

INTERNATIONALINK

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Are You Eligible For The H1 Cap Gap?

What is the H1B Cap Gap?

Students applying for an H1 visa often find there is a gap of time between when their OPT ends (June 1st for example) and the H1 that starts on October 1st. The "Cap Gap" regulation was put into place so students would keep their F1 status during this gap period enabling them to remain in the U.S.

Who qualifies for the Cap Gap?

The first day a student on OPT can petition for the H1 visa is April 1st. If a student on OPT properly files a petition for an H1 while in their grace period their F1 status is automatically extended through October 1st or until a rejection is received. If a rejection is received the student receives a two month grace period to make a decision on what to do next. If a student on OPT properly files a petition for an H1 before the OPT authorization on the EAD card expires then the student's F1 status and work status is extended through October 1st or until a rejection is received.

Example 1: John's OPT expired March 25th and he is now in his grace period. He files for his H1 on April 1st. He is able to remain in the U.S. but can not work until October 1 when his H1 begins or until he receives a rejection letter for the H1.

Example 2: Jane's OPT will expire on April 15th. She files for her H1 on April 1st. Since her OPT work authorization did not expire when she petitioned, she can continue in F1 status and continue to work on OPT until October 1 when the H1 begins or until she receives a rejection letter.

How do I apply for the Cap-Gap Extension?

Because there is no guarantee your H-1B case will be selected for review/approval, there are two steps to the cap-gap extension process:

- * To receive a preliminary cap-gap extension until June 1st:
 - o Present a copy (PDF/Fax/paper) of your timely filed H-1B petition Notice of Action.
- * To receive the cap-gap extension I-20 through September 30th:
 - o Present a copy of the "notice of selection" (approval notice) from USCIS when/if your employer receives it.

In both cases, send an email to haines@findlay.edu with "Cap-Gap Extension" in the subject line. Include the following in the email:

- * SEVIS number
- * Name
- * Scan, then attach to the email:
 - o a clear, legible copy of your EAD card
 - o copy of your filed Notice of Action or your approved Notice of Selection
- * Indicate whether you would like to pick up your document or have it mailed to you. If mailed, include your address.



Immigration Highlight

H1 Cap Gap Questions

What happens if my H-1B is denied after applying for the cap-gap extension?

If the student's H-1B is not selected, the student will have the standard 60-day grace period from the date of the rejection notice to depart the US. However, if a denial is based on a discovered status violation, no such grace period exists and the student must leave the US immediately.

Can I travel during a cap-gap extension period and still return with my OPT I-20 and EAD?

If your EAD is expired, you will not be granted entry to the US based on the cap-gap extension. If you must travel during the extension period, be prepared to apply for H-1B visa outside the US and adjust your return travel plans accordingly. Note: Under H-1b regulations, you may only enter the US up to ten days prior to Oct. 1st.

What if my OPT expires before April 1st? Will the cap-gap extension extend my OPT?

Although your F-1 status would be extended, your OPT employment period is technically expired, and the cap-gap does not serve to reinstate or retroactively grant employment authorization. You would be required to stop working until Oct. 1st. Also, keep in mind that the 90-day unemployment rule remains in full effect during your automatically extended work authorization (if you qualify for extension of work authorization.)

What's Happening

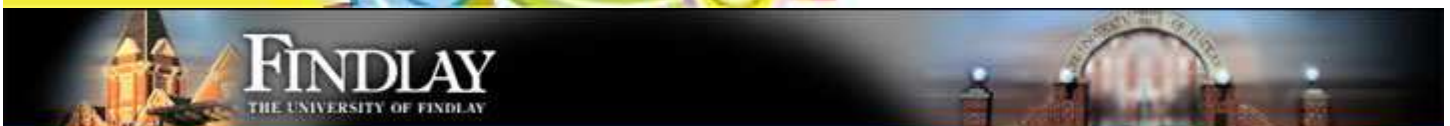


The University of Findlay's Art Festival!

**Sunday, June 6, 2010
12 noon - 4pm**

**The University of Findlay
Main Campus -
Cory Street Mall, Alumni
Memorial Union, Gardner
Fine Arts Pavilion and
Old Main**

Admission is Free!



Join the Office of International Admissions
this summer for

FUN FILLED FABULOUS FRIDAYS

06.11.2010

Bowling

- 2:00 pm – 4:00 pm
- Sportsman's Lanes
- Snacks provided
- 2 Games and Shoes provided
- No Charge!

06.18.2010

Toledo Zoo / Mudhens

- 11:00am - 11:00pm
- Round trip transportation
- Admission to Toledo Zoo
- All-American picnic at Mudhens stadium
- Tickets to Mudhens game
- Snacks on the bus
- Cost: \$10.00 per person (\$50 dollar value for only \$10!!!)

06.25.2010

Amish Country

- 8:30am - 8:00pm
- Round trip transportation via motorcoach
- Amish style meal at Der Dutchman
- Visit local bakery and chocolate shop
- Visit an Amish farm and observe daily life.
- Stop at the Heins cheese factory
- Cost: \$25 per person

07.09.2010

Cedar point

- 8:30 a.m. – midnight
- Roller Coaster Capital of the World
- 17 Roller Coasters
- 75 Rides
- Roundtrip transportation
- Snacks on the bus
- Cost: \$40 per person

07.16.2010

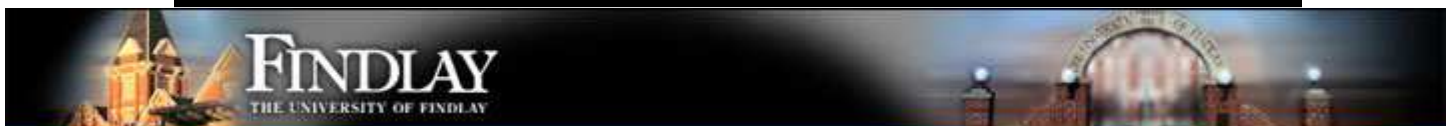
Riverside Picnic in the Park

- Barbeque picnic
- Paddleboats
- Games
- No Charge!

Questions?

Contact the Office of International Admissions for more information at 419-434-4558.

Please stop in the Office of International Admissions to register for events. Some events have limited seating so don't delay!

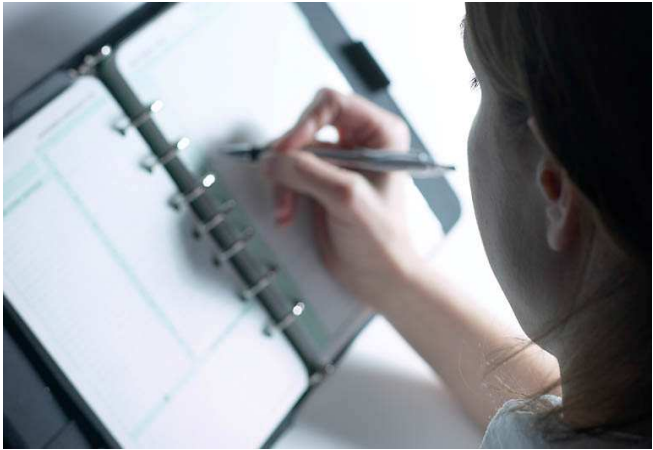


OPT Application Session

OPT Application Sessions are held in the Endly Room of the AMU promptly at 9:30 a.m. Please download and complete the OPT Application Packet from our web site before you attend the session. The application can be found at:

<http://www.findlay.edu/admissions/info/international/immigrationinformation/f1student/default.htm>

OPT APPLICATION DATES	
2010	Sessions are limited to 40 students. Sign up in our office to reserve your seat!
January 7 (TH)	
February 4 (TH)	
March 4 (TH)	
April 6	
May 4	
June 8	
July 6	
August 3	
September 7	
October 5	
November 2	
December 7	



Mark Your Calendar!

Free Shuttle Service!



No transportation? No problem! You can catch our shuttle service every Thursday and Saturday at the AMU!

The shuttle runs:

- Every Tuesday to Asian Grocery store (first stop only) and Meijers from 4:00 p.m. to 8:00 p.m.
- Every Thursday to the Findlay Village Mall from 4:00 p.m. to 8:00 p.m.
- Every Saturday to Walmart from 12:00 p.m. to 7:00 p.m.



The University of Findlay, in Findlay, Ohio, has a longstanding tradition of welcoming international students to its campus. Each year, we welcome over 200 new international students from over 40 different countries and territories.

Learn more about International Admissions and Services on the web!

<http://www.findlay.edu/admissions/info/international/default.htm>

International Admissions and Services
1214 North Cory Street
Findlay, Ohio 45840

