

J-2 Dependent Employment Authorization

Eligibility

J-2 dependents are eligible to apply to US Citizenship and Immigration Services (USCIS) for employment authorization, as long as the employment is not for the purpose of supporting the J-1. Financial need is not a criterion for employment authorization of a J-2 dependent.

“Income from the spouse’s or dependent’s employment may be used to support the family’s customary recreational and cultural activities and related travel, among other things. Employment will not be authorized if this income is needed to support the J-1 principal alien.” 8 C.F.R. S 214.2(j)(1)(v)(A)

Application procedure

Family Name _____ First Name _____

Jag# (if applicable) _____ J-1 Program End Date: _____

Have you been approved for a J-2 EAD? Yes Start Date: _____ End date: _____ No

Requested Start Date _____ Requested End Date _____

Signature: _____

Contact Information:

Phone _____ Email _____

(Check this email often for updates)

J-2 dependents who wish to apply for Employment Authorization should submit the following to the Office of Immigration and International Admissions (OIIA):

- Form I-765, Application for Employment Authorization (attached). For item #16, the eligibility code is (c)(5) for J-2 applicants.
- I-765 filing fee of \$380. Submit check or money order payable to **Department of Homeland Security**.
- 2 passport style photos (see below for specifications)
- Copies of current documents of **both** the J-1 and J-2:
 - DS-2019s
 - Passport information page
 - J visa page
 - I-94 card (back and front) or I-94 Arrival Page
- J-2 letter stating why employment is desired, indicating the source and amount of support for the J-1, specifically stating that any income the J-2 earns from employment will not be used for the support of the J-1 exchange visitor. A sample letter can be found on page 3 – please use this as a guide as you write your own letter.
- G-1145 form completed for text and email notifications from USCIS regarding your petition

Collect all of the above listed items and submit to OIIA. Please keep the OIIA mailing address on the Form I-765 so both the receipt notice and the EAD Card will be sent to a secure, non-changing location.

Length of employment authorization

If permission for employment is granted, a Form I-766 Employment Authorization Document (EAD card) will be issued to the J-2 Visa holder. The EAD Card is valid for any kind of full-time or part-time employment for the period of time stated on the EAD Card.

Although regulations permit employment authorization grants for up to 4 years at a time, USCIS practice is to limit issuance of EAD Cards for J-2 dependents to no more than 1 year per issuance. J-2 employment authorization may not exceed the program duration indicated on the principal's (J-1 holder's) DS-2019. In addition, the J-2 employment authorization is valid only if the J-1 is maintaining status. Should the J-1 change his/her status to another category, for example, H-1B, the J-2's work authorization becomes invalid, regardless of what is written on the EAD Card. 8 C.F.R. S 214.2(j)(1)(v)(B)

Renewal of EAD Card

Follow the same procedures listed above for initial application. It is wise to apply **at least** 3 months before your current EAD expires. If your current EAD expires before you receive the renewal card, you must stop working until you receive the new card.

Social Security Numbers

Once a J-2 visa holder receives his/her EAD Card, the J-2 visa holder will be eligible to apply for a Social Security Number, which is necessary to be paid. Contact OIIA for a letter of support, a list of needed items, and instructions for applying for an SSN.

Taxes and I-9 Compliance

Unlike J-1 exchange visitors, J-2 dependents are subject to Social Security taxes. They are also subject to federal income taxes, and where applicable, state income taxes. [See IRS publication 519, *United States Tax Guide for Aliens*.]

Form I-9, Employment Eligibility Verification, lists the unexpired Employment Authorization Document as a document that establishes both identity and employment eligibility for use in List A.

Please note:

- **You must have a valid EAD card in your hand before beginning any work. A receipt notice does not constitute employment authorization.**
- **USCIS automatically extends expiring EADs for up to 180 days for applicants who meet certain criteria. Not all categories qualify for the 180-day extension. All applicants should confirm with OIIA that they are eligible for the extension.**

SAMPLE LETTER

DATE

USCIS

ATTN: EAD for J-2 Dependent

P.O. Box 660867

Dallas, TX 75266

To Whom It May Concern:

I am the J-2 dependent of a J-1 exchange visitor, and I wish to apply for work authorization. My **husband/wife** is currently employed as a _____ in the department of _____ . His/her salary is _____ per year, and this is sufficient to provide for our expenses. Any income I make will not be used to support my spouse or my family.

Sincerely,

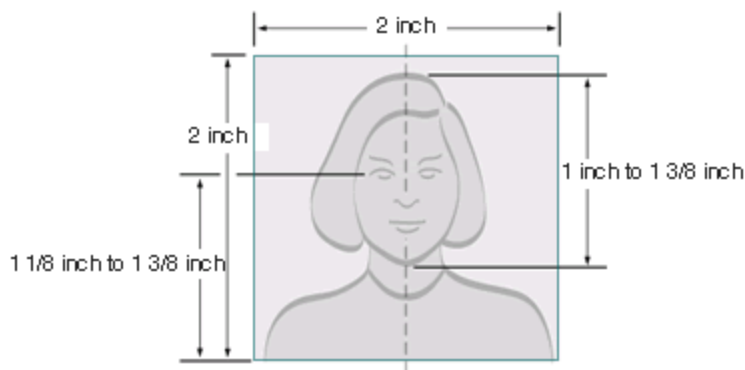
SIGNATURE

Print name

Photo Composition Template

- Make sure the photo presents the full head from the top of the hair to the bottom of the chin
- Center the head with the frame
- The person in the photo should have a neutral expression and be facing the camera

Paper Photo Head Size Template



- Photo must be 2 inches by 2 inches
- The height of the head (top of hair to bottom of chin) should measure 1 inch to 1 3/8 inches (25 mm - 35 mm)
- Make sure the eye height is between 1 1/8 inches to 1 3/8 inches (28 mm – 35 mm) from the bottom of the photo

Well Composed Photo Composition Examples

