

**From:** Sevis, SysAdmin [mailto:sysadmin.sevis@dhs.gov]  
**Sent:** Monday, April 26, 2010 3:53 PM  
**To:** Sevis, SysAdmin  
**Subject:** Fiscal Year 2011 H-1B Season

**\*\*PLEASE DO NOT REPLY TO THIS MESSAGE\*\***

SEVIS NOTICE - April 26, 2010  
Broadcast Number 1004-01

The H-1B Filing Cap opened on April 1, 2010. Employers of F-1 students who could potentially become beneficiaries of a change of status to an H-1B Nonimmigrant Worker can file the requisite petition beginning on this date. The cap-gap extension of Optional Practical Training (OPT) remains in effect this year for F-1 students whose employers have petitioned for a change of status to H-1B on their behalf.

The Student and Exchange Visitor Program (SEVP) recently consulted with U.S. Citizenship and Immigration Services (USCIS) on the volume of H-1B petitions filed and the expected date of receipting (which was April 16, 2010) for petitions filed during the first five business days of April (April 1 – April 7, 2010). As of April 15, USCIS reported through its Web site that 13,600 eligible H-1B petitions had been filed; an additional 5,800 Master's exemption petitions had also been filed.

It is anticipated that there will not be a waitlist this year. DSOs should not utilize the "Waitlisted" functionality in Student and Exchange Visitor Information System (SEVIS).

SEVP will include a timeline for 2010 (Fiscal Year 2011 filing season) as a part of the updated OPT Guidance, which will publish concurrent with this message. For background, please also refer to the USCIS communication, "Extension of Post-Completion Optional Practical Training (OPT) and F-1 Status for Eligible Students under the H-1B Cap-Gap Regulations," available at:  
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=1d175ffaae4b7210VgnVCM100000082ca60aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>.

#### **Cap-Gap Extension Functionality:**

The Cap-Gap Extension functionality in SEVIS allows DSOs to indicate that an F-1 student is the beneficiary of an H-1B petition with a change of status request either

- Filed and accepted for processing by USCIS or
- Filed and waitlisted by USCIS.

This functionality should only be used for cases where a student's F-1 status or OPT ends before USCIS can receipt the H-1B petition. USCIS does not anticipate the need for a waitlist this year.

Normally when USCIS enters H-1B petition information into its Computer Linked Application Information Management System (CLAIMS), the information is forwarded to SEVIS and the student's record is automatically updated with the full cap-gap extension.

If time constraints do not allow the process to be completed, a DSO can employ the Cap-Gap Extension functionality in SEVIS. This functionality became available in SEVIS with [SEVIS Release 6.0](#).

Example: A student's OPT ends on April 15 (approximately two weeks after the student's employer filed the H-1B petition on the student's behalf). There is a chance that USCIS will not be able to receipt the H-1B petition by April 15. Because the student's employment could end before his or her SEVIS record is updated with the full cap-gap extension, it would be appropriate for the student's DSO to use the Cap-Gap Extension function to provide an initial cap-gap extension through June 1.

When a DSO selects the Cap-Gap Extension functionality "filed," a student's OPT (or status if the student isn't eligible for OPT during the cap-gap) is extended to June 1. For a student whose OPT ends before June 1, this is the appropriate action.

**Caution:**

Please limit the use of the Cap-Gap Extension functionality "filed." It is not appropriate in all instances. If a student's OPT ends after June 1 and the DSO uses the "filed" function in SEVIS, the employment end-date will change to June 1. Please also do not use the Cap-Gap Extension functionality "waitlisted," as there should be no petitions waitlisted this fiscal year.

Should you make this mistake, contact the SEVIS Help Desk immediately to have the employment end-date in the student's SEVIS record returned to the correct date.

**Questions?**

Contact the SEVP Response Center at (703) 603-3400 or through [SEVIS.Source@dhs.gov](mailto:SEVIS.Source@dhs.gov).

Thank you

Student and Exchange Visitor Program