



November 17, 2020

PA-2020-21

Policy Alert

SUBJECT: Job Portability after Filing Application to Adjust Status

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to consolidate and update guidance on the ability to change to a same or similar job, also known as portability, for certain beneficiaries of employment-based immigrant petitions after they have applied to adjust status.

Background

In 2000, Congress enacted the American Competitiveness in the Twenty-First Century Act of 2000¹ (AC21) which, in part, added [INA 204\(j\)](#), allowing certain employment-based adjustment of status applicants experiencing delays in the employment-based immigrant visa process some flexibility to change jobs or employers while their adjustment applications are pending.

This guidance, contained in Volume 7 of the Policy Manual, is effective immediately and replaces Adjudicator's Field Manual (AFM) Chapter 20.2(c), (d), and (e) and related policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Consolidates existing guidance on determining eligibility to transfer, or “port” including evaluating whether the new job offer is in the same or similar occupational classification as the job specified in the Immigrant Petition for Alien Workers ([Form I-140](#)).
- Explains how portability requests are made to and adjudicated by USCIS.

Citation

Volume 7: Adjustment of Status, Part E, Employment-Based Adjustment, Chapter 5, Job Portability after Adjustment Filing and Other AC21 Provisions [[7 USCIS-PM E.5](#)].

¹ See [Pub. L. 106-313](#) (October 17, 2000).