WORK PERMISSION FOR J-2 DEPENDENTS

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. 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. 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 the DS-2019 form. Usually, USCIS only grants one year of work authorization at a time.

How To Apply

Send the documents in the following order to the U.S. Citizenship and Immigration Services:

1. A check for $340 made out to the Department of Homeland Security
2. I-765 form
3. Photocopies of the J-1 and J-2 DS-2019 forms
4. Photocopies of both sides of your I-94 card and the J-1’s I-94 card
5. If you already have one, a photocopy of both sides of your EAD card
6. Two photos of yourself with your name printed lightly in pencil on the back of them. See page seven of the I-765 instructions for details. Enclose the photos in an envelope.
7. Write a letter to the U.S. Citizenship and Immigration Services requesting work permission. 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 the family’s 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/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, taking a class, 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. Also, include proof of the J-1’s income such as letters from his/her employer, bank statement, scholarships letters, etc.
8. Send a photocopy of your marriage certificate (with translation, if necessary) to the U.S. Citizenship and Immigration Services to verify your J-2 status.
9. A photocopy of a page from your passport that shows its expiration date

An alternative method to filing the paper copy of the I-765 form, your photos and check would be to file them electronically. The web site is https://egov.immigration.gov/ins_efile/InteractionMgr?interactionmgr.interaction=Select_I765. You will receive a case number and two receipts. One receipt will be sent to the USCIS along with all the above items 3 through 9. USCIS will send you a letter to let you know when you have an appointment with the local USCIS Application Support Center for fingerprinting, signature, and photographs. The Customer Service Center is located at 5538 South 1900 West, Building C, Taylorsville, UT 84118.

Authorization To Work

When you begin work, your employer will ask you to complete Form I-9, “Employment Eligibility
Verification: This form 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. After your J-1 person gets his/her extension of stay, you will need to reapply to the U.S. Citizenship and Immigration Services for a new EAD card. When your old EAD expires, you must quit working until you have a new EAD card. When you receive your new EAD card, you will also need to update your Form I-9 with your employer.

To put you on the payroll, your employer will need your Social Security number which you may 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 and the J-1’s DS-2019 forms, and your EAD card to the office of Social Security Administration. They are located at 202 West 4th South. They are open Monday through Friday from 9 a.m. to 4 p.m.

The earnings of J-2 dependents are subject to applicable federal, state and local taxes, and Social Security. 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 Application Letter for J-2 Work Permission

(Your street address)
(Your city, state, and zip code)
(Date)

USCIS Service Center
P. O. Box 87765
Lincoln, NE 68501-7765

Dear CIS Service Center:

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

My husband’s DS-2019 form shows $20,000 in support from his university department. Of this amount approximately $8,000 is withheld from his paycheck for taxes. In addition we pay $2,080 per year for health insurance. This leaves us $11,904 a year or $992 per month to live on. Our monthly budget is as follows:

$520 Rent and utilities
320 Food
152 Miscellaneous (clothing, transportation, recreation)

$992 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 some courses in English as a Second Language. These classes would cost $1,080, and we can only afford this expense if I work. I, therefore, hope 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)