OPTIONAL PRACTICAL TRAINING
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 receive a copy of the I-797 receipt notice for your H-1B petition, follow the directions in the section below titled “How do I apply for a Cap Gap I-20 from ISSS” to request a new I-20 showing the Cap Gap Extension.
If you do not have an I-797 receipt notice and your OPT will expire before June 1, 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)

Contact ISSS directly (isss@buffalo.edu) if your Employment Authorization Document (EAD Card) will expire before June 1 and you need a Cap Gap I-20.

How do I apply for a Cap Gap I-20 from ISSS?

1. **Login to the myISSS Student Portal** by clicking on the blue “LOGIN” button on the left side of the screen and using your UBIT Name and Password. Do **NOT** click on “Administrative Services for University Departments”.
2. Click on “Students Currently Approved for OPT” and then “Request for Cap Gap Extension I-20”.
3. You must complete the entire E-form and upload all required documents before you can submit your application. Only documents saved as a PDF or JPEG are acceptable. You must upload either your:
   a. H-1B Approval Notice
   OR
   b. H-1B Receipt Notice + Documentation confirming that your H-1B was filed requesting a change of status, not consular processing. Submit either:
      - Pages 1-3 of Form I-129 filed by your employer (you may omit your Social Security Number on page 3)
      - Written confirmation from petitioner or attorney who filed your H-1B petition
   c. **Note:** If your OPT will expire before June 1 and you do not yet have your H-1B Receipt Notice or Approval Notice, you should not complete this E-Form. Instead, contact ISSS at isss@buffalo.edu for advice.
4. If any of your employment details have changed since you last updated your OPT E-forms, you must update them again.
   a. Update your E-forms by logging on to [https://ubisss.buffalo.edu/](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 “Add or Update OPT Employment” E-forms.

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 OPT (Post-Completion or 24-Month OPT STEM Extension).

No, if your H1-B was filed during the 60-day grace period following the expiration of your OPT (Post-Completion or 24-Month OPT STEM Extension). 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 and the expiration date of your EAD card.

**If Your H-1B Petition is Approved** – As long as your OPT was valid when the H1-B petition was filed (ie. received by USCIS), your OPT work authorization and F-1 status will both be extended until September 30.

**If Your H-1B Petition is Pending** – As long as your OPT was valid when the H1-B petition was filed (ie. received by USCIS) and you have an H-1B Receipt Notice, your OPT work authorization will automatically be extended until September 30.

**If Your H-1B Petition was Filed, But Not Receipted** – As long as your OPT was valid when the H1-B petition was filed (ie. received by USCIS), your OPT work authorization can be extended until June 1 and your F-1 status until August 1. If this is your situation, submit proof to ISSS that your application was delivered to the USCIS.

**If Your H-1B Petition is Waitlisted** – As long as your OPT was valid when the H1-B petition was filed (ie. received by USCIS), your OPT work authorization will automatically be extended until July 28.

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

If your H-1B petition is withdrawn, denied or rejected, your OPT work authorization will end 10 days after the notification date and you will have a 60-day grace period from that date 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, 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)

As a reminder, to update your residential address, employer and employer’s address, log on to https://ubiss.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 “Add or Update OPT Employment” E-forms.

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