

### **J-2 EMPLOYMENT AUTHORIZATION**

Exchange Visitors who wish to bring their families with them to the United States must prove that they have sufficient funds to provide for their dependents, as well as for themselves. A J-2 dependent may be authorized to work only with permission from the United States Citizenship and Immigration Services (USCIS) which is part of the U.S. Department of Homeland Security. The J-1 and J-2 visitor must continue to maintain status and the money earned by the J-2 dependent cannot benefit the J-1 visitor.

“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. It is not permissible to work unless/until employment authorization is granted. Those with J-2 status who are granted employment permission will have Social Security and income taxes deducted from any earnings” 8 CFR 214.2(j)(1)(v)(A)

J-2 dependents with employment authorization may work full or part-time, and according to USCIS regulations, may engage in any kind of employment, but are not authorized to practice medicine. J-2 dependents must also adhere to all other applicable exchange visitor regulations and all other regulations for employment.

#### **Application Procedures**

A J-2 who wishes to work should write a letter to the USCIS requesting employment authorization. While financial need is not a criterion, the reason for requesting authorization should be fully explained. The letter should itemize the total income and expenses of the family and state for what purpose the income will be used. It is important to explain that any money earned **will not** be used toward the support of the J-1 visitor.

#### **Checklist:**

- Letter to USCIS (from J-2) requesting employment authorization. See sample in this packet
- Copy of J-1's DS-2019
- Copy of J-2's DS-2019
- Copy of J-1's I-94 record AND travel history printed from: <https://i94.cbp.dhs.gov/I94/#/home>
- Copy of J2's I-94 record AND travel history.
- Copy of the identity page and U.S. visa in J-1's passport
- Copy of the identity page and U.S. visa in J-2's passport
- Copy of document showing relationship to J-1 is recommended (e.g., marriage certificate with official translation)
- Completed Form I-765. For item #27, use the following code: (c)(5)

Important: Visit the USCIS Web site at <https://www.uscis.gov/i-765> for the most recent USCIS forms, tips on how to file, and immigration-related information. Be sure to read: <https://www.uscis.gov/forms/filing-guidance/tips-for-filing-forms-by-mail>

- Two color identical photographs per current I-765 instructions

## J-2 Employment Instructions for Employment Authorization Document

- Copy of previous EAD card(s) if applicable
- Form G-1450 if you are paying by credit card or Form G-1650 if you are paying by ACH transaction
  - Important details about how to pay are located on the USCIS website here: <https://www.uscis.gov/forms/filing-fees>
- Form G-1145 if you would like to receive an email or text message confirming receipt of your Form I-765
- Form G-28 if you are represented by an attorney or an accredited representative

### **Where to Mail your I-765 form and documents:**

You will need to send your form and documents to a lockbox based on your state of residence. Double check the most updated addresses at <https://www.uscis.gov/uscis-lockbox-filing-locations-chart>

Read complete instructions for the form at:

<https://www.uscis.gov/sites/default/files/document/forms/i-765instr.pdf>

Follow the useful tips under Foreign Students/spouse of J-1 exchange visitor at:

<https://www.uscis.gov/5stepstofile>

### **Issuance of Employment Document**

If and when employment is authorized, the J-2 will be sent an Employment Authorization Document (EAD). No employment is permitted unless/until authorization is granted or renewed by the USCIS. The applicant cannot begin working until the EAD card is received.

J-2 dependents can apply for their Social Security Number (SSN) after they have the EAD card. J-2 EAD cardholders can take their immigration documents and a letter or contract from the employer to the Social Security Office and apply for an SSN. More information about applying for an SSN is on the [Social Security Administration](#) website. Scroll to the bottom of the page and download the most recent “Noncitizens” flyer about how to request a Social Security Number for the first time.

**Income earned by J-2s is subject to Social Security taxes as well as federal, state, and local income tax.**

## J-2 Employment Instructions for Employment Authorization Document

**International Travel:** OIPS strongly encourages you to not travel while your application is pending. Exiting the U.S. could result in USCIS denying your application. Please consult with your J-1 advisors about risks if you have an urgent need to travel.

**J-1 Program Extensions and J-2 EAD Cards:** J-1 Exchange Visitors applying for a Program Extension cannot use J-2 funds to support their program extension application that were earned using their EAD card. In addition, J-2 dependents who currently have an EAD card and want to continue employment must wait for the J-1 Program Extension to be approved before filing another Form I-765 to extend their employment authorization. The new Form I-765 should be submitted as soon as possible, but no more than 180 days in advance to assist in having the new authorization be approved before the current one expires. If the current authorization expires, the J-2 must not work until the new authorization is received.

### Sample Letter for J-2 Employment

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Date (Month, Day, Year)

U.S Department of Homeland Security  
USCIS  
(add address of where sending documents)

Dear Sir or Madam:

I am applying for J-2 Employment Authorization in order to work in the United States while my J-1 spouse, (Name of Spouse) pursues his/her program objective at George Mason University.

The money I will earn will not be needed to support the J-1 educational expenses or J-1/J-2 health insurance or living expenses in the United States (\$ put amount of support you and spouse are already getting for your stay), but the work will further my professional growth and I will be able to spend my time here in an interesting and constructive manner.

Enclosed you will find the following items:

1. I-765, Application for Employment Authorization Form
2. Payment form (list for that you are using)
3. Copies of J-1 DS-2019, passport, and I-94 record
4. Copy of my DS-2019, passport, and I-94 record
5. Two Color Passport Photographs

Sincerely,

(Sign in Blue Ink Here)

(Your Name Typed)