



## WORK PERMISSION PROCEDURES FOR J-2 DEPENDENTS

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.

Employment for a J-2 dependent is authorized by the U.S. Citizenship and Immigration Services (USCIS), and all applications should be directed to the USCIS Service Center in your area. AMIDEAST is **not** authorized to issue work permits for dependents. Only the USCIS can do so. Please keep in mind that the permits may take 3-4 months to process.

Money derived from the employment of a J-2 dependent must be used for the spouse and/or minor children in the United States and not for the support of the exchange visitor (J-1 visa holder). The spouse and children may use the earnings for recreational and cultural activities or travel, but not for subsistence.

### CONDITIONS AND REQUIREMENTS

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. You may work only after you receive an Employment Authorization Document (EAD) from U.S. Citizenship and Immigration Services (USCIS). The EAD is an identification card laminated in plastic, with your photograph, fingerprint, and the expiration date of your permission to work.
3. 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.
4. 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 the DS-2019.

### APPLYING FOR AN EMPLOYMENT AUTHORIZATION DOCUMENT (EAD)

1. To apply for an EAD, you must fill out Form I-765. The form and the instructions to fill it out are available online at <http://www.uscis.gov/i-765>.
2. Compile the documentation that the Form I-765 Instructions request. Please note that there are two additional requirement documents for your classification, "J-2 Spouse or Minor Child of an Exchange Visitor—(c)(5)":
  - a. The Form I-765 instructions specific to your classification may ask for a copy of your J-1 family member's "Form IAP-66." The DS-2019 forms issued to you and your J-1 family member are the equivalent documents and you may submit copies of them lieu of a Form IAP-66.
  - b. A letter or statement written by you explaining why your employment is necessary, such as that it will fund some worthwhile interest or activity that might include family travel or

recreational or cultural activities. In your letter you must prove specifically that income from your earnings will **not** be used for the J-1 Exchange Visitor's support but is for other purposes. There is a sample letter on the last page of this information sheet.

- c. If you are applying for a renewal EAD, you will need to include a copy of your most recently issued expired or soon-to-expire EAD with your application.
3. Once you have completed the application form and compiled all of the required documents, you may send them to the address of the Service Center in your region of the US as listed in the Form I-765 Instructions. You may also visit your nearest Service Center in person to apply, call 1-800-375-5283 to find the closest center to where you live.
4. Wait for correspondence from USCIS regarding your application. USCIS will normally contact you regarding your application within 90 days. USCIS may also contact you to request additional information or an interview.

**If you have further questions regarding the Form I-765, please call the USCIS National Customer Service Center at 1-800-375-5283 or visit [www.uscis.gov](http://www.uscis.gov).**

### **AUTHORIZATION TO WORK**

You must have your EAD card prior to beginning any job. When you begin work, your employer will ask you to complete Form I-9 "Employment Eligibility Verification," 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 J-1 family member's AMIDEAST adviser 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, I-94 Departure Record card, copy of the J-1's 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" available at [www.irs.gov](http://www.irs.gov).

## SAMPLE LETTER OF APPLICATION FOR J2 WORK PERMISSION

[Your street address]  
[Your city, state, and zip code]  
[Date]  
District Director  
US Customs and Immigration Services  
[Street address]  
[City, state, zip code]

Dear Sir or Madam:

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

My husband's 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  
\$ 600 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]