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## **WORK PERMISSION FOR J-2 DEPENDENTS**

### **PURPOSE OF THIS SHEET:**

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**

1. You must hold a valid J-2 status, and the Exchange Visitor must hold valid J-1 status, as shown on your I-94 Departure Record cards.
2. Your income may not be used to support your J-1 spouse or parent.
3. You may work after you receive your Employment Authorization Document (EAD) from the United States Customs and Immigration Services (U.S.C.I.S). The EAD has your photograph and start / expiration dates.
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. U.S.C.I.S. can authorize J-2 employment for as long as the J-1 Exchange Visitor has permission to stay **OR** for four years, whichever is shorter.

### **HOW TO APPLY**

Recent changes in U.S.C.I.S. rules and regulations have affected the process of obtaining an EAD card for a J-2 dependent. You should consult International Services at Mississippi State University. Be prepared to provide all of the following items:

1. Your passport (Canadians may use another form of photo-bearing identification).
2. A copy of your I-94 Departure Record card.
3. A copy of the J-1 Exchange Visitor's I-94 Departure Record card.
4. A copy of the J-1 Exchange Visitor's Form DS-2019.
5. Form I-765, "Application for Employment Authorization."
6. Check or money order for appropriate amount payable to U.S.C.I.S
7. Letter (see the sample letter attached) from the J-2 dependent to the District Director 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 that the source(s) and amount of the J-1 Exchange Visitor's support are adequate to support your basic needs 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, recreation 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.
8. Two photographs as per specifications for size and angle of face (see photo sheet)
9. A copy of your last EAD (front and back) if you have previously worked.

## **AUTHORIZATION TO WORK**

### **U.S.C.I.S 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 will explain how to extend permission to stay for the J-1 and all J-2 dependents, and will know whether you may apply for a new EAD with the application for extension, or after it has been approved. 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. Take your passport (if you are Canadian you may use another form of photo bearing identification), I-94 Departure Record Card, Form DS-2019, and your EAD to an office of the Social Security Administration. If you apply before you have an EAD your Social Security Card will be stamped “Not Valid for Employment.” That stamp will not make you ineligible to work; it means only that no funds will ever go into the Social Security account represented by that number.

### **TAXES**

The earnings of J-2 dependents are subject to applicable federal, state, and local taxes, and Social Security. Employers are required by law to withhold those taxes from paychecks. By April 15, you must file an income tax return, Form 1040 NR, with the Internal Revenue Service (IRS). The tax return determines whether you owe more taxes or have a refund coming. With form 1040 NR you must also file a “Required Statement.” See IRS Publication 519, “U.S. Tax Guide For Aliens.”

## **SAMPLE LETTER OF APPLICATION FOR J-2 WORK PERMISSION**

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

[Date]

U.S.C.I.S.  
Texas Service Center  
P.O. Box 851041  
Mesquite, TX 75185-1041

Dear Sir or Madam:

I would like to apply for J-2 work permission in my status as the spouse/dependent of a J-1 Exchange Visitor. My husband/wife/parent is a student/research scholar at Mississippi State University.

My husband/wife/parent's Form DS-2019 shows \$xx in support, including \$xx from Mississippi State University (or other sources as noted on the DS-2019), and \$xx in personal funds. This level of support provides sufficient income for us to live modestly, but there are not funds left for expenses that are not essential. While in the United States I would like to provide additional cultural and recreational opportunities for my family/me including (some suggestions are music lessons for children, pre-school for children, opportunity to travel in the United States during school breaks, enroll in classes at Mississippi State, enroll in English classes, make participation in scouts or sports possible for children, attend concerts, attend sports events, and/or permit children to more fully participate in local school events). I can afford to provide these enriching activities only if I work. Therefore, I 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/parent. My income will be used to provide opportunity for these cultural/educational/recreational activities for my family/me.

Sincerely,

[Your signature]

[Your name printed]