OPTIONAL PRACTICAL TRAINING
FOR F-1 STUDENTS APPLYING FOR THE
OPT CAP GAP 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 OPT 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.

Note: Students in ALL majors are eligible for the Cap Gap Extension.

When should I apply?

You should apply for a Cap Gap Extension as soon as you have proof that your H1-B petition is pending or was approved. In order to continue working on OPT, your H-1B petition must be filed 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 Cap Gap Extension.

If you do not have an I-797 receipt notice and your OPT is expiring soon, 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 indicating 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 (e.g. Express Courier Delivery Receipt)

What information and documents should I provide to ISSS?

1. Even if the information has not changed since you last updated your OPT E-forms, you must update them again.

Update your E-forms by logging on to https://ubisss.buffalo.edu/ using your UBIT Name and Password. Once you have logged on, enter your current residential address on the “Update OPT Student Contact Information” E-form. Then, update your employment information on the “Update OPT Employer Information” E-form. Last, upload a copy of your EAD card (front-side only) and your employment letter. (Note: This letter must be on the employer’s letterhead and include your employment start date.)

2. 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 (only necessary if you do not have a receipt notice or approval notice)

3. Proof that your H-1B was filed requesting a change of status, not consular processing
   - Pages 1-3 of Form I-129 filed by your employer (you may omit your Social Security Number from page 3) OR
   - Written confirmation from petitioner or attorney who filed H-1B petition

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. Exception: 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 may take a few months.

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 Extension is in process?

Yes, if your H1-B was filed before the expiration of your Post-Completion OPT.

No, if your H1-B was filed 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 your 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 (as long as your OPT was valid when the H1-B was filed).

*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 and your F-1 status until August 1 (as long as your OPT was valid at the time that the H1-B was filed). Once your employer has received the H-1B receipt notice, your OPT work authorization will then automatically be extended until September 30. **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 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:**

To maintain your F-1 status while on OPT; you must satisfy all of the following requirements:

- Have your I-20 signed by ISSS every six months.
- Notify ISSS about the following information:
  - Any change in your name
  - Any change in your residential address (within ten days)
  - Any change in your employer or employer’s address
  - Any interruption of employment lasting longer than 10 days
- Any change in your immigration status (e.g. change to H-1B)

To update your residential address, employer and employer’s address, log on to https://ubisss.buffalo.edu/ using your UBIT Name and Password. Once you have logged on, enter your current residential address on the Update OPT Student Contact Information E-form. Then, update your employment information on the Update OPT Employer Information E-form. Last, upload a copy of your employment letter. (Note: This letter must be on the employer’s letterhead and include your employment start date.).

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