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J-2 WORK PERMISSION

Purpose
This handout outlines the conditions for J-2 work authorization and explains how to apply.

Conditions
1. You must hold valid <u>J-2</u> status, and the exchange visitor of whom you are a dependent must hold valid J-1 status, as shown on your I-94 Departure Records.

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 Card (EAC) from the United States Citizenship and Immigration Services (USCIS). The EAC is an identification card with your photograph and the expiration date of your permission to work**. *Do not work until you have your EAC.***

4. 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 can earn.

5. USCIS can authorize J-2 employment for as long as the J-1 exchange visitor has permission to stay OR for one year, whichever is shorter. Permission for J-1 or J-2 visitors to stay expires on the date shown on the I-94. If the I-94 shows "Duration of Status" or "D/S", permission to stay expires on the date shown on the Form DS-2019. Permission is granted for only one year at a time (or less, if the J-1 visitor's DS-2019 expires in less than one year).

6. J-2 Exchange Visitors cannot remain in the U.S. while the J-1 Exchange Visitor departs the U.S., unless the J-1 will be outside the U.S. for 30 days or less.

How to Apply
Complete Form I-765, Application for Employment Authorization. You can find a fillable form on the USCIS website at www.uscis.gov.

Gather the following supporting documents, and assemble them in this order:
1. A check or money order for $380.00 made payable to "U.S. Department of Homeland Security."
2. Form I-765, "Application for Employment Authorization" [**For Item #16 the answer is (c)(5**)].
3. A written statement with any supporting evidence showing that your employment is <u>not</u> necessary to support the J-1 but is for other purposes (see attached examples).
4. A photocopy of the identity and validity pages in your passport. If you are Canadian, you may use another form of photo-bearing identification.
5. A photocopy of your most recent J-2 visa.
6. A photocopy of both the front and back of your I-94 Departure Record.
7. A photocopy of both the front and back of the J-1 exchange visitor's I-94.
8. A photocopy of the J-1 exchange visitor's Form DS-2019.
9. A photocopy of your J-2 DS-2019.
10. A photocopy of your marriage certificate as proof of your relationship with the J-1, and of your eligibility for J-2 status.
11. A copy of both the front and back of your last EAD, if you were previously authorized to work.
12. Two passport-style photos. Lightly print your name on the back of each photo with a pencil and attach them to the application by placing in a small plastic bag (available from ISSS).

Before sending the application to the USCIS, make a photocopy of all the documents included with the application. Send the application using either U.S. Postal Service requesting a return receipt, or a courier service

such as Federal Express, DHL, or UPS, all of which allow you to track the application.   Expect your application to take 90 days or longer for processing. Submit the application with supporting documents to the following address:

IF SENDING BY U.S. POSTAL SERVICE:
USCIS
P.O. Box 21281
Phoenix, AZ 85036

IF SENDING BY COURIER SERVICE
USCIS
Attn: AOS
1820 E. Skyharbor Circle S, Suite 100
Phoenix, AZ 85034

ONCE YOU HAVE YOUR EAC

Form I-9 Employment Eligibility Verification. When you begin work, your employer will ask you to complete Form I-9, which requires you to document your work authorization.   Your employment authorization card (EAC) is acceptable proof of both your identity and your permission to work.

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, your I-94 Departure Record, a copy of the J-1's Form DS-2019, your DS-2019, and your EAD to an office of the Social Security Administration. If you are Canadian, you may use another form of photo-bearing identification in place of a passport. **You cannot apply for a Social Security number until you obtain your EAC.**

U.S. Income Tax Withholding. The earnings of J-2 dependents are subject to applicable federal, state, and local taxes and U.S. Social Security and unemployment tax withholding. Employers are required by law to withhold taxes and social security payments from your paychecks. Once you receive the card, we suggest that you make an appointment with an international tax specialist to discuss the special withholding rules that apply to J-2s who work.

U.S. Income Tax Filing. By April 15 each year, you must file (submit) an income tax return (Form 1040NR) with the Internal Revenue Service (IRS). The return determines if you owe additional taxes or if you are entitled to a refund. IRS Publication 519, "US Tax Guide for Aliens" gives extension and detailed instructions about filing your income tax return.

Extending the Card. When your permission to stay expires, so will your EAC. Your spouse's or parent's J-1 Responsible Officer will explain how to extend permission to stay for the J-1 and all J-2 dependents, and will know whether or not you may apply for a new EAC with the application for extension. A pending application for a new EAC does not authorize you to continue working. You cannot continue working until you obtain your new EAC, so we recommend that you send the application to extend your card at least 90 to 100 days before the current card expires. When you have the new EAC, you will need to update Form I-9 with your employer.

SAMPLE LETTER OF APPLICATION FOR J-2 WORK PERMISSION FOR SPOUSE OF STUDENT

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

USCIS

To whom it may concern:

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

My wife's/husband's form DS-2019 shows $------- in support, including $------ from [Sponsor]] and $----- in personal funds. Of this, $----- goes to the University for tuition and fees, and a total of about $----- for the year will be withheld from her/his assistantship stipend checks for income tax. In addition, we pay $-----each year for health insurance. That leaves $-----, or $----- per month, for living expenses.

Our monthly budget is the following:

$ Rent and Utilities
$ Food
$ Miscellaneous (clothing, transportation, recreation)

TOTAL: $

As this budget shows, we have enough to live. I would like to work in order to have the experience of working in the United States and so that I have a little extra money to [..........].

I understand that none of my earnings may be used for the support of my J-1 spouse.

Sincerely,

[Your signature]
[Your name]

SAMPLE LETTER OF APPLICATION FOR J-2 WORK PERMISSION FOR SPOUSE OF SCHOLAR

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

USCIS

To whom it may concern:

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

My wife's/husband's form DS-2019 shows $------- in support, including $------ from [name of sponsor] and $----- in personal funds. [If spouse employed by the University: Of this, $----- a total of about $----- for the year is withheld from her/his paycheck for income tax and other charges.] In addition, we pay $-----each year/month for health insurance. That leaves $----- per year or $----- per month, for living expenses.

Our monthly budget is the following:

    $ Rent and Utilities
    $ Food
    $ Miscellaneous (clothing, transportation, recreation)

TOTAL: $

As this budget shows, we have enough to live. I would like to work in order to have the experience of working in the United States. I would also like to have extra money to [……….].

I understand that none of my earnings may be used for the support of my J-1 spouse.

Sincerely,

[Your signature]
[Your name]