General Information

Some F-1 students may extend their F-1 status beyond the end of their academic program or any authorized Optional Practical Training (OPT), if:

- An employer filed a timely Form I-129, Petition for Nonimmigrant Worker, with U.S. Citizenship and Immigration Service (USCIS) requesting a change of status to H-1B status.

  Note: A petition asking for consular notification is not eligible for a cap gap extension.

- The H-1B petition asks for an October 1 start date.

- The student’s status, including any applicable grace period ends between April 1 and September 30.

H-1B status is for workers in specialty occupations. Employers must petition USCIS for H-1B status on behalf of the worker. USCIS can only grant a limited number of H-1B statuses each year. This is known as the “H-1B cap.” New H-1Bs become available each year on October 1. Employers can file an H-1B petition with USCIS up to six months before H-1B status is to start. April 1st is the first day an employer can file an H-1B petition for an October 1 start date.

If approved for a change to H-1B status that cannot take effect until October 1, students whose F-1 status ends between April 1 and September 30 face a potential gap in their ability to stay and/or work legally in the United States. The cap gap extension allows them to:
F-1 Cap Gap Extension

- Stay legally in the country (with any F-2 dependents).
- Extend work authorization for any approved, post-completion OPT or Science, Technology, Engineering, and Mathematics (STEM) extension OPT that extends to or beyond April 1.

- 8 CFR 214.2(f)(5)(vi)
- 8 CFR 274a.12(b)(6)(v)
- 8 CFR 214.2(h)
- SEVP Policy Guidance on OPT
- USCIS Guidance on Cap-Gap Extensions

When SEVIS gets data about an H-1B petition from USCIS, SEVIS updates the record to show the cap gap extension. However, if the record is not updated by an automated interface, the DSO can request a cap gap extension for H-1B petitions that have been filed with, waitlisted by, or rejected by USCIS.

**Significant Dates in SEVIS for Cap Gap Extensions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Before April 1</strong></td>
<td>- Cap gap functionality is not available in SEVIS.</td>
</tr>
<tr>
<td><strong>April 1</strong></td>
<td>- Cap gap season begins.</td>
</tr>
<tr>
<td></td>
<td>- First date cap gap functionality can display in SEVIS.</td>
</tr>
<tr>
<td><strong>Between April 1 and September 30</strong></td>
<td>- SEVIS displays link for cap gap extension on individual student records, if the Program Start Date is today or in the past.</td>
</tr>
<tr>
<td><strong>September 30</strong></td>
<td>- Cap gap season ends.</td>
</tr>
<tr>
<td></td>
<td>- Last date of cap gap extension is available in SEVIS.</td>
</tr>
<tr>
<td><strong>October 1</strong></td>
<td>- Government's new fiscal year begins.</td>
</tr>
<tr>
<td></td>
<td>- Change of status to H-1B takes effect, if October 1 date was requested.</td>
</tr>
<tr>
<td></td>
<td>- Cap gap functionality no longer available in SEVIS.</td>
</tr>
</tbody>
</table>

**Cap Gap Indicators in SEVIS**

When a cap gap extension is added to the record, SEVIS:
- Displays a cap gap indicator at the top of the Student Information page and a comment at the bottom.

![Image of Student Information]

If the student is in a period of active post-completion or STEM OPT, the indicator will read **Active Cap Gap OPT**.

- Displays a comment in the Cap Gap Extension section of the Request/Authorization Details page.

![Image of Request/Authorization Details]

- Prints a comment on Page 2 of the Form I-20.
Eligibility for a Cap Gap Extension

To be eligible for a cap gap extension:

- An employer must file an H-1B petition with USCIS to change the student’s status to H-1B.

  **Note:** A petition asking for consular-pick up is not eligible for a cap gap extension.

- The H-1B petition must request an October 1 start date.

- The student’s Program End Date or Post-Completion/STEM Optional Practical Training End Date is between April 1 and September 30.

- The student’s Program End Date is today or in the past.

Not all employers are subject to the cap on H-1Bs. The following employers are exempt from the cap:

- Institutions of higher education
- Nonprofit research organizations
- Government research organizations

Cap-exempt employers can file for H-1Bs at any time, even if the cap has been reached.

Effect of H-1B Petition on F-1 Status during Cap Gap

A cap gap-eligible student’s status is affected by one of the following statuses in an H-1B petition:

<table>
<thead>
<tr>
<th>Status of H-1B Petition</th>
<th>Program or OPT End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Approved</strong> (Entered only through USCIS interface or SEVP data fix)</td>
<td>SEVIS extends the F-1 status and any authorized OPT until September 30.</td>
</tr>
<tr>
<td><strong>Canceled</strong></td>
<td>SEVIS reverts F-1 status or any authorized OPT end date to the original end date and removes comments about the cap gap extension from the <strong>Student</strong></td>
</tr>
</tbody>
</table>
Add, Update, or Cancel Cap Gap Extension to Reflect H-1B Petition Status

When a DSO learns that an employer has filed a cap gap-eligible H-1B petition for an F-1 student, the DSO can update the student’s record to:

- Add the cap gap to the record.
- Update the status of any cap gap extension on the record.
- Cancel any cap gap extension on the record.

To add, update, or cancel a cap gap extension:

1. Navigate to the Student Information page.

2. Click the **Cap Gap Extension** link. The *Cap Gap Extension* page opens.
3. Select the status of the H-1B petition from the drop-down list.
   - **Filed**: Select this option if an employer submitted a cap gap-eligible petition to USCIS. The **Date of Notice** is not required if this option is selected.
   - **Rejected**: Select this option if USCIS rejected the petition. The **Date of Notice** is required if this option is selected.
   - **Waitlisted**: Select this option if USCIS has received the petition, but is not yet sure that it falls within the quota. The **Date of Notice** is not required if this option is selected.
   - **Canceled**: Select this option if a cap gap extension was added in error or if the H-1B petition was not eligible for the cap gap extension. This option appears only if the record already has a cap gap extension in Filed or Waitlisted status.

   **Note**: When the status is changed to Canceled, the OPT End Date reverts to its original date, and the comments no longer display in any location.

   **Note**: The student must be able to provide proof that the petition has been filed or waitlisted.

4. Click either **Extend Status** or **Cancel**.
   - **Extend Status**: Submits the extension or any update. It also extends or modifies any associated post-completion/STEM OPT. A message requests you confirm the action. Click either **Yes** or **No**.
     - **Yes**: Extends the student’s status. A success message indicates the record was updated.
     - **No**: Cancels the action and returns the user to the **Student Information** page.
   - **Cancel**: Returns the user to the **Student Information** page without making a change.
5. Click **Print I-20** to print an updated copy of the Form I-20. Sign the form, and then give the printed copy to the student for his/her records.

6. Click **Return to View Record** to view the student’s SEVIS record.

**Correcting Cap Gap Information in SEVIS to Reflect H-1B Petition Status**

DSOs can use the **Cap Gap Extension** link in SEVIS to **update the status of cap gap information**. SEVIS should be updated if the DSO learns that the status of the H-1B petition has changed. If the link is missing or if other changes are needed, the DSO must call the SEVIS Help Desk (1-800-892-4829) for a data fix.

**Icon Guide**

See the **SEVIS Help Icons** on the SEVIS Help Hub for a quick-reference of the icons used in this user guide.

**Document Revision History**

<table>
<thead>
<tr>
<th>Date</th>
<th>Revision Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 4, 2016</td>
<td>Initial Release</td>
</tr>
</tbody>
</table>