

## Work Permission for J-2 Dependents

J-2 dependents are eligible to apply for permission to work from U.S. Citizenship and Immigration Services (USCIS) by submitting a Form I-765. If approved, USCIS will issue an Employment Authorization Document (EAD). J-2 dependents may begin employment only after receiving the EAD card.

The regulation states that employment may not be granted when the earnings are to be used to support the J-1 visa holder. Rather, the earnings must be used for the "Family's customary recreational and cultural activities and those related travel". Source: 8CFR 21A.2(j)(1) (v) (A).

### Eligibility

A dependent (the spouse or child under the age of 21) of a J-1 visa holder is given J-2 status upon entering the U.S. J-2 dependents are eligible to apply for work permission if the following requirements are met:

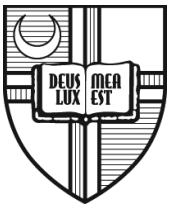
- The J-1 Exchange Visitor maintains his/her status in the U.S. A J-2 dependent/spouse is in status only while the J-1 is in status.
- The J-2 dependent maintains his/her status in the U.S.
- The J-2's earnings do not support the J-1 Exchange Visitor.
- The Employment Authorization card is valid.

### Limitations

This employment authorization allows the J-2 dependent to work for any employer for any number of hours as long as the employment authorization document (EAD) is valid and as long as J-2 status is maintained.

### Required Documents

- [G-1145, E-Notification of Application/Petition Acceptance](#)
- [USCIS Form I-765 Application for Employment Authorization](#) – Mark (c) (5) on item #27. Make sure you sign the form clearly and do not date until you are ready to mail your documents. We suggest you use a blue pen to fill out the application.
- \$410 check or money order payable to "U.S. Department of Homeland Security". Please refer to [USCIS for the most accurate filing fee information](#)
- Two (2) color photographs meeting the specifications noted on Form I-765 instructions. Read carefully the handout regarding photograph specifications. Failure to submit photographs in compliance with



these specifications will delay the processing of your application. Write your name and I-94 number on the back of the photos with a pencil.

- Copy of the passport's personal data page, photo page, and visa page.
- Copy of marriage certificate for spouses with different last names.
- Copy of the J-1 visa holder's electronic Form I-94 ([www.cbp.gov/I94](http://www.cbp.gov/I94)) and Form DS- 2019.
- Copy of the J-2 visa holder's electronic Form I-94 ([www.cbp.gov/I94](http://www.cbp.gov/I94)) and Form DS-2019.
- Cover letter from the J-2 dependent requesting work permission.
- Financial statement showing funds for the entire family's expenses.

### **J-2 Cover Letter**

The J-2 dependent should write a cover letter to accompany the application for employment authorization. This letter should explain why work permission is being sought [examples: earn money for school or travel, further own professional career, etc.] and outline the family's financial resources to clearly demonstrate that all expenses for the J-1 are met without the help of the J-2. This cover letter should also list all items included in the petition. A sample letter appears on the next page. The letter should be truthful and reflect the J-2's specific situation.

### **Keep copies of your petition**

Please keep a photocopy of the entire application package, including your check, for your records.

### **Mailing the Application**

Refer to the [USCIS I-765 instructions](#) for the correct USCIS mailing address. The address you use on the I-765 will determine which USCIS service center you mail the application.

If possible, send the application via certified mail with "Return Receipt Requested" so that you will have proof that USCIS received the application. DO NOT send original DS-2019s.

### **Mailing to USCIS**

USCIS Chicago Lockbox

#### **U.S. Postal Service (USPS):**

USCIS

Attn: NFB

P.O. Box 4115

Carol Stream, IL 60917-4115

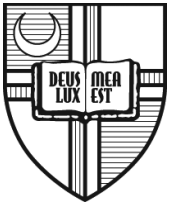
#### **FedEx, UPS, and DHL deliveries:**

USCIS

Attn: NFB (Box 4115)

2500 Westfield Drive

Elgin, IL 60124-7836



## Governmental Processing

- Within 2-3 weeks you should receive a notice confirming that your application has been received and informing you approximately how long the processing period is likely to be. You will receive a case number, which you may use to check updated information on the status of your application on the [USCIS](#) web site.
- Upon approval of the application, USCIS will send the Employment Authorization Document (EAD) to the address that was indicated on the application (form I-765).
- Employment authorization will be issued in the form of a photo identification card called an EAD - Employment Authorization Document. The J-2 should show this card to the employer at the time he/she is hired.

## Work Permission while the Application is Pending

- You may not begin employment before your application has been approved AND the card is received. J-2's can apply for a [Social Security](#) number AFTER they have received employment authorization.

## Authorized Dates of Employment

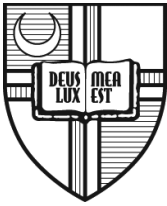
- The EAD will be issued for up to a year or until the end date of the J-1s Form DS-2019.
- Your EAD card is only valid during the dates listed on the card. To work past these dates, you must re-apply, including a copy of your current EAD card (front and back) with the application.

## Extensions

If the Employment Authorization card expires and the J-1 spouse/parent has maintained his/her J-1 status, work permission may be extended by repeating the application process. Please note if a work authorization extension is being requested, the new EAD must be received prior to the expiration of the current EAD in order to continue working uninterrupted. Therefore, it is extremely important to file the renewal application 90 days in advance of the expiration.

## Taxes

Unlike J-1 visa holders, J-2 dependents are subject to Social Security taxes, federal income taxes, and where applicable, state income taxes. (See *IRS publication 519, United States Tax Guide for Aliens*)



### Sample Letter and Financial Statement

Address of J-2  
Telephone #  
Date of letter

USCIS  
Attn: I-765  
PO Box 805373  
Chicago, IL 60680

Dear Immigration Inspector:

*I am a J-2 dependent of a J-1 researcher/student/professor at The Catholic University of America. I would like to request permission to work in the United States.*

*My husband/wife/parent is a researcher/students/visiting professor at The Catholic University of America's School of \_\_\_\_\_. He/she has enough financial resources to meet our expenses. Our monthly expenses consist of the following:*

House/apartment rental	\$ _____
Groceries	\$ _____
Utilities (electric, gas, water, telephone)	\$ _____
Health/dental insurance	\$ _____
Transportation Costs	\$ _____
Clothing, shoes, etc.	\$ _____

*I would like permission to work in order to save money to further my education and to travel, both within the United States and abroad. The income I earn will not be used to financially support my husband/wife/parent.*

*Thank you for your consideration of my application.*

*Sincerely,*

*Name of the J-2 visa holder*

**This sample letter should be used only as a guide. Your letter should accurately reflect your unique situation as a J-2 petitioner. For example, if the money earned will finance education, the expenses listed in the USCIS letter must be modified to reflect educational expenses.**

For example:

**Annual Income**

Family Income  
Home Government Grant  
U.S. Government Grant  
Salary from Home  
University Stipend  
Other Income  
TOTAL INCOME:

**Annual Expenses**

Tuition  
Books and Fees  
Health Insurance  
Portion of Rent  
Portion of Food  
Clothing  
TOTAL EXPENSES:

***This handout is intended to provide basic, general information only and should not be used as a substitute for professional advice from qualified immigration attorneys or practitioners.***