Work Authorization for J-2 Dependents

This handout is designed for the J-2 dependents of J-1 Exchange Visitors. It lists the conditions of J-2 work authorization and explains how to apply. Please note: this handout is provided as a courtesy to the spouses of J-1 Exchange Visitors at the University of Arizona and does not constitute legal advice.

Requirements to Apply

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. Immigration and Citizenship Services (USCIS). The EAD is an identification card with your photograph, signature and dates that you are authorized to work.
4. J-2 status allows for part-time or full-time employment.
5. J-1 Exchange Visitor has permission to stay in the U.S. for “Duration of Status” or “D/S”. Work permission is typically granted for a period of one year or the end of the J-1’s program (whichever is less).

How to Apply

Mail the following documents to USCIS:

2. Letter of explanation with estimate of expenses (see attached example).
3. J-2 Immigration documents: photocopies of the J-2’s Form DS-2019, Form I-94 (front and back). J-2 entry visa stamp and passport identity page(s). If you are applying for an extension of your current EAD, include a copy of your current EAD (front and back) along with the cardboard slip it was attached to when you received it in the mail.
4. J-1 immigration documents: Photocopies of the J-1’s Form DS-2019, Form I-94 (front and back), J-1 entry visa stamp, and passport identity page(s).
6. Two passport style photographs. For specifications, refer to page 6, item C, of the I-765 instructions you downloaded from USCIS. The photos must have been taken within 30 days of filing your application.
7. Please make copies of your application for your records BEFORE you mail it to USCIS.

If your current residence is in Arizona and you would like to send your documents by express mail (recommended), send all materials to the address below. If you do not live in Arizona, check the I-765 instructions for the appropriate mailing address for the Service Center serving the state in which you are residing.

USCIS
Attn: AOS
1820 E. Skyharbor Circle S Suite 100
Phoenix, AZ 85034

Updated 06/24/11
Authorization to Work

USCIS 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. If your permission to stay expires, so will your EAD. Your spouse’s (or parent’s) J-1 International Student or Scholar Advisor will explain how to extend permission to stay for the J-1 and all J-2 dependents. A pending application for extension of stay, or for a new EAD, does not authorize you to continue working. When you have the new EAD, you will have to update Form I-9 with your employer.

Social Security Number
Social Security numbers are used by employers to report your wages to the government. You can obtain your social security number by applying at the local Social Security Administration office. You will need to take your passport, I-94 departure card, your J-2 form DS-2019 and your EAD.

Taxes
The earnings of J-2 dependents are subject to applicable federal, state and local taxes, Social Security, and employers are required by law to withhold those taxes from paychecks. By April 15th of every year you must file an income tax return with the Internal Revenue Service (IRS), covering the prior calendar year. The return determines whether you owe more taxes or have a refund due to you. See IRS Publication 519, “U.S. Tax Guide for Aliens” [http://www.irs.gov/pub/irs-pdf/p519.pdf].

Request Letter for Work Authorization
The purpose of the letter for the J-2 work permission is to show USCIS that the J-1 Exchange Visitor has sufficient resources of his or her own 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 or her resources are adequate without any income from your employment. You should give a reason for wanting to work; an example would be a worthwhile interest or activity that might include family travel 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.

Updated 06/24/11
-Sample Cover Letter-

(Date)

USCIS California Service Center
[street address]
[City, state, zip code]

Dear Officer:

I would like to request authorization to work in the United States as a J-2 visa holder. I am the dependent of (J-1 name), currently working/studying in the (name of department/academic program) at The University of Arizona. My (J-1 principal) receives a salary of (enter amount).

Our monthly budget is as follows: (this is an example, make your own appropriate budget)

$600 rent/utilities
$400 food
$300 transportation/miscellaneous
$1300

Please note that my (name of principal) salary is enough to cover all of their economic needs, but does not allow for expenses that are not essential. The additional income from my employment would provide me the opportunity to (the following are examples, write what applies to you):

- Provide economic resources for us to take advantage of cultural, recreational or travel activities in the United States
- Provide to cover the occasional course (ESL, art, etc.) for myself
- Allow me a chance to practice English
- Allow me to stay busy and productive

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

Thank you for your consideration.

Sincerely,

(sign your name)

(Print your name)