



## Center for International Students and Scholars

### H-1B “CAP GAP”

Each year, the U.S. Department of Homeland Security allots a specific number of H-1B visas for professionals in specialty occupations and with a specific educational level for an October 1<sup>st</sup> start date. As of 2020, this lottery is now completed electronically after a virtual pre-registration process. Once the selection process is complete and the maximum cap is met, selected registrants are eligible to submit their H-1B applications for government adjudication.

If you are a spring graduate (April/May), your F-1 grace period or OPT employment may end before the October 1<sup>st</sup> start date of your requested H-1B. In order to “bridge the gap” between H-1B filing in April and the October start date of your H-1B status, USCIS automatically authorizes a “cap-gap” extension of your F-1 status until September 30<sup>th</sup>. This extension of status will include work authorization if you were on an active period of OPT at the April filing date, or simply an extension of your F-1 status (without work authorization) if you were an active student or on your grace period at filing.

In short, you may be eligible for Cap-Gap extension if:

- You are the beneficiary of an H-1B petition from a cap-subject employer
- Your pre-registration has been selected under this year’s H-1B cap, and your employer has submitted an application that is pending with USCIS
- The H-1B petition submitted on your behalf requests change of status in the U.S. and an employment start date of October 1<sup>st</sup> of the next federal fiscal year
- You were in F-1 status at the time of filing, and have not violated the terms or conditions of your F-1 status

#### How Do I Apply for a “Cap-Gap” Extension?

You do not need to apply for a cap-gap extension, as the extension should automatically appear in your F-1 SEVIS record once your H1B application is pending with USCIS. Records are generally updated starting in mid-late April. Once the update has been made to your record, the CISS can print you an updated I-20 that shows your automatic cap-gap extension and H1B receipt information. You can request an updated I-20 by using the CISS I-20 reprint request form, available here, with “cap gap” as the reason for your request:

[https://forms.office.com/Pages/ResponsePage.aspx?id=rr4wkPw8iEep4hMCBP8fEPj25aF5QetPiIqGZx4SmCNUOTlaSkFBVjhCOUdJT\\*TNKNjdCN0RaODhUNC4u](https://forms.office.com/Pages/ResponsePage.aspx?id=rr4wkPw8iEep4hMCBP8fEPj25aF5QetPiIqGZx4SmCNUOTlaSkFBVjhCOUdJT*TNKNjdCN0RaODhUNC4u)

#### What If My SEVIS Record Doesn’t Automatically Update?

Updates to records generally begin mid-April once submitted applications are pending with USCIS. Sometimes, updates to SEVIS records are delayed. In rare occasions, F-1 SEVIS records do not automatically update due to database error. The CISS can check your SEVIS record to see if the cap-gap extension has been updated. If it does not automatically update, the CISS may request a copy of your i797 receipt notice from you so that we can request a correction to your SEVIS record. You will need to obtain this document from your employer or attorney if it has not already been sent directly to you. Generally, once we are able to file the correction using the i797 receipt, updates are made within a few days. After your record has been corrected, the CISS can print you a new I-20 with the updated information.

**Additional Considerations:**

- Consult with your H-1B employer / attorney for additional guidance regarding your application or any *travel* outside of the U.S.
- Cap-Gap extensions end on September 30<sup>th</sup>, and your F-1 status (with any associated work authorization) will automatically end on this date. If you are the beneficiary of an H-1B application that has *not* been approved by this date, please refer to your employer or legal counsel for advice.
- Generally, if your H-1B petition is denied, withdrawn, or revoked, you will be given the standard 60-day grace period from the date of the notice to depart the US, transfer the I-20 to a new program, or apply for a change of status. In this case, please contact your employer or legal counsel for further guidance.