Instructions for Supplement J, Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j)

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-485
OMB No. 1615-0023
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You must read these Instructions if you are filing Form I-485, Supplement J, Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j) (Supplement J), to either confirm that the job offered to you in Form I-140, Immigrant Petition for Alien Worker, that is the basis of your Form I-485, Application to Register Permanent Residence or Adjust Status, remains available to you or to request job portability under the Immigration and Nationality Act (INA) section 204(j).

What Is the Purpose of Supplement J?

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:

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.

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.

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).

Who May File Supplement J?

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.

You also must file Supplement J to request job portability to a new, permanent job offer under INA section 204(j). To do so, you must have a properly filed Form I-485 that:

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.

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.

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).

When Should You File Supplement J?

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:

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.

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).

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:

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
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.

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**.

What Evidence Must You Submit With Supplement J?

1. If you are filing Supplement J to confirm that the job offer represented in the underlying Form I-140 is bona fide, then you, the applicant, only need to complete **Parts 1.**, **2.**, **3.**, and **4.** of Supplement J and have the Form I-140 petitioner complete **Parts 5.**, **6.**, **7.**, and **8.**
2. If you are filing Supplement J to request job portability under INA section 204(j), you, the applicant, must complete **Parts 1.**, **2.**, **3.**, and **4.**, and the employer offering a new permanent job must complete **Parts 5.**, **6.**, **7.**, and **8.** In addition, you must submit the following documents with Supplement J:

   A. A copy of Form I-797, Notice of Action, establishing the receipt date and acceptance of your Form I-485 under INA section 245, which shows that your Form I-485 has been pending for 180 days or more. If you do not have such documentation, USCIS will review the electronic record for the Form I-485 receipt number provided in **Part 2.** of Supplement J and/or any other USCIS records for evidence that you have filed a Form I-485 that has remained pending for 180 days or more; and

   B. If available, a copy of Form I-797 showing that you are the principal beneficiary of an approved or still pending Form I-140. If you do not have such documentation, USCIS will review the electronic record for the Form I-140 receipt number provided in **Part 2.** of Supplement J and/or any other USCIS records for evidence that you are the principal beneficiary of an approved or still pending Form I-140.

NOTE: If you do not have the evidence listed in **Items A.** or **B.** above, you may provide information on Supplement J or other secondary evidence to demonstrate that you have filed Form I-485 which has been pending for 180 days or more since the receipt date, and that you are the principal beneficiary of an approved or still pending Form I-140. Failure to provide the evidence listed above or secondary evidence may result in delayed processing or denial of your request for job portability.

NOTE: USCIS will review Supplement J in assessing whether the new job offer is in the same or a similar occupational classification as the job in the underlying Form I-140. The applicant and/or employer may submit any other evidence that is relevant in showing the new job is in the same or a similar occupational classification as the job specified in Form I-140.

How Does USCIS Determine What Qualifies as a Same or Similar Occupational Classification?

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:

1. The similarity of the job duties and responsibilities; and/or
2. The similarity of the educational, experience, and/or training requirements.

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:

1. DOL Occupational Outlook Handbook at **www.bls.gov/ooh**
2. DOL O*NET system at **www.onetonline.org**; and
3. Standard Occupational Classification system used by DOL's Occupational Employment Statistics program at **www.bls.gov/soc**

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.

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.

General Instructions

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at **http://get.adobe.com/reader/**. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each supplement must be properly signed by both the applicant and an individual employer or authorized signatory of the business entity employer and filed. For all signatures on this supplement, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the supplement on your behalf. A legal guardian may also sign for a mentally incompetent person.

Filing Fee. There is no filing fee for Supplement J. (See the **What Is the Filing Fee** section of these Instructions.)

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **What Evidence Must You Submit With Supplement J** section of these Instructions.

Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application, petition, or request. After USCIS receives your supplement and ensures it is complete, we will inform you in writing if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.

If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

1. You provided or authorized all information in the supplement;
2. You reviewed and understood all of the information contained in, and submitted with, your supplement; and
3. All of this information was complete, true, and correct at the time of filing.

If you fail to attend your biometric services appointment, USCIS may deny your supplement.

Copies. You should submit legible **photocopies** of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

NOTE: If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed upon receipt.**

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification should also include the date, the translator's signature and printed name, and may contain the translator's contact information.

How To Fill Out Supplement J

1. Type or print legibly in black ink.

2. If you need extra space to complete any item within this supplement, use the space provided in **Part 9. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; type or print the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

4. **USCIS Online Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

5. **Part 3. Applicant's Statement, Contact Information, Certification, and Signature.** Select the appropriate box to indicate whether you read this supplement yourself. If someone assisted you in completing the supplement, select the box indicating that you used a preparer. Further, you must sign and date your supplement and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every supplement **MUST** contain the signature of the applicant. A stamped or typewritten name in place of a signature is not acceptable.

6. **Part 4. Contact Information, Declaration, and Signature of the Person Preparing this Supplement, if Other Than the Applicant.** This section must contain the signature of the person who completed this supplement, if other than you, the applicant. If the person who completed this supplement is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this supplement **MUST** sign and date the supplement. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your supplement is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this supplement.

7. **Part 7. Statement, Contact Information, Certification, and Signature of the Individual Employer or Authorized Signatory of the Business Entity Employer.** If applicable, the individual employer or authorized signatory of the business entity employer should select the box to indicate whether he or she read this supplement himself or herself in English. If applicable, he or she should select the box to indicate if someone prepared this supplement for him or her. Further, he or she must sign and date this supplement and provide his or her daytime telephone number, mobile telephone number (if any), and email address (if any). Every supplement **MUST** contain the signature of the individual employer or authorized signatory of the business entity employer. A stamped or typewritten name in place of a signature is not acceptable.

8. **Part 8. Contact Information, Declaration, and Signature of the Person Preparing this Supplement, if Other Than the Individual Employer or Authorized Signatory of the Business Entity Employer.** This section must contain the signature of the person who completed this supplement, if other than the individual employer or authorized signatory. If the person who completed this supplement for the individual employer's or authorized signatory's behalf is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped the individual employer or authorized signatory prepare this supplement **MUST** sign and date the supplement. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped the individual employer or authorized signatory prepare this supplement is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this supplement.

We recommend that you print or save a copy of your completed supplement to review in the future and for your records.

What Is the Filing Fee?

There is no filing fee for Supplement J.

Where To File?

Please see our website at **www.uscis.gov/i-485supj** or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this supplement. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Address Change

An applicant who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS website at **www.uscis.gov/addresschange** or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests.

Processing Information

You must have a United States address to file this supplement.

USCIS will reject any Supplement J that is not signed by the applicant and the individual employer or authorized signatory of the business entity employer and issue you a notice that Supplement J is deficient. You may correct the deficiency and resubmit Supplement J. Supplement J is not considered properly filed until USCIS accepts it.

Initial Processing. Once USCIS accepts your supplement we will check it for completeness. If you do not completely fill out this supplement, you will not establish a basis for your eligibility and USCIS may reject or deny your supplement.

Requests for More Information. We may request that you provide more information or evidence to support your supplement. We may also request that you provide the originals of any copies you submit. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your supplement. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Supplement J involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this application, visit the USCIS website at **www.uscis.gov** where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at **www.uscis.gov**. Select "Tools," then under "Self Service Tools," select "Appointments" and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

Penalties

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.

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).

PURPOSE: The primary purpose for providing the requested information on this application is to either confirm that the job offered to you in Form I-140, Immigrant Petition for Alien Worker, that is the basis of your Form I-485, Application to Register Permanent Residence or Adjust Status, remains available to you or to request job portability under the INA section 204(j). DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in the denial of your application.

ROUTINE USES: DHS may share the information you provide on this application, and any additional requested evidence, with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses, as described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System, DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System] which you can find at **www.dhs.gov/privacy**. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 60 minutes per response, in addition to the burden for completing Form I-485, including the time for reviewing instructions, gathering the required documentation and information, completing the supplement, attaching necessary documentation, and submitting the supplement. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0023. **Do not mail your completed Supplement J to this address.**

Checklist

- ☐ If requesting job portability under INA section 204(j), I have a properly filed Form I-485 that has been pending with USCIS for 180 days or more since the receipt date, and my Form I-485 is based on an approved or pending Form I-140 in which I am named as the principal beneficiary. (I am attaching a copy of my Form I-797 receipt from my Form I-485, if available, or other secondary evidence demonstrating my Form I-485 has been pending for 180 days.)
- ☐ I properly completed **Parts 1.**, **2.**, **3.**, and **4.** and signed Supplement J in **Part 3. Applicant's Statement, Contact Information, Certification, and Signature**.
- ☐ I included all required supporting documentation listed in the **What Evidence Must You Submit With Supplement J** section of these Instructions.
- ☐ My new employer completed **Parts 5.**, **6.**, **7.**, and **8.** and signed Supplement J in **Part 7. Statement, Contact Information, Certification, and Signature of the Individual Employer or Authorized Signatory of the Business Entity Employer.**