

**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-xxxx
Expires xx/xx/xxxx

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, 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.

Who May File Supplement J?

Unless you are filing Form I-485 together with a 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 must file Supplement J to request job portability to a new, permanent job offer under INA section 204(j). To do so, you must:

1. Have a properly filed Form I-485 that has been pending with USCIS for 180 days or more since the receipt date; and
2. Your Form I-485 must be 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

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 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).

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.

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 is 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 is still available to you, but that job offer is no longer available to you for any reason; 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 and USCIS has automatically revoked the approval of the underlying Form I-140.

NOTE: 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 only need to complete **Parts 1., 2., and 3.** of Supplement J and have the Form I-140 petitioner complete **Parts 4., 5., and 6.**
2. If you are filing Supplement J to request job portability under INA section 204(j), you, the applicant, must complete **Parts 1., 2., and 3.,** and the employer offering a new permanent job offer under INA section 204(j) must complete **Parts 4., 5., and 6.** 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;

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- 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; and
 - C.** A letter from the employer on the employer's letterhead describing the new job offer referenced in **Part 5.** of Supplement J (including job requirements and duties in the new position), and how the new job offer as described in **Part 5.** of Supplement J is in the same or a similar occupational classification as the job offer in the underlying 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 Supplement J along with the employer letter 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;
2. The similarity of the educational and training requirements; and/or
3. The similarity of the offered wage or salary.

USCIS may refer to resources published by the U.S. Department of Labor (DOL) and its Bureau of Labor Statistics 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 and 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 and/or the 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 Web site. 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 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.

Copies. You may 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 you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

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.

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 8. 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 ELIS Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.
5. **Part 3. Applicant's Statement, Contact Information, Certification, and Signature.** If applicable, select the box to indicate that you read this supplement yourself in English. If applicable, select the box to indicate if someone prepared this supplement for you. 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 6. Statement, Contact Information, Certification, and Signature of the Individual Employer or Authorized Signatory. If applicable, the individual employer or authorized signatory should select the box to indicate that 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. A stamped or typewritten name in place of a signature is not acceptable.

7. Part 7. Contact Information, Statement, Certification, and Signature of the Person Preparing this Supplement, If Other Than the Applicant and/or Employer. This section must contain the signature of the person who completed this supplement, if other than you, the applicant and/or employer. 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 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 you prepare your supplement is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this supplement, if his or her representation extends beyond preparation of 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.

How To Check If the Fees Are Correct

Supplement J filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS Web site at www.uscis.gov, select “FORMS,” and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Where To File?

Please see our Web site 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

You must notify USCIS of your new address within 10 days of moving from your previous residence. For information on filing a change of address go to the USCIS Web site 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 USCIS Lockbox facilities because these facilities do 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 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. USCIS will return any requested originals when they are no longer needed.

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 supplement, visit the USCIS Web site 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 our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. 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 now schedule an appointment through our online system, **InfoPass**, at infopass.uscis.gov. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

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.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this supplement, and the associated evidence, is collected under the Immigration and Nationality Act, section 101.

PURPOSE: The primary purpose for providing the requested information on this supplement is to determine if you have established eligibility for the immigration benefit for which you are filing. DHS will use the information you provide to grant or deny your Form I-485.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your supplement.

ROUTINE USES: DHS may share the information you provide on this supplement with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records] 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 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, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-XXXX. **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.)
- I properly completed **Parts 1., 2., and 3.** 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 4., 5., and 6.** and signed Supplement J in **Part 6. Statement, Contact Information, Certification, and Signature of the Individual Employer or Authorized Signatory.**
- My new employer provided and/or submitted the required supporting documentation listed in the **What Evidence Must You Submit With Supplement J** section of these Instructions.