

TABLE OF CHANGES – INSTRUCTIONS
Form I-485, Confirmation of Bona Fide Job Offer or Request for Job Portability Under
INA Section 204(j)
OMB Number: 1615-0023
07/07/2022

Reason for Revision: Public Charge NPRM
Project Phase: DHS Review

Legend for Proposed Text:

- Black font = Current text
- **Red font** = Changes

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Current Page Number and Section	Current Text	Proposed Text
Page 1, What Is the Purpose of Supplement J?	<p>[Page 1]</p> <p>What Is the Purpose of Supplement J?</p> <p>You must use Supplement J if you are an employment-based applicant for adjustment of status who is filing or has previously filed Form I-485 as the principal beneficiary of a valid Form I-140 in an employment-based immigrant visa category that requires a job offer, and you now seek, in connection with your Form I-485, to:</p> <ol style="list-style-type: none"> 1. Confirm that the job offered to you in Form I-140 remains a bona fide job offer that you intend to accept once your Form I-485 is approved; or 2. Request job portability under INA section 204(j) to a new, full-time, permanent job offer that you intend to accept once your Form I-485 is approved. This new job offer must be in the same or a similar occupational classification as the job offered to you in Form I-140 that is the basis of your Form I-485. 	<p>What Is the Purpose of Supplement J?</p> <p>You must use Supplement J if you are an employment-based applicant for adjustment of status who is filing or has previously filed Form I-485 as the principal beneficiary of a valid Form I-140 in an employment-based immigrant visa category that requires a job offer, and you now seek, in connection with your Form I-485, to:</p> <ul style="list-style-type: none"> • Confirm that the job offered to you in Form I-140 remains a bona fide job offer that you intend to accept once your Form I-485 is approved; or • Request job portability under INA section 204(j) to a new, full-time, permanent job offer that you intend to accept once your Form I-485 is approved. Portability means to change the offer of employment from one job or employer to another job or employer. The new job offer must be in the same or a similar occupational classification as the job offered to you in Form I-140 that is the basis of your Form I-485. <p>NOTE: In adjudicating Supplement J,</p>

	<p>NOTE: In adjudicating Supplement J, U.S. Citizenship and Immigration Services (USCIS) does not make a determination whether you have current work authorization with an employer. The basis for adjustment of status to lawful permanent resident under a valid Form I-140 is not actual (current) employment. Rather, the basis is prospective employment. Therefore, the adjudication of Supplement J, for applicants requesting job portability under INA section 204(j), is primarily limited to a determination of whether you have a bona fide job offer from a U.S. employer that is in the same or a similar occupational classification as the position for which the underlying Form I-140 was filed and approved.</p> <p>NOTE: Individuals seeking or granted a National Interest Waiver of the job offer requirement and individuals seeking or granted classification as an alien of extraordinary ability under INA section 203(b)(1)(A) do not need to file Supplement J. Because these employment-based immigrant visa categories are not tied to a specific job offer, individuals seeking or granted classification as an alien of extraordinary ability or seeking or granted a National Interest Waiver of the job offer requirement do not have to file Supplement J when filing Form I-485 or to request job portability under INA section 204(j).</p>	<p>U.S. Citizenship and Immigration Services (USCIS) does not make a determination whether you have current work authorization with the prospective employer. The basis for adjustment of status to lawful permanent resident under a valid Form I-140 is not actual (current) employment. Rather, the basis is prospective employment. Therefore, the adjudication of Supplement J, for applicants requesting job portability under INA section 204(j), is primarily limited to a determination of whether you have a bona fide job offer from a U.S. employer that is in the same or a similar occupational classification as the position for which the underlying Form I-140 was filed and approved.</p> <p>NOTE: Individuals seeking or granted a National Interest Waiver of the job offer requirement and individuals seeking or granted classification as an alien of extraordinary ability under INA section 203(b)(1)(A) do not need to file Supplement J. Because these employment-based immigrant visa categories are not tied to a specific job offer, individuals seeking or granted classification as an alien of extraordinary ability or seeking or granted a National Interest Waiver of the job offer requirement do not have to file Supplement J when filing Form I-485 or to request job portability under INA section 204(j).</p>
<p>Page 1-2, Who May File Supplement J?</p>	<p>[Page 1]</p> <p>Who May File Supplement J?</p> <p>Unless you are filing Form I-485 together with Form I-140 that names you as the principal beneficiary, you must file Supplement J at the time you file your Form I-485 to confirm that the job offered to you in the underlying Form I-140 is still bona fide and available to you. USCIS may request that you file Supplement J again prior to final processing of your Form I-485.</p> <p>You also must file Supplement J to request job portability to a new, permanent job</p>	<p>Who May File Supplement J?</p> <p>Unless you are filing Form I-485 at the same time with a Form I-140 or while a Form I-140 is still pending that names you as the principal beneficiary, you must file Supplement J at the time you file your Form I-485 to confirm that the job offered to you in the underlying Form I-140 is still bona fide and available to you. Additionally, you must file Supplement J to request job portability if you are eligible. USCIS may request that you file Supplement J again prior to final processing of your Form I-485.</p> <p>To request job portability to a new,</p>

	<p>offer under INA section 204(j). To do so, you must have a properly filed Form I-485 that:</p> <ol style="list-style-type: none"> 1. Has been pending with USCIS for 180 days or more since the receipt date; and 2. Is based on an approved or pending Form I-140 that names you as the principal beneficiary. <p>[Page 2]</p> <p>If the underlying Form I-140 is currently pending with USCIS, you may still file Supplement J to request portability to a new, permanent job offer. However, please know that USCIS must first adjudicate Form I-140 prior to making a determination on your portability request.</p> <p>You must have an approved underlying Form I-140 to be eligible to port to a new, permanent job offer under INA section 204(j).</p>	<p>permanent job offer under INA section 204(j), you must have a properly filed Form I-485 that:</p> <ol style="list-style-type: none"> 1. Has been pending with USCIS for 180 days or more since the receipt date; and 2. Is based on an approved or pending Form I-140 that names you as the principal beneficiary. <p>If the underlying Form I-140 is currently pending with USCIS and your Form I-485 has been pending with USCIS for 180 days or more, you may still file Supplement J to request portability to a new, permanent job offer. However, please know that USCIS must first adjudicate and approve the Form I-140 prior to approving your portability request, if otherwise eligible.</p> <p>[Deleted]</p>
<p>Page 2, When Should You File Supplement J?</p>	<p>[Page 2]</p> <p>When Should You File Supplement J?</p> <p>If you are filing Supplement J to confirm that the job offer in the underlying Form I-140 is bona fide and still available to you, you must submit Supplement J when:</p> <ol style="list-style-type: none"> 1. You initially file your employment-based Form I-485 with USCIS unless you are filing Form I-485 together with Form I-140; or 2. You have received a Request for Evidence (RFE) or a Notice of Intent to Deny (NOID) from USCIS requesting confirmation that the job offer in the underlying Form I-140 is bona fide and still available to you or, if applicable, that the job offer you have previously ported to under INA section 204(j) is bona fide and still available to you. 	<p>When Should You File Supplement J?</p> <p>If you are filing Supplement J to confirm that the job offer in the underlying Form I-140 is bona fide and still available to you, you must submit Supplement J when:</p> <ul style="list-style-type: none"> • You initially file your employment-based Form I-485 with USCIS unless you are filing Form I-485 at the same time as Form I-140 or while the Form I-140 is still pending, or if your Form I-485 was filed prior to January 17, 2017; or • You have received a Request for Evidence (RFE) or a Notice of Intent to Deny (NOID) from USCIS requesting confirmation that the job offer in the underlying Form I-140 is bona fide and still available to you or, if applicable, that the job offer you have

	<p>NOTE: You do not have to submit Supplement J at the time you file Form I-485 together with Form I-140. In adjudicating Form I-140, USCIS examines whether the job offer is bona fide. If Form I-140 is approved, USCIS may consider the approved Form I-140 and supporting documents, along with your filed Form I-485, as prima facie evidence that the job offer is bona fide and that you, the applicant, intend to accept the job offer if your Form I-485 is approved. However, depending on factors, such as the length of time it takes to adjudicate the underlying Form I-140 and your filed Form I-485, USCIS may request that you submit Supplement J to confirm that the job offer in the underlying Form I-140 is bona fide and still available to you prior to final processing of your Form I-485, or that you have ported to a new, permanent job offer under INA section 204(j).</p> <p>If you are filing Supplement J to request job portability to a new, permanent job offer under INA section 204(j), you may file Supplement J only after your Form I-485 was properly filed and has remained pending for 180 days or more since the receipt date, and:</p> <ol style="list-style-type: none"> 1. You have received a new, permanent job offer from a U.S. employer that is in the same or similar occupational classification as the job offered to you in the underlying Form I-140, and now you would like to request that the new job offer be used in connection with your eligibility to adjust status to that of lawful permanent resident; 2. You have received an RFE or a NOID from USCIS in connection with your pending Form I-485 asking for confirmation that the job offered to you in the underlying Form I-140 or a previously filed Supplement J is still available to you; or 	<p>previously ported to under INA section 204(j) is bona fide and still available to you.</p> <p>NOTE: You do not have to submit Supplement J at the time you file Form I-485 together with Form I-140. In adjudicating Form I-140, USCIS examines whether the job offer is bona fide. If Form I-140 is approved, USCIS may consider the approved Form I-140 and supporting documents, along with your filed Form I-485, as prima facie evidence that the job offer is bona fide and that you, the applicant, intend to accept the job offer if your Form I-485 is approved. However, depending on factors, such as the length of time it takes to adjudicate the underlying Form I-140 and your filed Form I-485, USCIS may request that you submit Supplement J to confirm that the job offer in the underlying Form I-140 is bona fide and still available to you prior to final processing of your Form I-485, or that you have ported to a new, permanent job offer under INA section 204(j).</p> <p>If you are filing Supplement J to request job portability to a new, permanent job offer under INA section 204(j), you may file Supplement J only after your Form I-485 was properly filed and has remained pending for 180 days or more since the receipt date, and:</p> <ul style="list-style-type: none"> • You have received a new, permanent job offer from a U.S. employer that is in the same or similar occupational classification as the job offered to you in the underlying Form I-140, and now you would like to request that the new job offer be used in connection with your eligibility to adjust status to that of lawful permanent resident; • You have received an RFE or a NOID from USCIS in connection with your pending Form I-485 asking for confirmation that the job offered to you in the underlying Form I-140 or a previously filed Supplement J is still available to
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	<p>3. You have received a NOID from USCIS regarding your Form I-485 because the petitioner has withdrawn the Form I-140 filed on your behalf, or the petitioner has gone out of business.</p> <p>NOTE: If you are requesting job portability under INA section 204(j), USCIS will reject Supplement J if you file it before your Form I-485 has been pending for 180 days or more since the receipt date. You can check your case status online at www.uscis.gov.</p>	<p>you; or</p> <ul style="list-style-type: none"> • You have received a NOID from USCIS regarding your Form I-485 because the petitioner has withdrawn the Form I-140 filed on your behalf, or the petitioner has gone out of business. <p>If you are requesting job portability under INA section 204(j), USCIS will reject Supplement J if you file it before your Form I-485 has been pending for 180 days or more since the receipt date. You can check your case status online at www.uscis.gov.</p>
<p>Page 3-4, How Does USCIS Determine What Qualifies as a Same or Similar Occupational Classification?</p>	<p>[Page 3]</p> <p>How Does USCIS Determine What Qualifies as a Same or Similar Occupational Classification?</p> <p>To determine whether the new job qualifies as the same or similar occupational classification as the job in the approved permanent labor certification (if applicable) and Form I-140, USCIS will review the totality of the record, including Supplement J and any additional evidence submitted by the applicant and/or employer. In determining whether the new job is in the same or a similar occupational classification as the job specified in Form I-140, USCIS will consider factors, including, but not limited to:</p> <ol style="list-style-type: none"> 1. The similarity of the job duties and responsibilities; and/or 2. The similarity of the educational, experience, and/or training requirements. <p>USCIS may refer to resources published by the U.S. Department of Labor (DOL) and its Bureau of Labor Statistics, or other relevant resources, to assist in determining whether the new offer of employment is in the same or similar occupational classification. These resources include:</p> <ol style="list-style-type: none"> 1. DOL Occupational Outlook Handbook at www.bls.gov/ooh 	<p>How Does USCIS Determine What Qualifies as a Same or Similar Occupational Classification?</p> <p>To determine whether the new job qualifies as the same or similar occupational classification as the job in the approved permanent labor certification (if applicable) and Form I-140, USCIS will review the totality of the record, including Supplement J and any additional evidence submitted by the applicant and/or employer. In determining whether the new job is in the same or a similar occupational classification as the job specified in Form I-140, USCIS will consider factors, including, but not limited to:</p> <ul style="list-style-type: none"> • The similarity of the job duties and responsibilities; and/or • The similarity of the educational, experience, and/or training requirements. <p>USCIS may refer to resources published by the U.S. Department of Labor (DOL) and its Bureau of Labor Statistics, or other relevant resources, to assist in determining whether the new offer of employment is in the same or similar occupational classification. These resources include:</p> <ul style="list-style-type: none"> • DOL Occupational Outlook Handbook at www.bls.gov/ooh

	<p>2. DOL O*NET system at www.onetonline.org; and</p> <p>3. Standard Occupational Classification system used by DOL’s Occupational Employment Statistics program at www.bls.gov/soc</p> <p>[Page 4]</p> <p>These resources contain detailed information on job titles, duties, educational, experience, and/or training requirements, rates of pay, and, in many cases, information on similar or related occupations. Applicants may also use any of these resources or other relevant evidence to demonstrate that the new job is in the same or similar occupational classification as the job specified in Form I-140.</p> <p>USCIS may request additional information if Supplement J is not fully completed or evidence submitted with Supplement J does not establish that the new job is in the same or a similar occupational classification as the job specified in Form I-140.</p>	<ul style="list-style-type: none"> • DOL O*NET system at www.onetonline.org; and • Standard Occupational Classification system used by DOL’s Occupational Employment Statistics program at www.bls.gov/soc <p>These resources contain detailed information on job titles, duties, rates of pay, and educational, experience, and/or training requirements. In many cases, the resources do provide information on similar or related occupations. Applicants may also use any of these resources or other relevant evidence to demonstrate that the new job is in the same or similar occupational classification as the job specified in Form I-140.</p> <p>USCIS may request additional information if Supplement J is not fully completed or evidence submitted with Supplement J does not establish that the new job is in the same or a similar occupational classification as the job specified in Form I-140.</p>
Page 7, Penalties	<p>[Page 7]</p> <p>Penalties</p> <p>If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Supplement J, we will deny your Supplement J and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.</p>	<p>Penalties</p> <p>If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Supplement J, we will deny your Supplement J and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.</p>
New	<p>[New]</p>	<p>[New]</p> <p>USCIS Contact Center</p> <p>For additional information on the form and instructions where to file, address change, and other questions, contact the USCIS Contact Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p>
Page 7, DHS Privacy	<p>[Page 7]</p>	

Notice	DHS Privacy Notice AUTHORITIES: The information requested on this application, and the associated evidence, is collected under Immigration and Nationality Act (INA) section 204(j). ...	DHS Privacy Notice AUTHORITIES: The information requested on this application, and the associated evidence, is collected under Immigration and Nationality Act (INA) section 204(j). ...
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