

## H-1B Cap-Gap Extension

### For International Students

Per Immigration Regulations

#### 1. Definition:

Students on Post-Completion or STEM Extension OPT are eligible for an automatic extension of their OPT end date up until the October 1<sup>st</sup> start date of H-1B. This allows the student to continue work until the H-1B Petition is approved or denied.

#### 2. Eligibility

1. The student must be a beneficiary of a timely filed H-1B petition (following appropriate deadlines for H-1B).
2. The requested start date is October 1 of the next year.
3. The H-1B petition requests a change of status.
4. The student has not violated any parts of his/her immigration status.
5. The employer is not cap exempt (ex. Institutions of higher education are generally exempt from Cap-Gap).

#### 3. Process

1. The H-1B petition process is between the F-1 student and the employer. The H-1B process **does not** occur between the student and the Office of International Education.
2. The student must follow the H-1B process outlined by his/her employer.
3. If the student meets the requirements for Cap-Gap extension, the student must contact the Office of International Education to print out the Cap-Gap Extension I-20.

#### 4. Issues

1. The student must continuously update his/her OPT employer information while on Cap-Gap Extension.
2. A student is bound to all rules of their approved Post-Completion or STEM Extension OPT. Failure to follow the appropriate F-1 rules can lead to the student's termination of their employment.
3. If the H-1B petition was not timely filed, the student may still be eligible for H-1B, but he/she will not be eligible for any Cap-Gap Extension benefits.
4. If the student's H-1B petition is not approved, Cap-Gap Extension is automatically cancelled.
5. For additional questions or concerns how Cap-Gap Extension affects F-1 status, please contact the Office of International Education.