J-2 WORK AUTHORIZATION

WHAT IS WORK AUTHORIZATION?

J-2 dependents of J-1 students and scholars are eligible for employment authorization during the J-1's stay. A J-2 dependent may apply to the US Citizenship and Immigration Services for work authorization. The authorization is granted on a card, mailed to the applicant if and when the authorization is granted. This card is known as an Employment Authorization Document, usually referred to as an EAD. With J-2 work authorization, 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.

IMPORTANT INFORMATION:

- USCIS issues work authorization for a J-2 under strict guidelines from the State Department and states employment for J-2 dependents may not be used to provide the basic needs or educational expenses of the J-1.
- J program's terms may make it impossible for a spouse to change status after arrival in the US. J-2 work authorization is not intended to accommodate dual-career couples or provide the basis for professional employment.
- Employment authorization is valid for any type of employment and even several jobs at the same time. The application does not depend on an offer of employment, nor is it restricted to any previous area of experience the applicant may have.
- Applications may take 90-120 days to be processed.
- The J-2's work authorization period is tied to the J-1's program. If the J-1 will be extending their program, you will want to wait until the extension has been granted before renewing work authorization.
- If the J-1 changes his or her status to another classification, such as H-1 or F-1, the J-2 will have to change their status to H-4 or F-2, respectively and therefore, stop employment once the change of status becomes effective. Even though the J-2 may still have a valid Employment Authorization Document (EAD), they are not permitted to work unless their spouse holds J-1 status.
- You do not need a job offer prior to applying.
- If you transfer to another institution, or if you violate your visa status, your employment authorization will be terminated with your DS-2019.
- You will need to have a Social Security number in order to work in the US.
- Your earnings as a J-2 dependent will be subject to applicable federal, state, social security, and local taxes; also, employers are required by law to withhold those taxes from your paychecks.

INSTRUCTIONS FOR FILLING OUT FORM I-765

- Part 1: Choose "Initial permission to accept employment" unless you have previously had an EAD card.
- Make sure the address you use as your U.S. mailing address is valid for the next 6 months. Changing address can often cause delayed or lost cards.
- Your U.S. Physical address should be the address where you live.
- Questions 8 and 9 on page 2 you will most likely leave blank unless you know that you have those numbers.
- Question 27 on page 3 should be **(c)(5)**
- Skip questions 28 to 31b
- Sign the form in BLACK ink as sometimes the scanner does not pick up blue ink. Also make sure your name fits between the lines, do not sign over the top or the bottom lines or your application may be returned.

J-2 WORK AUTHORIZATION

REQUIRED DOCUMENTS:

1) Complete the I-765 (USCIS Application for Employment Authorization) on the USCIS website: https://www.uscis.gov/i-765
2) A scan of the front and back of any previous work permits (if applicable)
3) Proof that income from J-2 work will not be used to support J-1 (bank statements, sponsorship letters, etc.)
4) Digital passport-style photo, taken within the last 30 days. It must be 2x2 inches, in color, and cannot have your hair/top of head touching the top of the frame of the photo.
5) Personal letter from you requesting permission to work. It should include:
    - That you are a J-2 dependent applying for employment authorization;
    - Why you want to work;
    - That any income you receive will not be used to support your J-1; and
    - That any work is for purposes of cultural enrichment or recreation (may include examples)
    - *Sample letter included on page 3 of this packet.*
6) Scan of your J-1's DS-2019 and a copy of your J-2 DS-2019
7) Scan of your passport photo page and visa and a copy of your J-1's passport photo page and visa
8) Scan of your marriage certificate with English translation if applicable.
9) Scan of your I-94 and a copy of your J-1's I-94
10) The fee payment for the I-765 is $470 when filed online and is to be paid when the I-765 is submitted. You can pay by either debit/credit or electronic check.
    There is a Premium Processing option available. This option costs an additional $1,685.

AFTER I HAVE GATHERED ALL OF THE ABOVE, WHAT DO I DO?

If you wish, you may bring in all the above documents to ISAO for review. Otherwise, you can go ahead and submit your I-765 online with all required documents uploaded.

WHEN WILL I GET AN ANSWER FROM USCIS?

USCIS may take 3 months or more to make a final decision regarding your employment authorization. You may not work until you receive your card! When you receive your card, we will also need a copy of it. You should get a receipt notice from USCIS within two to three weeks. The receipt will include a case number that allows you to check its status online at www.uscis.gov. When your work permit is approved, you will receive a wallet-sized plastic card in the mail with your photo on it. You can only work during the dates on the card, and you cannot start work until you receive the card.

A final warning: If you apply to USCIS for a work permit, DO NOT leave the U.S. until it is approved. During this time, you may be tempted to leave the United States – perhaps to take a vacation or return home for a visit -- especially during summertime. Don't leave! Doing so will automatically cancel your work permit application. (In fact, leaving the United States is almost always considered an abandonment of applications filed with USCIS.)

SAMPLE LETTER

US Citizenship and Immigration Services
1820 E. Skyharbor Circle S
Suite 100
Phoenix, AZ 85034

Date:

YOUR NAME
YOUR SEVIS ID NUMBER
YOUR STREET ADDRESS
CITY, STATE, ZIP CODE

Re: J-2 Employment Authorization

To Whom It May Concern,

I would like to apply for J-2 work authorization as allowed by federal regulations. My **husband/wife**, **NAME**, **SEVIS #** is a **JOB TITLE** at the University of Missouri - Kansas City. **She/He** has adequate financial support for **his/her** research program.

The reason I wish to be employed is to pursue my interests in **(topic)** and experience the American workplace and culture. Any additional income would be used to participate in cultural, recreational, or travel opportunities within the United States. I understand that my earnings cannot be used for the support of my J-1 spouse. Enclosed are all required documents for my application: **LIST DOCUMENTS**

MONTHLY EXPENSES	**COST**
Rent and Utilities	($ amount)
Food	($ amount)
Medical Expenses (including Health Insurance)	($ amount)
Miscellaneous *(clothing, transportation, recreation, and other items that apply)*	($ amount)
Childcare (if applicable)	($ amount)
Total Expenses:	($ Expenses Per Month)

Monthly Income/Support	**($ amount)**
Less Monthly Expenses = Excess Amount Per Month is:	**($ Excess Amount per Month)**

Thank you for your consideration of this request.

Sincerely,

(SIGN)

FULL NAME