

WORK PERMISSION FOR J-2 DEPENDENTS

PURPOSE OF THIS SHEET

This handout is designed for the J-2 dependents of J-1 Exchange Visitors. It lists the conditions of J-2 work authorization, and tells you how to apply.

CONDITIONS

1. You must hold valid J-2 status, and the Exchange Visitor must hold valid J-1 status, as shown on your I-94 Departure Record cards.
2. Your income may not be used to support your J-1 spouse or parent.
3. You may work when you receive your Employment Authorization Document (EAD) from the U.S. Immigration and Citizenship Services (USCIS). The EAD is an identification card laminated in plastic, with your photograph, signature, and the expiration date of your permission to work.
4. You may work part-time or full-time, at any job, for any employer (except that you may not practice medicine, even if you have a license). There is no legal limit to the amount that you may earn.
5. USCIS can authorize J-2 employment for as long as the J-1 Exchange Visitor has permission to stay. 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 Form DS-2019.

HOW TO APPLY

All employment authorization for this region is granted via the United States USCIS in Laguna Niguel, California. Please collect the following documents listed below and have them reviewed by an appropriate staff member at the Office of International Student Programs and Services (ISPS).

1. Completed original Form I-765, "Application for Employment Authorization." (*You may download the Form I-765 from the USCIS webpage: <http://uscis.gov/graphics/formsfee/forms/i-765.htm>*)
2. Letter of explanation with estimate of expenses (*an example letter is provided on the reverse side of this sheet*)
3. Photocopy of the J-1 Exchange Visitor's I-94 Departure Record card.
4. Photocopy of J-1 Exchange Visitor's DS-2019 form and dependent's J-2 DS-2019.
5. A check for **\$340**, payable to USCIS.
6. Two photographs per USCIS instruction sheet (available at ISPS or visit <http://travel.state.gov/photorequirements.html>).
7. Please make copies of your application for your records BEFORE you mail it to USCIS.

Once they have been reviewed you may forward the complete set of documents to:

Regular Mail:

U.S.C.I.S.
California Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-1076

Express Mail:

U.S.C.I.S.
California Service Center
24000 Avila Road, 2nd Floor, Room 2302
Laguna Niguel, CA 92677

Please note: You will receive a Receipt Notice (Form I-797) from USCIS after you mail in your application stating you need to wait about 90 days before you will receive your EAD card.

AUTHORIZATION TO WORK

USCIS Form I-9, "Employment Eligibility Verification." When you begin work, your employer will ask you to complete Form I-9, which requires you to document your work authorization. For Form I-9, your EAD card is acceptable proof both of your identity and your permission to work. If your permission to stay expires, so will your EAD. Your spouse's (or parent's) J-1 Responsible Officer will explain how to extend permission to stay for the J-1 and all J-2 dependents, and will know whether you may apply for a new EAD with the application for extension, or after it has been approved. A pending application for extension of stay, or for a new EAD, does not authorize you to continue working. When you have the new EAD, you will have to update Form I-9 with your employer.

A Social Security Number. To put you on the payroll, your employer will need your Social Security *number*, which you can obtain by applying for a Social Security *card*. Take your passport (if you are Canadian you may use another form of

photo-bearing identification), I-94 Departure Record card, your J-2 Form DS-2019, and your EAD if you have obtained one, to an office of the Social Security Administration. If you apply before you have an EAD your Social Security card will be stamped "Not Valid for Employment." That stamp will not make you 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, and Social Security, and employers are required by law to withhold those taxes from paychecks. By April 15 you must file an income tax return, Form 1040NR, with the Internal Revenue Service (IRS), covering the prior calendar year. The return determines whether you owe more taxes, or have a refund coming. With Form 1040NR you must also file a "Required Statement." See IRS Publication 519, "U.S. Tax Guide For Aliens."

SAMPLE LETTER OF APPLICATION FOR J-2 WORK PERMISSION

	[Your street address] [Your city, state, and zip code] [Date]
USCIS [Street address] [City, state, zip code]	
Dear Sir or Madam:	
I would like to apply for J-2 work permission.	
My spouse's Form DS-2019 shows \$20,000 in support, including \$15,000 from [name] University, and \$5,000 in personal funds. Of this, \$5,980 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 \$800 each year for health insurance. That leaves \$12,020, or just over \$1,000 a month, for living expenses. Our monthly budget is as follows:	
\$ 400	Rent and utilities
400	Food
200	Miscellaneous (clothing, transportation, recreation)
\$1,000	Total
As this budget shows, we have enough to live modestly, but there are no funds left for expenses that are not essential. 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]

A Word of Caution

The point of the letter is not to demonstrate need; it is to show USCIS that the J-1 Exchange Visitor has sufficient resources for his or her own expenses, and will not depend on your earnings. In the letter you 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 or her resources are adequate without any income from your employment. You should give a reason for wanting to work, some worthwhile interest or activity that might include family travel or recreational or cultural activities. In your letter you must say specifically that income from your earnings will not be used for the J-1 Exchange Visitor's support.