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How to Apply for J-2 Work Authorization

Conditions

The J-2 applicant...

1. Must hold valid J-2 status, and the Exchange Visitor must hold valid J-1 status, as noted on the I-94 cards.
2. May not use income to support the J-1 spouse or parent.
3. May work only after receipt of the Employment Authorization Document (EAD) from the USCIS (US Citizenship and Immigration Services) and after the start date on the EAD. The EAD is a photo identification card showing specific work authorization type and the start and expiration dates of the work permission.
4. May work part-time or full-time, at any job, for any employer (exceptions include that the J-2 may not practice medicine, even if holding a license). There is no limit to the amount of money that may be earned by the J-2.

USCIS usually authorizes J-2 employment until the end date on the DS-2019, although one year work permits are issued occasionally.

Application Process

In order to work while in J-2 status, one must apply for an Employment Authorization Document (EAD) from USCIS. Apply 2 to 3 months in advance of the anticipated work start date. To obtain an EAD, all applicants must submit the following:

- I-765 Filing Fee. See www.uscis.gov. Make checks payable to the "US Department of Homeland Security." You may send a money order or personal check drawn on a US bank, NO CASH.
- G-1145. Use this form if you wish to receive email or text confirmation (within 1 week) of your receipt number from the Lockbox facility. Clip the form to the front of the OPT application. Find the form at: www.uscis.gov.
- Two "passport" photos (http://travel.state.gov/passport/pptphotoreq/pptphotoreq_5333.html). In pencil, print your name and write your admission number (I-94#) on the back of each photo. Passport photos can be obtained at:

FedEx/Kinkos	Mail Smart	US Post Office
University Center, Lower Level	414 South Craig Street, Oakland	1800 Murray Ave., Sq. Hill
412-268-3737	412-687-6100	412-421-1388
- Original I-765 form (follow instructions on page 2 to complete form).
- A copy of all previously issued DS-2019(s) for the J-2
- A copy of the J-2's I-94 card (front and back – even if the back is blank).
- A copy of the J-2's passport photo page (identification page) and expiration date page.
- A copy of the J-2's visa page from passport (even if expired).
- A copy of any previous Employment Authorization Document (EAD) OPT card if you have had one.
- A copy of the J-1's I-94 card (front and back – even if the back is blank).
- A copy of all previously issued DS-2019(s) for the J-1
- Written statement with any supporting evidence showing that the employment is not necessary to support the J-1 but is for other purposes (see example on page 3).

If using a Pennsylvania address, submit application to:

For Express Mail and Courier Deliveries: USCIS, Attn: AOS 2501 S. State Hwy. 121 Business, Suite 400 Lewisville, TX 75067	For US Postal Service (USPS) Deliveries: USCIS PO Box 660867 Dallas, TX 75266
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Instructions for Completing I-765

- ❑ **Download the form I-765 from www.uscis.gov and complete it as a form-fillable pdf.** Do NOT complete the form by hand. The form is read by a machine-readable scanner. Handwritten forms can generate errors.
- ❑ **Check first box: “I am applying for: permission to accept employment.”**
- ❑ **Complete lines 1 through 16:**
 - **#1 Name:** Type your family/last name in all capital letters and your first name in sentence case.
 - **#3 Return Address:** This must be an address at which you can receive mail for at least the next 90 days. You cannot put in a forwarding order on this address - the immigration service’s envelopes state “Do Not Forward.” If the EAD is sent to an address with a forwarding order, or if you cannot receive mail at the address you use, your EAD will be returned to the immigration service.
Note: If the mailing address you indicate on the I-765 is not located in Pennsylvania, refer to the I-765 instructions (www.uscis.gov) or OIE for the proper mailing address for your application.
- ❑ **#10 Alien Registration Number:** Use your I-94 number found on the upper left side of the I-94 card that you received when you entered the US (small white card in your passport). It is usually an 11 digit number – sometimes the last two digits are separated by a space.
- ❑ **#11 Previous Employment Authorization:** The answer is “no” unless you have previously applied for an EAD (OPT card) at this or any other institution. It is “no” even if you have had CPT or an H-1B visa.
- ❑ **#16 Eligibility Category:** For J-2 Work Permission is: (c) (5)
- ❑ **Certification:** Remember to SIGN and date the I-765 in **BLUE INK**.

Employment-Related Information

Social Security Number

For payroll purposes, The J-2 employer will need a Social Security Number (SSN), which can be obtained by applying for a Social Security card. The J-2 should take: his or her passport, I-94 Departure Record, DS-2019, EAD, and the J-1’s DS-2019 to an office of the Social Security Administration. For applications and instructions, refer to OIE’s handout on the SSN Application Instructions and Directions. The EAD must be received before applying for the SSN.

Employment Eligibility Verification: Form I-9

When the J-2 begins work, the employer will need the J-2 to complete an I-9 Form, which requires the J-2 to show proof of work authorization. For Form I-9, the EAD card is valid proof of identity and of permission to work. If the permission to stay expires (for example, the DS-2019), permission to work also expires regardless of the date on the EAD card.

Taxes

The earnings of J-2 dependents are subject to federal, state, local, and Social Security taxes; and employers are required by law to withhold those taxes from paychecks. By April 15, the J-2 must file federal income tax forms with the Internal Revenue Service (IRS) covering the prior calendar year. The form determines whether the J-2 owe more taxes, or if he/she will receive a refund. See IRS Publication 519, "U.S. Tax Guide for Aliens" for details. OIE provides detailed tax assistance to those who are “non immigrants for tax purposes” (as defined by the IRS) in March of each year.

Extending Work Eligibility

If work permission expires before the end date on the DS-2019, or if and when the J-1 extends his/her legal J-1 status and the J-1 and J-2 documents have been extended, the J-2 may submit a request to the USCIS to have J-2 work permission extended as well. To extend work permission in the US and obtain a new EAD, the J-2 would follow the same procedures as outlined in this handout. A pending application for extension of stay or a pending application for a new EAD does not authorize continued work permission. Therefore, if the J-2 plans to apply for renewal of the EAD, the application must be filed well in advance of the expiration date on the card (1 to 3 months in advance). When the J-2 has the new EAD, he or she will have to update Form I-9 with the J-2 employer. Questions about extending the DS-2019 should be directed to an OIE advisor.

Sample Written Statement:

*[Your street address]
[Your city, state, and zip code]
[Date]*

*USCIS
Attn: AOS
2501 S. State Hwy. 121 Business, Suite 400
Lewisville, TX 75067*

RE: J-2 Work Authorization Application

Dear Sir or Madam:

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

My (spouse/parent)'s Form DS-2019 shows \$xx,000 in support, including \$xx,000 from [name] University, and \$x,000 in personal funds. [refer to DS-2019, Page 1, Section 5] In addition we pay \$xx00 each year for health insurance. That leaves \$xx,500, or just over \$x,500 a month, for living expenses. Our monthly budget is as follows:

*\$ x50 Rent and utilities
\$ x00 Food
\$ x00 Miscellaneous (clothing, transportation, recreation)
\$xx50 Total*

As this budget shows, we have enough to live in the US, but it would be helpful to have additional funds for other purposes such as traveling within the US, and taking English courses. Also, I would like an opportunity to meet other Americans; and I believe this would be easier to do in a work environment. Therefore, I 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]*