

FAQ: Student Options for Visa Extensions

What happens if I am in OPT / F-1 and an employer filed a cap-subject H-1B petition on my behalf?

Most likely the student will need to apply for a cap-gap extension I-20. This is based on a regulatory provision which extends an eligible F-1 student's status to bridge the gap between the end of F-1 status and start of H-1B status October 1, 2014.

This provision allows the student to remain in the US during the "gap" and it is available to students who, as of April 1st, 2014 were on approved OPT or in their 60-day grace period and have a pending or approved change-of-status October 1, 2014 H-1B petition with the USCIS that was filed prior to the expiration of their OPT or 60-day grace period.

How should the student apply for the cap-gap extension?

If the student's petition was selected under the lottery and USCIS issued a Notice of Receipt:

The student is eligible for an automatic cap-gap extension I-20 through September 30th. The student must contact their Designated School Official (DSO) to request the cap-gap extension I-20. The student should provide the DSO with a copy of the I-797 Receipt notice from USCIS or USCIS approval notice

If the student's petition was filed but USCIS has not issued a Notice of Receipt:

If a Notice has not been issued and the OPT status expires before June 1, 2014, the student is eligible for a preliminary cap-gap extension until June 1st, 2014. The student must contact their DSO to request this extension and provide a copy of the H-1B petition and a FedEx, UPS or USPS certified mail receipt. Once the petition is receipted, the student should request the automatic cap-gap extension I-20 outlined above.

What happens if the student's H-1B is not selected under the lottery?

The student will have a 60-day grace period from the date of the rejection notice to depart the US, transfer the I-20 to a new program or apply for a change of status to another.

Can the student travel abroad during the cap-gap period and return with the F-1 visa stamp?

We strongly recommend that students do not travel abroad during this period as this travel may invalidate the H-1B change of status petition and the student might not be permitted to re-enter the U.S. without obtaining a new H-1B visa at a consular post. Under the H-1B regulations, a person may only enter the U.S. up to ten days prior to October 1st.

To begin assisting you, we recommend that you review the many free resources available on our immigration site [here](#). To Schedule an analysis, please email ImmigrationGroup@marksgray.com.

For more information about your Marks Gray Immigration team led by **Giselle Carson** may assist you today, please visit our [website](#).