials within the already stringent Student and Exchange Visitor Program. A new regulation would also likely result in stricter timeframes for students and requirements for prospective employers to demonstrate their need to hire a foreign student for option practical training (OPT) rather than an American worker, resulting in fewer post-graduate work opportunities for talented foreign students.

**Client Tip:** *It is possible that the leaked draft order will never be signed, or that it will be modified prior to being signed to eliminate the reference to student visa programs. However, given that several of the previously leaked executive orders were ultimately signed, it is helpful to be aware of the draft order and the potential impact it would have on colleges and universities and their foreign students. Colleges and universities have already played a major role in stifling this administration’s overly broad executive orders related to immigration and should remain vigilant about ways to challenge those that are still to come.*