

WORK PERMISSION FOR J-2 DEPENDENTS

CONDITIONS

1. You must hold a valid J-2 status, and the Exchange Visitor must hold a valid J-1 status, as shown on your I-94 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 US Citizenship and Immigration Services (USCIS). The EAD is an identification card laminated in plastic, with your photograph 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 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 Form DS 2019.

PROCEDURE

J-2s can no longer use the local INS office to obtain an Employment Authorization Document (EAD). Applications must be filed with the Southern Service Center and will take 30-90 days to be processed. For the J-2 employment renewals, the J-1 must first process an extension if s/he is eligible.

Applications must include the following materials:

- ___ **Form I-765 (two forms – original to be sent with petition I-765 and a copy to be maintained for your file)**
Note: Question #16 category code: (c)(5)
- ___ **Form I-765 Required Processing Fee: A check made payable to "Department of Homeland Security"**
- ___ **2 Passport Style Photos – must be two identical color photographs taken within 30 days of filing.**
For information on photo standards visit the Department for State website at
<http://travel.state.gov/pdf/Photo-Quality-Requirements.pdf>
Print your name and I-94 admission number in pencil on back side of each photo.
- ___ **Copy of J-1s DS 2019 and I-94 card (front and back)**
- ___ **Copy of J-2s DS 2019 and I-94 card (front and back)**
- ___ **Copy of any previously issued EAD (front and back)**
- ___ **Copy of J-2s passport page with the photograph**
- ___ **A letter (1) explaining why employment is desired, and (2) showing that the J-1 has sufficient resources for his/her own expenses and will not depend on your earnings.**
(See sample letter attached).

The I-765 Form and complete instructions may be obtained from www.uscis.gov and click on forms to locate the I-765.

If you would like your application to be reviewed before you send it, please call the International Center at 852.6602 to set up an appointment.

Application and all necessary materials should be mailed directly to the appropriate USCIS Lockbox. Please refer to "Where to File?" in the I-765 Instructions for your appropriate address.

AUTHORIZATION TO WORK

INS 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 at the International Center 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. If the J-1's program will be extended in the near future, the J1 may wish to request their supervisor to submit the extension PRIOR to you submitting the J2's Work Authorization. The J1 and J2 will receive a new DS2019 indicating the new program dates and should be used for the I-765 application.

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. 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 a Canadian you may use another form of photo bearing identification), I-94 Arrival/Departure Record card, the J-1's and your DS 2019, and your EAD if you have obtained one, to the office of the Social Security Administration.

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

You must submit a written statement with any supporting evidence showing that your employment is not necessary to support the J1 but is for other purposes.

[Your street address]
[Your city, state, zip]
[Date]

To Whom It May Concern:

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

My wife's Form DS 2019 shows \$20,000 in support, including \$15,000 from the University of Louisville, and \$5,000 in personal funds. Of this, \$1,200 for the year will be withheld from her 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
<u>\$200</u>	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]