

WORK PERMISSION FOR J-2 DEPENDENTS

Conditions

1. J-2 status must be valid and the Exchange Visitor must hold valid J-1 status, as shown on your I-94 Departure Record cards.
2. A J-2's income may not be used to support the J-1 spouse or parent.
3. A J-2 may work when he/she receives the Employment Authorization Document (EAD) from the Department of Homeland Security (DHS). The EAD is an identification card laminated in plastic, with the J-2's photograph and the expiration date of the permission to work.
4. A J-2s may work part-time, or full-time, at any job, for any employer (except that he/she may not practice medicine, even if he/she has a license). There is no legal limit to the amount that a J-2 may earn.
5. DHS can authorize J-2 employment for as long as the J-1 Exchange Visitor has permission to stay OR for four years, whichever is shorter. Permission to stay expires on the date shown on the I-94 card. If the I-94 card shows "Duration of Status" or "D/S," permission to stay expires on the date shown on the DS-2019.

Required Documentation

1. Completed I-765; obtain the most current version from: <http://www.uscis.gov>
Be sure to sign the forms BLACK ink. *** DO NOT ELECTRONICALLY FILE THE I-765 ***
2. Filing fee of \$410.00. Check, money order, or credit cards are accepted.
Make checks or money orders payable to: Department of Homeland Security.
Download the G-1450 from www.uscis.gov to include a credit card payment.
3. Photocopy of the J-1 visa holder's and the J-2 visa holder's I-94.
Download it from <https://i94.cbp.dhs.gov/I94/#/home> or if you have the older paper version, photocopy both the front and the back of the card.
4. 2 passport-style photos. Visit ISS if you're not sure where to have photos taken (Photo requirements are on page 2).
5. Photocopies of J-1 visa holder's DS-2019 (both pages) and the J-2 DS-2019 (both pages).
6. Photocopies of the biographical page of the J-1 and J-2 visa holders' passports.
7. Photocopies of the visa page belonging to the J-1 and J-2 visa holders.
8. A written statement from the J-2, showing that his/her employment is not necessary to support the J-1, must be provided. The letter should indicate the sources and amount of the J-1 Exchange Visitor's support and include a short budget or statement of family expenses to show that his/her resources are adequate without any income from the J-2's employment. The J-2 should give reasons for wanting to work, like some worthwhile interest that might include family travel or recreational and cultural activities. The letter must specifically state that the income from the J-2's earnings will not be used for the J-1 Exchange Visitor's support.
* See attached sample*
9. Mail your completed application to USCIS. Find the filing location address by visiting USCIS' website (<https://www.uscis.gov/i-765-addresses>), clicking under the Foreign Students heading, and checking the information listed under the Category Description: Spouse/dependent of J-1 exchange visitor (J-2 nonimmigrant status).

Continued on Next Page →

WORK PERMISSION FOR J-2 DEPENDENTS

Passport Style Photo Specifications

Passport-style color photo with white background	No larger than 2 X 2 inches, with face centered
Taken no earlier than 30 days before submission	Distance from top of head to chin: about 1¼ inches
Unmounted, on thin paper, glossy, unretouched	Eye height from bottom: 1 ³ / ₈ - 1½ inches
Full face from front, eyes open, natural expression	No shadows on face or background
Bare head (no hat, etc.) unless wearing a religiously-required headdress	The student should lightly print his/her name and A# (if known) on the back of each photo

Important Information

INS Form I-9, "Employment Eligibility Verification"

When a J-2 begins work, his/her employer will ask him/her to complete Form I-9, which requires the J-2 to document his/her work authorization. For Form I-9, the EAD card is acceptable proof, both of identity and permission to work.

If your permission to stay expires, so will your EAD

The J-1's International Student Advisor will explain how to extend permission to stay for the J-1 and all J-2 dependents. They will also know whether a J-2 may apply for a new EAD with the application for extension or after it has been approved. When a J-2 applies for a new EAD, he/she will have to update Form I-9 with the employer.

A Social Security Number

To be added to the payroll, the employer will need the J-2's Social Security number, which the J-2 can obtain by applying for a Social Security card. Take the passport, I-94 Departure Record card, the J-1's Form DS-2019 and the J-2's DS-2019, and the EAD if it has been obtained, to a Social Security Administration office. If the J-2 applies before receiving an EAD the Social Security card will be stamped "Not Valid for Employment." That stamp will not make the J-2 ineligible to work; it means only that no funds will ever go into the Social Security account represented by that number.

Taxes

The earnings of J-2 dependents are subject to applicable federal, state and local taxes, including F.I.C.A. (Social Security taxes) and employers are required by law to withhold those taxes from paychecks. By April 15 J-2s must file an income tax return with the Internal Revenue Service (IRS), covering the prior calendar year. The return determines whether more taxes are owed or if a refund is due. For additional information regarding taxes, please see IRS Publication 519, "U.S. Tax Guide for Aliens."

WORK PERMISSION FOR J-2 DEPENDENTS

Sample Letter of Application for J-20 Work Permission

(Your street address)
(Your city, state and zip code)
(Date)

District Director
U.S. Citizenship and Immigration Services
P.O. Box 123456789
Lincoln, NE 12345-6789

Dear Sir or Madam:

I would like to apply for J-2 work permission.

My spouse's Form DS-2019 shows \$37,044 in support, including \$25,000 from Case Western Reserve University, and \$12,044 in personal funds. Of this, \$19,044 goes to the university for tuition and fees, and a total of about \$1,200 for the year will be withheld from his assistantship stipend checks for income tax. In addition we pay about \$900 each year for health insurance. That leaves \$14,200, or just under 1,200 a month, for living expenses.

As this budget shows, we have enough to live modestly. While in the United States I would like to take a course in English for foreigners, which would cost about \$50 per month, and we can afford the expense only if I work. I therefore hope that you will approve my request.

I understand that none of my earnings may be used for the support of my J-1 spouse.

Sincerely,

(Your signature)

(Your name)

Sample Letter of Application for J-20 Work Permission