



Berkeley International Office
2150 Shattuck Avenue, Suite 500
Berkeley, California 94704

TEL: (510) 642-2818
FAX: (510) 643-7289
<http://InternationalOffice.berkeley.edu>

MEMO

February 2021

RE: STEM OPT I-765 Application & F-1 H-1B Cap-Gap Extension I-20

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. The STEM OPT application for this student includes an I-20 containing inaccurate STEM OPT recommendation dates. 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 has been extended via Cap Gap Extension to **Sept 30**. We are unable to remove the Cap-Gap Extension from the record, and therefore the STEM Extension recommendation appears with a start date of **Oct. 1, which is incorrect**.

Due to the concurrent H-1B petition and I-765 STEM OPT Extension filings, **we request that the STEM Extension EAD begin immediately upon completion of the initial 12 month OPT as evidenced by the student's OPT EAD card**. Please DO NOT issue a STEM OPT Extension EAD based on the I-20 Cap-Gap Extension end date of 9/30, as this will cause issues with the student's SEVIS record in cases of H-1B denial, approval of the H-1B after 10/1, or adjustment of the H-1B request to consular processing.

SEVIS Helpdesk indicated that they are aware of the issue, but they will not remove the Cap-Gap Extension from the student's SEVIS record. We were instructed to do the following: recommend the student for STEM with a 10/01/XXXX start date, include a letter from the DSO detailing the problem, and request that the student's STEM request be updated to the actual dates **with STEM EAD start date directly following the end of the original 12 Month OPT EAD, not Oct 1**.

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

Sincerely,
University of California at Berkeley
Berkeley International Office
2150 Shattuck Avenue, Suite 500
Berkeley, CA 94704