

**WORK PERMISSION
FOR
DEPENDENTS IN J-2 STATUS**

Purpose

This handout is designed for the J-2 dependents of J-1 exchange visitors. It lists the conditions of J-2 work authorization, and tells you how to apply.

Conditions of J-2 Work Authorization

1. You must hold valid J-2 status, and the exchange visitor must hold valid J-1 status, as shown on your Form I-94 Departure Records.
2. Your income may not be used to support your J-1 spouse or parent.
3. You may not begin to work until you have received your Employment Authorization Document (EAD) from U.S. Citizenship and Immigration Services (USCIS). The EAD is an identification card laminated in plastic, with your photograph, and the expiration date of your permission to work.
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 may earn.
5. CIS can authorize J-2 employment for as long as the J-1 exchange visitor has permission to stay. Permission to stay expires on the date shown on Form I-94. If Form I-94 shows "Duration of Status" or "D/S," permission to stay expires on the program end date shown in item #3 of Form DS-2019. USCIS' practice is to limit issuance of all EADs to no more than one year at a time. Please note that J-2 employment authorization is valid only if the J-1 exchange visitor is maintaining status.

How to apply for J-2 Work Authorization

You will need the following items in order to apply:

1. Form G-1145, "E-Notification of Application/Petition Acceptance." (Available at International Student and Scholar Services (ISSS)).
2. Form I-765, "Application for Employment Authorization." (Available at ISSS; enter eligibility code (c)(5) in item#16).
3. Two photos as specified in the Form I-765 instructions (with name and I-94 number written on back in pencil) *(Please note that it is your responsibility to ensure that the photographs comply with the I-765 instruction. ISSS does not assume any responsibility for USCIS' decision as to whether your photographs meet the I-765 specifications.)*.
4. Previous EADs (if applicable).
5. CIS mailer in which previous EAD was received (if applicable).

(over)

6. Copies of the J-1 exchange visitor's and your biographical passport pages, passport expiration date pages, J-1 and J-2 visa pages, and passport pages bearing entry stamp from last entry to U.S.
7. Copies of both sides of the J-1 exchange visitor's Form I-94 and your Form I-94.
8. Copies of the J-1 exchange visitor's Form DS-2019 and your Form DS-2019.
9. Evidence of your relationship to the J-1 exchange visitor (i.e., J-2 spouse of a J-1 exchange visitor must include a copy of the marriage certificate and English translation).
10. Money order for \$380.00 made payable to "Department of Homeland Security."
11. A letter (see the attached sample) from you, the J-2 dependent, to CIS requesting work permission. The point of the letter is **not** to demonstrate need; it is to show USCIS that the J-1 exchange visitor has sufficient resources for 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, some 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.

After review by ISSS, applications for J-2 employment authorization must be sent to the USCIS Dallas Lockbox for processing and adjudication.

It is estimated that it will take USCIS a minimum of 120 to 150 days to process these applications. You may not begin employment until you receive your Employment Authorization Document (EAD).

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. For Form I-9, your EAD card is acceptable proof both of your identity and your permission to work.

If your permission to stay expires, so will your EAD. Your spouse's (or parent's) J-1 Responsible Officer or Alternate Responsible Officer will explain how to extend permission to stay for the J-1 exchange visitor 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.

A 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. After you have obtained an EAD, please take your passport (if you are Canadian, you may use another form of photo-bearing identification), Form I-94, the J-1's Form DS-2019 and your Form DS-2019, and your EAD to an office of the Social Security Administration to apply for a Social Security card.

Taxes

The earnings of J-2 dependents are subject to applicable federal, state and local taxes, and Social Security, and employers are required by law to withhold those taxes from paychecks. By April 15, you must file an income tax return, Form 1040NR, with the Internal Revenue Service (IRS), covering the prior calendar year. The return determines whether you owe more taxes or the IRS owes you a refund. With Form 1040NR, you must also file a "Required Statement." Please consult IRS Publication 519, "U.S. Tax Guide for Aliens" for further information.

For further information, visit the International Student and Scholar Services (ISSS) website at www.miami.edu/internationalservices and/or contact your ISSS Advisor at iss@miami.edu

Although your International Student and Scholar Advisor is here to assist you, it is your responsibility to maintain your immigration status. It is imperative that you familiarize yourself with the regulations that govern your status. Failure to comply with these regulations will result in the loss of your exchange visitor status and may subject you to deportation.

SAMPLE LETTER OF APPLICATION FOR J-2 WORK PERMISSION

March 28, 2011

U.S. Citizenship and Immigration Services
P.O. Box 660867
Dallas, TX 75266

Dear Sir or Madam:

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

My husband's/wife's Form DS-2019 shows \$50,000 in support, including \$36,000 from the University of Miami, and \$14,000 in personal funds. Of this, \$26,000 goes to the University for tuition and fees, and a total of about \$2,400 for the year will be withheld from his assistantship stipend checks for income tax. In addition we pay \$3,000 each year for health insurance. That leaves \$18,600 or just over \$1,550 a month, for living expenses. Our monthly budget is as follows:

\$ 950.00	Rent and utilities
400.00	Food
<u>200.00</u>	Miscellaneous (clothing, transportation, recreation)
\$1,550.00	Total

As this budget shows, we have enough to live modestly, but there are no funds left for expenses that are not essential. While in the United States I would like to take a course in English for foreigners, and I am also interested in visiting some of the cultural attractions of the city, and we can afford the expense only if I work. I therefore hope that you will approve my request.

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

Sincerely,

[Your signature]

[Your name]