



International Student Services
Office of Admissions and Records

Frequently Asked Questions about the Cap Gap

What are the requirements for eligibility for the cap gap?

You must be currently in a period of authorized OPT, have maintained your F-1 status, and your employer must have filed a petition for an H-1b visa on your behalf.

Do I need to file an application for employment authorization during the cap gap?

There is no application for cap gap employment authorization. You must report to a DSO to ensure that you are eligible for the authorization.

What is my immigration status during the cap gap period?

During the cap gap period, you are in the same F-1 non-immigrant status as when you are on OPT. You still have an active SEVIS record, are under the authority of the OUHSC DSOs, and must comply with the same reporting requirements as during your OPT period.

How do I verify my employment authorization during the cap gap period?

If you have employment authorization approved for the cap gap period, your I-20 will be updated to reflect the authorization. The updated I-20 should be used to for I-9 purposes. You must contact a DSO at the OUHSC and request the new I-20. It will not be issued unless you do so. The new I-20 is the only way that you will be able to verify your employment eligibility during the cap gap period.

What is the length of the cap gap period?

Due to the complexities of the H-1b filing process, DHS has determined that cap gap extensions will be granted in increments.

- Students who have had H-1b petitions properly filed on their behalf will have their OPT extended until June 2, with the standard 60 day grace period.
- Students whose properly filed H-1b petitions have been wait-listed will have their OPT extended until July 28, with the standard 60 day grace period
- Students whose OPT petitions are receipted and approved will have their OPT extended to September 30, and their F-1 status will cease with the beginning of their H-1b status on October 1.
- Students whose H-1b petitions have been withdrawn or denied will have their OPT extension terminate 10 days after the date of the withdrawal or denial, and their F-1 status terminated 30 days after that.

How will I know if I have received a cap gap extension?

You will not receive any automatic notification that they have received a cap gap extension. It is your responsibility to remain in contact with the employer that filed for the H-1b, as well as their DSO. You must contact their DSO to verify that you have been approved for the extension, and request a new I-20 verifying the extension.

How will I know if my cap gap authorization has been terminated due to the withdrawal or denial of my H-1b application?

You will not receive direct notification by DHS if your H-1b application has been withdrawn or denied, so you must remain in contact with your sponsoring employer and DSO.

Can I travel during the cap gap period?

This issue is still somewhat ambiguous. You may travel as long as you have a valid EAD card. It is not yet certain as to whether or not you will be able to travel during the cap gap period when you do not have a valid EAD card. At this time, we recommend that you not travel during the cap gap period unless it is an emergency. Please check with a DSO prior to traveling to receive updated information.

What restrictions are there on my employment during the cap gap period?

During the cap gap period, you are in an extended OPT status; therefore, you are bound by the same regulations as when you are on OPT.

Days of unemployment accrued during the cap gap period are counted against the 90/120 days of allowable unemployment.

You are still bound by the same reporting requirements, and must report changes in address, phone number, e-mail address and employment information to your DSOs. If you are on a STEM extension, you are still required to report to the DSOs every 6 months whether or not your information has changed.

You are subject to these requirements until the end of your extension or the beginning of your H-1b period.

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