J-2 Employment

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

Applications for employment authorization are made to the USCIS Service Center with jurisdiction over the J-2's place of residence.

Dependents who wish to apply for Employment Authorization should submit the following to the Office of International Programs:

- Form I-765, Application for Employment Authorization - available at www.uscis.gov under the Forms section at the top of the page
- I-765 filing fee (As of March 27, 2014- $410.00); Check or money order payable to: **Department of Homeland Security**.
- ATTN: Check the USCIS website at www.uscis.gov to be sure of the correct filing fee. For item #16, the eligibility code is (c)(5) for J-2 applicants.
- 2 passport style photos (For a small charge, these can be obtained on campus at Imaging Services in Gerard Hall, at Walgreens Drug Store, or at Wal-Mart)
- Copies of the current DS-2019 of both the J-1 and J-2
- Copy of passport information page, visa page, and I-94 (back and front) for both J-1 and J-2
- Letter from J-2 stating why the employment is desired, indicating the source and amount of support for the J-1, and specifically stating that the income that the J-2 will derive 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.

Collect all of the above listed items. Do not staple items together! Make sure to provide a valid mailing address on the I-765, because both a receipt notice and the EAD Card will be sent to the address you provide on the I-765 form. If your EAD Card does not arrive by 90 days after the receipt date listed on the receipt notice, please check with the Office of International Programs for procedures to obtain a temporary card. (This is only an option if the application has been pending at USCIS for more than 90 days.)

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 the regulations permit employment authorization to be granted for J-2 employment authorization 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 at a time. 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. Please inquire at the Office of International Programs for a letter of support, a list of needed items, and instructions for applying for an SSN.

Please note: You must have a valid EAD card in your hand before beginning any work. A receipt notice does not constitute employment authorization.

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

Photo Composition Checklist

- You must submit **two identical color photographs** of yourself taken within 30 days of filing your application.
- The passport-style photos must be **2" by 2"**.
- The photos must be in **color** with **full face, frontal view** on a white to off-white background.
- Photos must be be <u>printed</u> on <u>thin paper with a **glossy finish**</u>, and be <u>unmounted</u> and <u>unretouched</u>.
- Head height should measure **1" to 1 3/8"** (25 mm - 35 mm) from <u>top to bottom of chin</u>, and <u>eye height</u> is between **1 1/8" to 1 3/8"** (28 mm – 35 mm) from bottom of photo.

- Your head must be bare unless you are wearing headwear as required by a religious order of which you are a member.
- Make sure the photo presents the <u>full head</u> from the <u>top of the hair to the bottom of the chin</u>
- <u>Center the head</u> with the frame
- The person in the photo should have a **neutral expression** and be facing the camera
- Finally, use a <u>pencil or felt pen</u> to lightly print your **name**, **date of birth**, and **Alien Receipt Number** (if you have one) <u>on the back of each photo</u>.
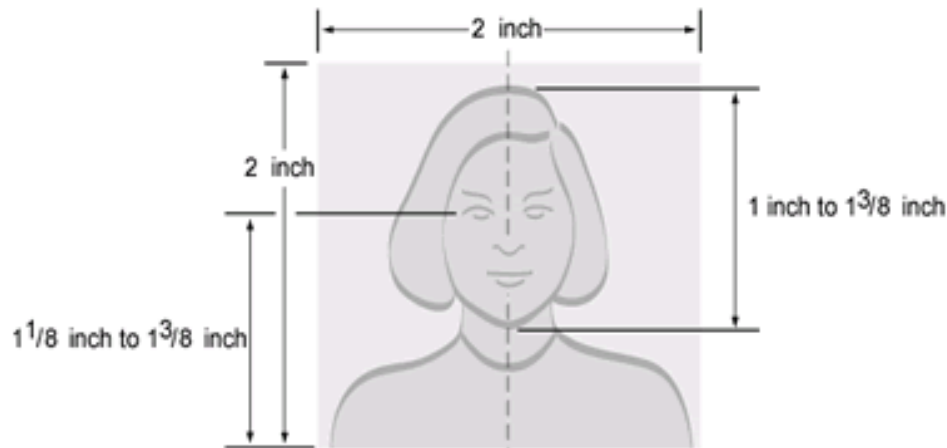
Sample Well-composed Photos
(Remember, yours must be in color)

Visit http://travel.state.gov/content/visas/en/general/photos/photo-page.html
to view good and bad sample images and try out the Photo Tool.