

# 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 current visa.
2. Your income may not be used to support the J-1 principal foreign national.
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. J-2 employment may be authorized for the duration of the J-1 principal alien's authorized stay as indicated on Form I-94 or a period of four years, whichever is shorter. The employment authorization is valid only if the J-1 is maintaining status.

## PROCEDURE

**File Form I-765 with a copy of Form DS-2019, evidence the J-1 principal foreign national is currently maintaining status, and evidence any income from this employment authorization will not be used to support the J-1 principal foreign national. Also, provide evidence you are currently maintaining status and include evidence of all previously authorized periods of J-2 employment, if any.**

**Applications must include the following materials:**

- File [Form I-765](#). Note: Question #16 category code: (c)(5)
- Form I-765 Required Processing Fee
- 2 Photos – must be two identical color photographs taken within 30 days of filing  
For more information on photo standards, visit the Department of State [website](#).
- Copy of the current Form DS-2019 of the J-2
- Copy of the current Form DS-2019 of the J-1
- Copy of any previously issued EAD (front and back)
- Copy of Forms I-94 of both the J-1 and J-2
- Letter from the J-2 stating why the employment is desired, indicating the source and amount of support for the principal participant, and specifically how the income derived from employment will not be used for the support of the J-1 exchange visitor. A J-2 does not need to demonstrate financial need to receive employment authorization. (See sample letter attached).
- Although not specified in [USCIS Instructions for Form I-765](#), some applicants have also reported receiving RFEs asking the applicant to submit evidence of the J-2's relationship to the J-1 (e.g., marriage certificate for J-2 spouse or birth certificate for J-2 child).

**If you would like your application to be reviewed before you send it, please call the International Center at 852.6603 to set up an appointment.**

## 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. If the program for the J-1 will be extended, approval by the department must be received before filing an extension for the J-2 Employment Authorization. The J-1 and J-2 will receive a new Form DS-2019 indicating the new program end date and should be used for the Form I-765 application for extension.

A pending application for an extension of stay, or a new EAD, does not authorize you to continue working. When you have the new EAD, you may have to update the 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 information, the Form DS-2019 for the J-1 and J-2, and your EAD if you have obtained one, to the office of the Social Security Administration. You may obtain a Social Security Application at the International Center or the Social Security Office located at 601 West Broadway in the Gene Snyder Building.

## 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.

**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 J-1.

[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 \$28,000 in financial support, including \$23,000 from the University of Louisville, and \$5,000 in personal funds. Of this, \$1,800 for the year will be withheld from her assistantship stipend checks for income tax. In addition, we pay \$2,400 each year for health insurance. That leaves \$23,800, or approximately \$2,000 a month, for living expenses. Our monthly budget is as follows:

\$800	rent and utilities
\$500	food
<u>\$600</u>	Miscellaneous (clothing, transportation, recreation)
\$1,900	Total

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 international visitors, which would cost about \$200 per month, and we can afford this additional 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]