



OFFICE OF INTERNATIONAL SERVICES

University Center for International Studies
University of Pittsburgh

Cap-Gap Extension for F-1 Students

H-1B is a work visa that is sponsored by an employer. Employers submit the H-1B petition on the employee's behalf to the federal government. There are two main categories of H-1B petitions:

- "Cap-subject": companies, private industry, other "for-profit" employers
- "Cap-exempt": institutions of higher learning, nonprofit or governmental research organizations

There are 65,000 available "slots" each year for H-1B petitions submitted by "cap-subject" employers. A lottery system determines the awarded 65,000 slots. If a F-1 student's "cap-subject" H-1B petition has been selected in the H-1B lottery, the "Cap-Gap" extension allows them to remain in F-1 status inside the US and, if eligible, allows them to continue working on OPT or STEM OPT work authorization.

Note: F-1 students with pending "cap-exempt" H-1B petitions do not qualify for the Cap-Gap extension.

Cap-Gap Extension Overview

Most students' OPT/STEM OPT authorization periods end between April 1 and September 30. However, "cap-subject" H-1B petitions list the H-1B start date as "October 1." This means that there is a gap between the student's OPT / STEM OPT employment authorization end date and the start of their H-1B status on October 1.

If the U.S. Citizenship and Immigration Services (USCIS) accepts the student's H-1B petition and issues the I-797 receipt notice, the student's SEVIS record will display the cap-gap extension. In these situations, students can request a new I-20 from OIS that shows proof that their OPT/STEM OPT work authorization has been extended to September 30. They transition to H-1B status on October 1 after the H-1B is approved.

More information can be found on these US Government websites:

- Study in the States [F-1 Gap-Gap Extension](#)
- USCIS [H-1B Cap-Gap Regulations](#)

How to Qualify for the Cap-Gap Extension

A student can request a new I-20 that shows proof that their current OPT/ STEM OPT work authorization has been extended to September 30 *if* they meet the following eligibility requirements:

- Student's OPT/STEM OPT end date must fall between April 1 and September 30
- H-1B position must be "cap-subject"
- H-1B petition must be selected in the H-1B lottery
- H-1B must be filed for "change of status" (not consular processing)
- H-1B petition must be timely filed with USCIS (i.e., before the student's OPT/STEM OPT end date)

How to Request a Cap-Gap I-20 from OIS

- Go to <https://my.ois.pitt.edu>
- Click "Limited Services Login" in the "Alumni on OPT/STEM/AT and Incoming Employees, Scholars, and Students" box.
- In the "F-1 Students" tab, select the "OPT Report Information" link.
- Click the "Cap-Gap I-20 Request" link.
- Follow the steps in the application process (upload a digital copy of the H-1B receipt notice, or a screenshot of your pending H-1B application from USCIS' [website](#).)

On or after October 1, if your cap-subject H-1B has been approved, log in to [My OIS](#) and submit the "Notification of New Non-Pitt Status" e-form. This ensures that we review and finalize your F-1 SEVIS record.



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Frequently Asked Questions

How does the lottery system work?

Employers who wish to file a cap-subject H-1B petition must first submit registrations during a March 1 to March 20 registration period, naming and paying a \$10 registration fee for everyone they hope to file for.

- USCIS conducts lottery and notifies petitioners of which of their prospective beneficiaries have been selected by March 31.
- The petitioner will then have a 90-day period beginning April 1 in which to file a complete H-1B petition on behalf of its selected beneficiaries.

What is the likelihood that I will be chosen in the lottery?

There is about a 1 in 3 chance of being selected in the lottery. There are an additional 20,000 H-1Bs available for graduate students with a Master's degree or PhD. This may give you a better chance to be selected. If you are eligible for the STEM OPT extension, you will have a total of 3 opportunities to be selected in the lottery.

Can I stay in the US while my cap-subject H-1B is pending?

If your H-1B petition is filed before the end of your OPT/STEM OPT period, you may remain in the US and continue working with your updated cap-gap I-20 until your H-1B status begins on October 1.

If your H-1B petition is filed after the end of your OPT/STEM OPT period but before the end of your 60-day grace period, you may legally remain in the US until your H-1B status begins on October 1, but you may not continue working. You would be eligible to resume work only on October 1.

Can I travel during Cap-Gap while H-1B is pending?

F-1 students may travel abroad and re-enter the United States in F-1 status during a Cap-Gap period if:

- The student's H-1B petition and request for change of status has been approved
- The student seeks readmission before their H-1B employment begins (normally at the beginning of the fiscal year, i.e., October 1); and
- The student is otherwise admissible. However, as with any other instance in which an individual seeks admission to the United States, admissibility is determined at the time the individual applies for admission at a port of entry.
- The student should also review their travel plans with the attorney who filed the H-1B petition.

Can I renew my State ID/ Driver's License while my H-1B is pending?

It may be possible to renew your State ID or Driver's License based on the Cap-Gap extension. These processes vary by state so be sure to check the procedures in the state where you currently reside. In general, you could try to renew your State ID/ Driver's License using the following evidence: your I-20 with the cap-gap extension, passport, F-1 visa stamp, I-94 record, I-797 APPROVAL notice (if possible), and a printout of page 4 of https://www.ice.gov/doclib/sevis/pdf/dmv_factsheet.pdf.

What if my H-1B petition is not approved before October 1? Can I continue to work?

No. You cannot continue to work after September 30, unless you have applied for the [STEM OPT extension](#).

- Students whose STEM OPT applications are still "pending" with USCIS [can continue to work for up to 180 days](#) after their post-completion OPT end date.
- Additionally, students with an approved STEM OPT extension period can continue working via their valid STEM OPT authorization dates until USCIS approves their H-1B petitions.

If you have additional specific questions about the "Cap-Gap" extension, please email or schedule an appointment with your [Immigration Specialist](#). If you have questions pertaining to H-1B status, contact the attorney / legal staff who are handling your H-1B petition.