

Broadcast Message: New SEVIS Process for Cap-Gap Extensions

To: DSOs and PDSOs at SEVP-certified schools

Date: March 29

Number: 2103-02

General Information

On March 26, 2021, the Student and Exchange Visitor Program (SEVP) updated the Student and Exchange Visitor Information System (SEVIS) to remove the cap-gap extension link. This link allowed designated school officials (DSOs) to temporarily apply cap-gap relief to the record of an eligible F-1 student who is the beneficiary of a filed H-1B petition, but is awaiting confirmation from United States Citizenship and Immigration Services (USCIS) that their petition was selected for processing. USCIS implementation of the [H-1B Electronic Registration Process](#) in 2020 eliminated this need.

New SEVIS Process for Cap-Gap Extensions

SEVIS will automatically add the cap-gap extension to the record of an eligible F-1 student who is a beneficiary of a pending cap-subject H-1B petition. If the cap-gap extension notation is missing from an eligible student's record or other changes are needed, DSOs must contact the SEVP Response Center (SRC) at 703-603-3400 or 800-892-4829 (email: SEVP@ice.dhs.gov) and request a data fix.

The SRC is open Monday through Friday, from 8 a.m. to 6 p.m. ET, except federal holidays. The SRC representative may request a copy of the Form I-797C receipt notice showing evidence that the student is a beneficiary of a timely filed cap-subject H-1B petition.

H-1B Electronic Registration Process

USCIS requires employers (or "registrants") to electronically register each prospective beneficiary during the designated H-1B registration period. Once the initial registration period ends, USCIS will conduct a random selection process and notify registrants selected to file a petition for the requested H-1B worker before April 1. Selected registrants must file the Form I-129, "Petition for Nonimmigrant Worker," within 90 days of receipt of an H-1B Registration Selection Notice. The earliest that registrants can file this petition is April 1.

Cap-Gap Extension Eligibility

F-1 students automatically receive an extension of their authorized period-of-stay or employment authorization if they are the beneficiary of a timely filed H-1B petition requesting a change of status with a start date of October 1. Employers must file this petition before the end of the F-1 student's grace period or optional practical training, if applicable, so that the student may receive

an extension of their employment authorization. USCIS may continue to select registrants to file an H-1B petition for their beneficiary until September 30 or until the annual cap is reached. Therefore, it is important that students work with their employers to ensure timely filing of their Form I-129 petition and also remain mindful of the expiration dates of their employment authorization and authorized period-of -stay.

The receipt of an H-1B Registration Selection Notice does not qualify an F-1 student for cap-gap extensions. Petitions requesting a status change via consular processing also do not qualify for cap-gap extension.

Comments

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