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Fighting Back on Restrictions to Internships for International Students

The federal government attempted to quietly change the requirements for a long-standing policy allowing international students to participate in internships. Four higher ed groups say the method they used was illegal.

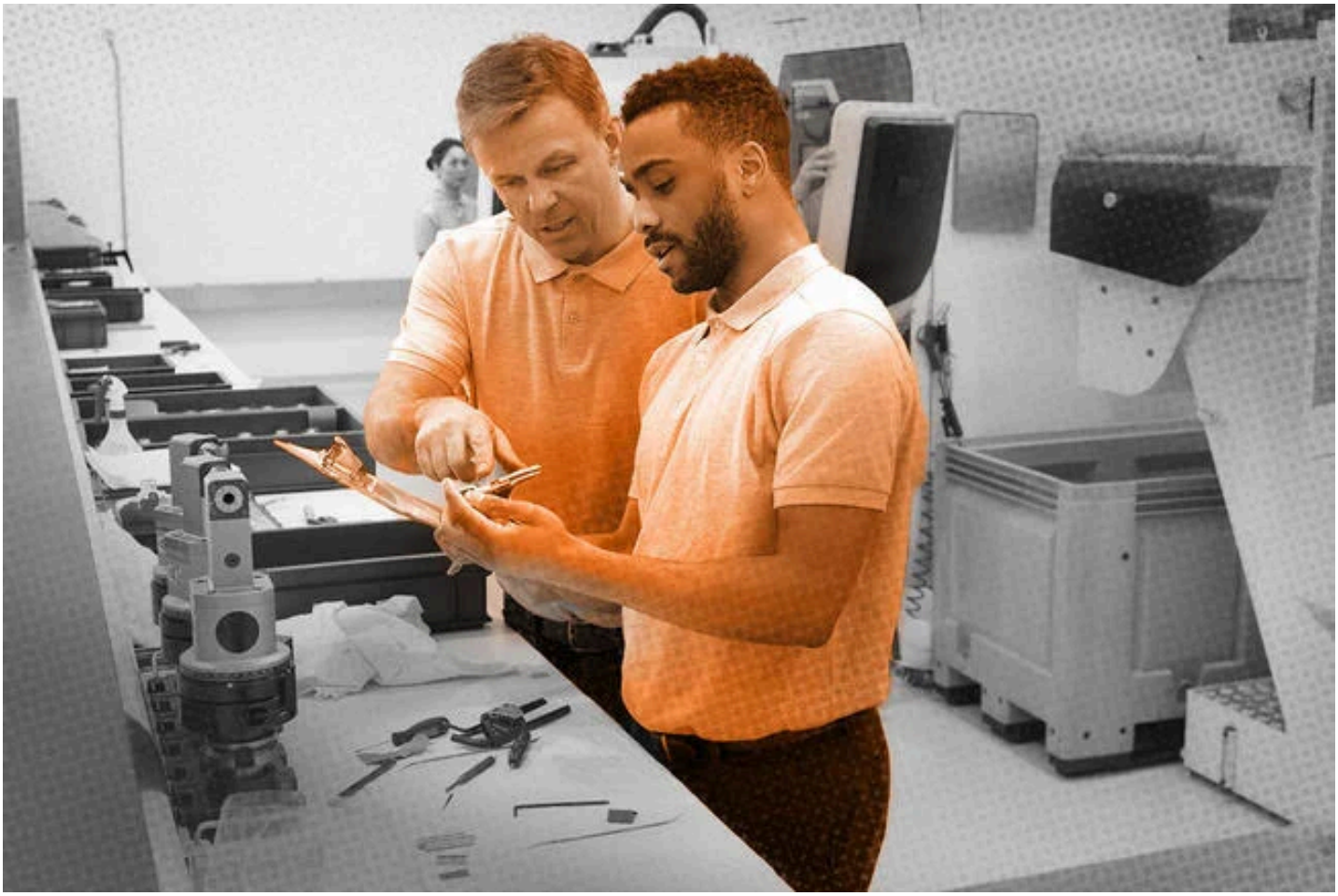
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The lawsuit says over 130,000 international students participated in CPT in 2024.

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In August, international services professionals at colleges across the country received an unwelcome surprise: The Student and Exchange Visitor Program, an office within

the Department of Homeland Security, sent what it called a “reminder of liability” about curricular practical training, or CPT, the program that allows international students to partake in internships.

But according to a lawsuit filed this week by four higher education associations, that notice did not contain a simple reminder—it fundamentally changed the rules regarding how international students can partake in CPT. The program was established in 1947, and regulations clarified in 1964 that international students could complete an internship if it was “directly related” to their major and was “an integral part of an established curriculum.” Since then, international students have been allowed to complete any for-credit internships, and they could complete noncredit internships if they were mandatory for degree completion.

The August memo, however, said that international students could only participate in CPT if the internship was required for graduation—regardless of whether it is for credit. If that rule was broken, institutions could lose their ability to enroll international students, and the staff members who authorize CPT could be held criminally liable. A subsequent Aug. 24 message reiterated those standards.

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Led by the Association of American Universities, the organizations say those memos were not the right venue for changing regulations about how the program works, even if DHS characterized that change as a clarification.

The messages caused immediate panic among international students, who reported via social media and the site CPT Map, which uses student-reported data to show which institutions have stopped approving CPT, that their institutions had either paused processing or had officially rejected their applications for fall internships.

“This is so upsetting because I paid for the internship class to do my CPT (1.5k almost) and if they keep it on pause rather than deciding, I can’t get a refund either,” one Reddit user posted on the University of North Texas’s subreddit. “I’ve lost my TA position as well that would’ve helped with my tuition.”

In another post, a student who said they attend Texas A&M University wrote that they were worried about the authorization for their for-credit internship being rejected after the add/drop deadline, leaving them unable to maintain their status; undergraduate international students are required to take at least 12 credit hours each semester.

The change comes amid a slew of actions by the Trump administration that advocates say negatively impact international students, including creating a rule to limit how long international students may study in the U.S. without getting an extension. With the CPT memo and a newly proposed rule placing a significant fee on optional practical training, which allows students to work in the U.S. after finishing their degree, the administration has zeroed in on the ability of international students to work in the U.S.

Conservative politicians have traditionally opposed OPT in particular, claiming that it takes opportunities from American workers and opens the door for visa fraud. CPT has been less controversial, though Day-1 CPT—university programs where students work while they study from their first day of school—have also faced scrutiny and sometimes been characterized as schemes that allow students to pay tuition to work in the U.S.

But institutions and international education experts argue that examples of misuse are few and far between. Internships, meanwhile, are an invaluable and unique element of the U.S. higher education system, and taking away the opportunity to complete them from international students puts those students at a significant disadvantage in the job market. Plus, OPT and CPT are among the biggest draws for international students to study in the U.S., and this policy shift could lead already-dwindling international student numbers to worsen still.

In the wake of the memo, at least 130 institutions have paused or restricted CPT authorization, according to the CPT Map, though the true number is likely higher due to the crowdsourced nature of the site.

It’s unclear how many students would be impacted by the policy shift if it remains in place, though the lawsuit states that over 130,000 students participated in CPT in 2024. Although a small number of institutions require at least one internship to graduate, others would have to limit CPT to just a handful of majors that require internships to graduate. On a web page regarding CPT, the University of Colorado at Boulder lists 18 majors, mostly in education, the arts and engineering, that will qualify, out of its 238 degree programs. The University of California, Irvine, lists 17 eligible programs out of 216 total and notes that some master’s and doctoral dissertations may qualify.

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In the lawsuit, the organizations argue that the government's insistence that CPT must be required for a student to graduate is not a clarification of an existing rule. Rather, they say, it is a change to a more than 60-year-old regulation and guidance from a memo can't supersede formal regulations under the Administrative Procedure Act, which governs how federal agencies make regulations.

If the Student and Exchange Visitor Program wanted to change how CPT works, the plaintiffs argue, it should have done so through a proper regulatory process, including a notice-and-comment period—not via memos to institutions, known as broadcast messages.

"The Broadcasts mark a sudden, unexplained reversal from the federal government's prior longstanding position that training opportunities for which students receive academic credit are eligible for CPT, even if they are not mandatory for everyone to obtain the degree," the complaint reads.

The plaintiffs also argue that the memos are written in a way that applies the new CPT requirements retroactively, thus opening institutions and employees up to penalties for past authorizations.

The lawsuit asks the judge to toss out the new requirements for CPT.

"The Broadcasts are already inflicting serious and mounting harm," the complaint reads. "Students have borne the most immediate blow: institutions have been forced to halt CPT authorizations midstream, cancelling long-planned internships and other placements—including opportunities scheduled for this academic year that students secured months ago and, in many cases, cannot replace. For students nearing the end of their programs, these opportunities are lost forever; for others, the training that their degree programs were designed around is now out of reach."

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