



NEW 2018 SOC CODES



Explained

The new codes that many employers must consider for filing H-1b and PERM

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Introduction

Being an immigration attorney is a great privilege and blessing. My team and I get the chance to help unite families and position businesses to expand here in the United States and abroad.

We solve deeply personal problems that lead to positive effects not just for individuals but also for society as a whole.

As we'll discuss shortly, immigration law in the United States is incredibly complex and bureaucratic. Navigating the system is no small task. It takes effort and a keen attention to detail. This book is an attempt to help you cut through the clutter and pay attention to what's really important. It offers a 20,000-foot perspective on U.S. immigration law.

Obviously, this book is way too short to cover every single nuance about the process or about particular visas, outcomes or strategies. The goal of this book is to put the U.S. immigration system into a clear, understandable context.

We'll use case studies to address concerns and stresses that immigrants and their families commonly encounter.

This book is not a substitute for a consultation with a qualified immigration law attorney. To that end, if you need practical assistance with a matter, I have a very special offer for you. Flip to the end of the book to learn how to get a private consultation with me to solve your problem, restore peace of mind, and give you a sense of control over the future.

With that all said, let's dive in and explore the essentials of U.S. immigration law.



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What are SOC Codes?

SOC is an abbreviation of Standard Occupation classification, a federal statistical standard used by federal agencies to classify workers into occupational categories. Codes have undergone multiple revisions, and the 2018 one is the fifth. The last modification is called the 2010 version.

Where are the codes commonly used from an immigration perspective ?

- Permanent Employment Certification (PERM or Form ETA 9089, used to file most I-140)
- The Labor Condition Application (LCA necessary to file H1Bs and other employment-based visas)
- Form ETA 9142B for H2B workers

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What's new in the 2018 SOC Codes?

Any Labor condition applications (LCAs) submitted before July 1, 2022, will be adjudicated based on the 2010 SOC codes, whereas the new codes are applicable when the submission date is on or after July 1, 2022. Unfortunately, some of the codes we all know and love no longer exist and have a new codes.

For example, the commonly used 15-1132 Software Developer, Applications will now be 15-1252 Software Developers. This code will also encompass 15-1133, Software Developer, Systems Software.

Key difference between earlier and new code

- There is a net gain of 27 additional detailed occupations in the 2018th version, keeping in line with the new job descriptions which evolved over the period.
- In the 2018th versions, some older codes merged to create new aggregated ones to remove confusion. The new code structure has 867 detailed occupations, aggregated under 459 "broad occupations" and divided further into 98 minor and 23 major groups.

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How would the new change affect your business?

- The FLCA data and flag website used to get prevailing wages and files LCA's were not updated until now; this caused much confusion on which SOC code to use and may result in some RFEs for cap cases.
- Although usage of the "older" SOC codes on LCAs seems to be permitted by the USCIS, there was significantly less detailed information on the OWL for each SOC code than O*NET. While the O*NET provides detailed explanations for each SOC code based on the 2018 SOC System, we were left using the 2010 SOC system to determine prevailing wage information. Now with the 2018 Codes, we have more details on each job title, making it easier to decide the correct job title, and new Job titles were added, so we didn't have to use the closest available job title and justify the same to USCIS.
- In responding to specialty occupation RFEs, this system forces individuals to not only argue the specialized nature of the position but that the O*NET also sees it as a specialty occupation to strengthen the argument. In some cases, this requires one to dig into the O*NET archives to find the older 2010 SOCs.
- This new code will affect not LCAs for H1Bs but also PERM filings. The new prevailing wages issued after July 1, 2022, would also be based on the new code system.

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What things do employers need to know while filing the next petition?

- Now that there are additional and detailed job titles in the new SOC with clearly defined job descriptions, one has to be very clear about the code they use as a lot might change for a job title; for example, some job titles may no longer qualify for an H-1 while others may now be eligible.
- For PERMs, the new prevailing wages issued after July 1, 2022, will be based on new codes, regardless of when the application is submitted.
- New qualifications for many positions that may require you to justify a business requirement for your company if your needs are above the Industry Standards or Vice Versa
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