



Berkeley International Office  
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## MEMO

RE: STEM OPT I-765 Application & H-1B Cap-Gap Extension Issue

Dear USCIS Adjudicator:

This student is submitting an F-1 STEM Optional Practical Training Extension I-765 prior to the expiration of their 12-Month Optional Practical Training EAD card. Due to the student's employer's filing of an H-1B petition for this current filing year, the student's original 12 month OPT end date may subsequently be adjusted on the student's I-20 and/or within the SEVIS system via Cap Gap Extension. If a Cap Gap appears on the student's SEVIS record or I-20, DSOs are unable to remove the Cap-Gap Extension from the record, and therefore the STEM Extension recommendation may have an incorrect start date far later than the original OPT EAD end date.

Due to the concurrent H-1B petition and I-765 STEM OPT Extension filings, **we request that the STEM Extension EAD be issued for the 24-month period immediately following the end date displayed on the student's Post-Completion OPT EAD.** Please DO NOT issue an OPT STEM Extension EAD based on any Cap-Gap Extension end date reflected on the student's I-20 or in SEVIS, as this will cause issues with the student's SEVIS record in cases of H-1B denial, approval of the H-1B after the end of the cap gap extension, or adjustment of the H-1B request to consular processing.

SEVIS Help Desk indicated that they are aware of the issue, but they will not remove a Cap-Gap Extension from the student's SEVIS record if it already appears there. We have been instructed include a letter from the DSO detailing the problem, and **request that the student's STEM I-765 and STEM EAD be processed with normal approval dates directly following the end of the original 12 Month OPT EAD.**

If you have any questions, please feel free to contact a DSO at Berkeley International Office at [internationaloffice@berkeley.edu](mailto:internationaloffice@berkeley.edu) or 510-642-2818.

Sincerely,  
University of California at Berkeley  
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