

# Employment Authorization for J-2 Dependents

## Who is eligible to apply?

J-2 dependents may apply for permission to accept employment, provided the income from such employment will be used **solely for the benefit of the dependent(s)**. The earnings may be used for such activities as recreation, cultural enrichment, travel, education, or any other purpose **not** related to the needs of the principal J-1 visitor. "Employment will **not** be authorized by United States Citizenship and Immigration and Services (USCIS) if this income is needed to support the J-1 visitor." [8 CFR 214.2(j)(1)(v)(A)].

In addition to having the appropriate intent for application, the following additional requirements must be met:

- The J-1 visitor must be maintaining a legal status at the time of the application. This includes having an unexpired passport, an I-94 card which is marked as "D/S" or with a date of expiry in the future.
- The J-1 visitor must also be pursuing the objective for which he/she was admitted (i.e., full-time enrollment, research, etc.)
- The J-2 dependent must have an unexpired passport, an I-94 card which is marked as "D/S" or with a date of expiry in the future, and not be or have been engaged in any unauthorized employment while in the United States.

## What is the maximum time period that I will be allowed to work?

The Employment Authorization Document (EAD) will be issued for the period up to the expiration date of your I-94 or four years, whichever is less. (« If D/S appears on your I-94 card, the expiration date is usually regarded as the end date of the current DS-2019 form.) Although the regulations provide for J-2 employment authorization for up to four years, USCIS will not issue an EAD for more than one year, and in no case will J-2 employment authorization exceed the program duration indicated on the principal's DS-2019.

## What is the application procedure?

You may request J-2 work authorization from USCIS by following the directions listed below. You must apply for the EAD **and receive it** before beginning employment; you must have this document in your possession to be legally employed in the U.S. To apply, collect the following documents:

- Completed Form I-765 (available at the ISSS or at <http://uscis.gov/graphics/formsfee/forms/i765.htm>). Answer question #16 by writing: (c) (5)
- \$340 cashier's check or money order made payable to the Department of Homeland Security.
- A letter, addressed to USCIS, which includes:
  - a. Your name, visa type, your date of arrival in the US, your expected duration of stay, and a statement that you are requesting J-2 work permission.
  - b. Breakdown of living expenses. State source and amount of J-1's principal's income, and show how income is adequate for basic living expenses – rent, food, J-1's tuition (if any), insurance, local transportation, books/supplies, clothing, etc. Show expenses by means of any average monthly budget.
  - c. Reasons for applying for J-2 work permission. Reasons may include further education for self, children's music, dance, or other lessons, entertainment, travel within the U.S., etc.
  - d. Statement that your employment is **not** for support of the J-1, but for other purposes.
- Photocopy of your DS-2019
- Photocopy of J-1's DS-2019
- Photocopy of both sides of your I-94 card.
- Photocopy of both sides of the J-1's I-94 card.
- Photocopy of your passport identity, expiry, visa pages and any previously issued EAD card(s).
- Photocopy of J-1's passport identity, expiry, and visa pages, and current DS-2019.
- Two color photos that have been taken recently. These photos should have a white background; be unmounted, printed on thin paper; glossy and un-retouched. The photos should show a full, front view of your face. Your head should be bare unless you are wearing a headdress as required by a religious order to which you belong. The photos should be in the style of a passport photo; many studios offer this service and can help you. The ISSS also provides this service. We recommend that you place both photos in a small plastic bag or envelope, so that they are not separated from the rest of your application.

**Where do I mail the application materials?**

For residents of Kansas, the completed application and materials should be sent to:

**USCIS Nebraska Service Center**

**P.O. Box 87765**

**Lincoln, NE 68501-7765**

- You may wish to mail your application “certified mail, return receipt requested”. Certified mail means that the U.S. Postal Service will assign an identifying number to your piece of mail. Return receipt requested is a postcard that is attached to your piece of mail. This postcard is then signed and mailed back to your home once the person addressed has received your mail. You can ask for this special type of handling in person at any U.S. post office.
- You should also receive a receipt from the USCIS Service Center within two weeks. Save your return receipt as proof of mailing.

**It is strongly recommended that you retain photocopies of the entire application that you will be mailing to USCIS for your personal records, along with the receipt(s) which USCIS will return to you.**

**How do I apply for an extension of J-1 work permission?**

If your EAD card must be extended, you will need to re-apply for extension using the same procedures as in your initial application. Simply, follow the procedure outlined above.

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