



University at Buffalo  
*The State University of New York*

Office of International Education  
International Student and Scholar Services

## **OPTIONAL PRACTICAL TRAINING FOR F-1 STUDENTS APPLYING FOR THE CAP GAP OPT EXTENSION**

### **What is the Cap Gap Extension?**

The “cap gap” is the period after F-1 students’ Optional Practical Training has expired, but before their H-1B work authorization begins on October 1. The “cap gap” extension automatically extends F-1 students’ immigration status and work authorization in order to bridge the gap between the end of their F-1 status and the start of their H-1B status. In this way, the students’ employment and stay in the U.S. are not interrupted.

### **Who is eligible for the Cap Gap Extension?**

You are eligible for the Cap Gap Extension if your OPT will end before the start of your H-1B, you have maintained F-1 status and you are the beneficiary of an H-1B petition that:

- has been properly and timely filed AND
- requests an employment start date of October 1 AND
- requests a change of status to H-1B

**Note:** If your H-1B petition requests consular processing rather than a change of status, you are not eligible for the Cap Gap Extension.

Unlike the 17-Month STEM Extension, there is no requirement that students graduate in a certain major. **Students in ALL majors are eligible for the Cap Gap Extension.**

### **When should I apply?**

In order to continue working, you must apply for the Cap Gap Extension before your Post-Completion OPT ends. Please keep in mind that we cannot extend your I-20 for the cap gap period unless we have proof that your H-1B petition was properly filed, is pending, is waitlisted or has been approved.

### **How do I apply for the Cap Gap Extension?**

When you have a copy of the I-797 receipt notice for your H-1B petition, contact ISSS and request a new I-20 showing the OPT extension.

If you do not have a copy of the I-797 receipt notice and the deadline for applying for the Cap Gap Extension is approaching, we can extend your I-20 based on proof that your H-1B petition was timely filed. Such proof should include: 1) a statement from your employer that you are the beneficiary listed on a properly filed H-1B petition, and 2) proof of delivery of your H-1B petition to a USCIS Service Center.

### **What documents should I send to ISSS?**

You should fax, e-mail or mail the following documents to ISSS:

- Student on OPT Data Form (found at: [www.buffalo.edu/intlservices/documents/StudentDataFormOPT\\_fillable.pdf](http://www.buffalo.edu/intlservices/documents/StudentDataFormOPT_fillable.pdf))
- A copy of your EAD Card
- A statement from the employer (on employer's letterhead) stating that you are the beneficiary listed on a properly filed H-1B petition.
- Copy of the documents below (*submit all that apply in your case.*):
  - H-1B approval notice
  - H-1B receipt notice
  - Proof of delivery to a USCIS Service Center

### **How long is the Cap Gap Extension application process?**

In most cases, your new I-20 will be issued within 5-7 business days upon receipt of proper documentation. Occasionally, it is necessary for us to make a request to SEVIS for your "cap gap" information to be manually added to your SEVIS record; if this is necessary, your I-20 will be ready in 1-3 weeks.

You will be notified via e-mail when your new I-20 is ready. It can be mailed to you or you can pick it up in person.

### **Can I work while my Cap Gap OPT Extension is in process?**

Yes, if you applied before the expiration of your Post-Completion OPT and ISSS approved your application before that deadline.

No, if you applied during the 60-day grace period following the expiration of your Post-Completion OPT. In this case, you may remain in the U.S., but you may not work.

Note: Your work authorization automatically ends if the USCIS rejects, denies or revokes the H1B petition.

### **How long will my OPT be extended?**

The length of your Cap Gap Extension is determined by the status of your H-1B petition.

If Your H-1B Petition is Approved – Your OPT work authorization and F-1 status will both be extended until September 30, 2010 (as long as your OPT is valid at the time of the Cap Gap request).

*If Your H-1B Petition is Pending* – Once your H-1B petition has been filed, your OPT work authorization will automatically be extended until June 1, 2010 and your F-1 status until August 2, 2010 (as long as your OPT is valid at the time of the Cap Gap request). Once your employer has received the H-1B receipt notice, your OPT work authorization will automatically be extended until September 30, 2010. Note: If you would like a new I-20 reflecting the Cap Gap extension, you must submit to ISSS a copy of your H-1B receipt notice.

Note: Your Cap Gap Extension will be terminated if your H-1B petition is rejected, denied or revoked.

### **What happens if my H-1B petition is withdrawn or denied?**

If your H-1B petition is withdrawn or denied, you will have a 60-day grace period from the date of notification of the denial, rejection or revocation of the petition to prepare to depart the U.S., change status, transfer to a new school, begin a new degree program, etc. Note: If the H-1B was denied due to discovery of an immigration status violation or revoked because of fraud or misrepresentation, there is no grace period.

### **Can I travel outside the U.S. during the Cap Gap Extension?**

If your EAD card is still valid, you may travel outside and re-enter the U.S. However, once your EAD card has expired and you are in the Cap Gap Extension period, you will have to apply for an H-1B visa in order to return to the U.S. Please consult with your immigration attorney regarding any travel plans while your H-1B petition is pending and after it has been approved.

### **What if my OPT expires BEFORE my H-1B is filed?**

If your OPT EAD card expires before your H-1B is filed and you are in your 60-day grace period, you may still file for the Cap Gap Extension. However, because your work authorization has already expired, only your F-1 status will be extended. You may stay in the U.S.; however you may not work until your H-1B is approved and effective.

### **PLEASE REMEMBER:**

While you are on OPT, you must:

- notify ISSS of any change of address within 10 days of your move. Please e-mail your new address to [intlservices@buffalo.edu](mailto:intlservices@buffalo.edu).
- notify ISSS of any change in employer or interruption in employment. Please email this information to [intlservices@buffalo.edu](mailto:intlservices@buffalo.edu).
- have your I-20 signed every six months.

Please refer to the handout on “Maintaining F-1 status while on OPT” for additional reminders. It is available at [www.buffalo.edu/intlservices/documents/MaintainingF-1StatusWhileonOPT-LH-12-08.pdf](http://www.buffalo.edu/intlservices/documents/MaintainingF-1StatusWhileonOPT-LH-12-08.pdf).

