

Application Procedures for Employment Authorization for J-2 Dependents

This guidance is provided by the Division of International Services (DIS), Office of Research Services (ORS), NIH. It is designed for J-2 dependents of J-1 Exchange Visitors sponsored by the NIH. It lists the conditions of J-2 employment authorization, and provides instructions on how to apply. Employment authorization is required regardless if any income is received. Therefore, J-2 dependents that wish to “volunteer” in an NIH laboratory/branch/etc. are required to possess employment authorization prior to beginning the volunteer assignment.

CONDITIONS

1. You must hold valid J-2 status, and you must have a spouse or parent in valid J-1 Exchange Visitor J-1 status, as shown on the I-94 Arrival/Departure Record cards.
2. Your income **may not** be used to support your J-1 spouse or parent.
3. You may begin work for the period authorized **only after** you receive your Employment Authorization Document (EAD) from the U.S. Citizenship and Immigration Services (USCIS). The EAD is an identification card laminated in plastic, with your photograph, signature, and the expiration date of your permission to work.
4. You may work part-time or full-time, at any job, for any employer. There is no limit to the amount you may earn.
5. USCIS has discretion to authorize J-2 employment for as long as the J-1 Exchange Visitor has permission to stay **or** as USCIS sees fit to determine. Permission to stay expires on the date shown on the SEVIS Form DS-2019.

HOW TO APPLY

In order to apply, you must complete the Form I-765 “Application for Employment Authorization.”

You can apply online through the USCIS or mail in a paper-based application.

The Form I-765 and instructions can be found on the “Immigration Forms” page of the USCIS web site: <http://www.uscis.gov/portal/site/uscis>

If you live in Maryland, Virginia, or the District of Columbia (DC) and you apply by mail, send the application to the USCIS Vermont Service Center in St. Albans, VT (note: if you reside in another state, check the application form to locate the appropriate mailing address). We strongly suggest that you send the application by overnight express or other trackable mailing service. Applications for EAD’s may take up to 120 days to be processed. **You cannot begin any work—paid or unpaid—until you have obtained the EAD from the USCIS.** Keep copies of *everything* you submit to USCIS.

ASSEMBLE THE APPLICATION DOCUMENTS IN THE FOLLOWING ORDER

(if applying by mail):

1. Check or money order in U.S. Dollars, drawn on a U.S. bank, for \$340.00 (made payable to "Department of Homeland Security"). **DO NOT SEND CASH.**
2. Completed Form I-765, "Application for Employment Authorization."
****NOTE: It is very important that you use a mailing address that will be current 120 days into the future when you make your application for J-2 employment authorization. Correspondence from the USCIS cannot be forwarded.**
3. Letter to request employment authorization (see sample).
4. Photocopy of Form I-94 (Departure/Record card) of J-1 Exchange Visitor (front and back, even if there is nothing written on the back).
5. Photocopy of Form I-94 of J-2 (front and back, even if there is nothing written on the back).
6. Photocopy of J-1's SEVIS Form DS-2019 (front and back).
7. Photocopy of the J-2's SEVIS Form DS 2019 (front and back).
8. Photocopy of any previous EADs (clear, clean, legible copies).
9. Photocopy of J-2 and J-1's passport pages (picture and information pages, visa page; clear, clean, legible copies--if you are Canadian you may use another form of photo-bearing identification).
10. Two (2) passport-style color photographs (see Form I-765 instructions for photograph requirements).

Lightly print your name on the back of each photo with a pencil.

11. Copy of marriage certificate

SEND ALL DOCUMENTS LISTED TO *(if you reside in Maryland, Virginia or DC):*

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

Check the form for the appropriate mailing address if you live outside Maryland, Virginia, or DC.

AUTHORIZATION TO WORK

If your permission to stay expires, so will your EAD—even if USCIS does not issue a separate notice revoking the EAD. Your Team of Immigration Specialists at DIS will explain how to extend permission to stay for the J-1 and all J-2 dependents. We recommend that you file for extension of your EAD four (4) months in advance of the current EAD expiration date. You may begin or continue working provided your EAD has not expired.

TAXES

The earnings of J-2 dependents are subject to applicable federal, state and local taxes, and Social Security taxes; 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 receive a refund. With Form 1040NR you must also file a "Required Statement." See IRS Publication 519, "U.S. Tax Guide For Aliens."

SOCIAL SECURITY NUMBER

J-2 dependents with a valid EAD are authorized to work in the U.S. Therefore, they are eligible to apply for a Social Security Number (SSN). A SSN application and instructions can be obtained from the DIS office located on the main NIH campus in Bethesda (Building 31, Room B2B07). Information on SSNs can be found at <http://ssa.gov/>

LETTER

USCIS wants a letter (see the following sample) from you, the J-2 dependent, to the Center Director requesting employment authorization. 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. 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 specifically state that income from your earnings will not be used to support the J-1 Exchange Visitor.

SAMPLE LETTER OF APPLICATION FOR J-2 EMPLOYMENT AUTHORIZATION

[Your street address]
[Your city, state, and zip code]
[Date]

Service Center Director
U.S. Citizenship and Immigration Services
[Street address]
[City, state, zip code]

Dear Examiner:

I would like to apply for J-2 employment authorization.

My [spouse's] Form DS-2019 shows \$XX,000 in support, including \$XX,000 from [name] University, and \$X,000 in personal funds.

While in the United States, I would like to take a course in English for foreign nationals, which would cost about \$X0 per month. In addition, I would like to take classes on how to cook American fare, which will cost approximately \$X0.00 per month. 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]