J-2 Work Permission

J-2 Work Permission [1]

J-2 visa holders (the spouses, partners, and dependent children of J-1’s) may apply to U.S. Citizenship and Immigration Services (USCIS) for permission to work in the United States. This type of application is routinely approved since the regulation says only “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.” Keep in mind that USCIS processing can take an average of 90 days or longer.

Steps in the Process

1. Your J-2 work authorization is called an Employment Authorization Document (EAD). We recommend your J-1 spouse extend his/her DS-2019 out as far as as possible as your EAD end date will match the DS-2019 end date. For example, if the DS-2019 is two years long, you get a two-year EAD. The Yale appointment can be for multiple years even if the appointment process is annual. Please ask OISS if you have questions about this. When you apply for work permission you must pay the Form I-765 fee and prepare all of the materials listed below.

2. Prepare the materials listed below, and mail to USCIS.

3. USCIS normally takes an average of 90 days to process the request and issue the EAD. It is strongly advised to apply as early as possible as USCIS processing time can vary greatly. Once you receive the card, you can work for anyone (as long as you qualify and meet any licensing requirements) full-time or part-time. Please remember that you can only work within the dates of validity on the EAD.

4. If you begin working, note that you will be subject to social security taxes, federal income taxes and, where applicable, state and local income taxes. Please remember to apply to extend your EAD at least four months prior to the expiration of the card.

Application Materials

- A letter to USCIS, explaining the reason for requesting employment authorization. (See sample below)
- Completed Form I-765 [2]. You should read the USCIS I-765 Instructions [2] in addition to our tips below.
  - Part 2: Question 27: (C) (5) ( )
  - Part 2: Questions 28 - 31b: Leave blank
  - Part 3: Question 7a: Applicant's Signature: Sign in blue ink and make sure your signature does not touch any lines.
  - Part 4: Leave this entire section blank if an interpreter did NOT help you complete this form.
  - Part 5: Leave this entire section blank if someone did NOT prepare this form on your behalf.
  - Part 6: Indicate here if you have been previously authorized J-2 employment. Include copies of the EAD, DS-2019s, passport, and J-2 visa stamp for the period of employment authorization.
- Form G-1145 [3] (optional) to request that they e-mail you when approved.
- A copy of your passport ID page with your photo and information.
- A personal check or money order for $410 payable to U.S. Department of Homeland Security.
- Two passport type color photographs [5]. You should print your name lightly in pencil on the back of the two photographs (include the number on your previous EAD if you have one)
- If you have applied for an EAD before, a photocopy of your Employment Authorization Document (back and front)
- Marriage certificate or other proof of marriage to the J-1 visa holder

Sample Request Letter
You can model your request letter after the sample below. The letter is very simple and does not need to be more than several lines of text.

USCIS, Attn: AOS
2501 S. State Hwy. 121
Business Suite 400
Lewisville, TX 75067

To Whom It May Concern,

I would like to apply for employment authorization on the basis of my J-2 status in the U.S. I am the dependent (husband/wife) of (name) who is a (student/scholar) on a J-1 visa at Yale University. I would like to apply for work permission because (write whatever is truly your situation)

- It would be helpful if I was able to earn some money to pay for some of my personal expenses while in the U.S., or
- I would like the opportunity to further my career as a (name a field of work) while in the U.S., or
- I want to be prepared just in case there is an employment opportunity for me in the future, since it takes so long to get the work permit, or
- I need an income to help pay for (my schooling, my children's schooling, other…), or
- Other…..

I declare that the money I earn will not be used to support my (husband/wife.)

Sincerely,

Sign Name
Print Name

Where to Mail the Application

Before mailing, please make copies of all of your materials. We recommend that you mail your application via certified mail with a return receipt or tracking number. Your application materials must be sent to the USCIS Service Center Lockbox facility. If you reside in CT, MA, or NY, please send your application to the address below. If you reside in a state other state than these three, please visit the USCIS website [6] to learn where to mail your application.

By Courier Service (FedEx, DHL, UPS):

USCIS, Attn: AOS
2501 S. State Hwy. 121
Business Suite 400
Lewisville, TX 75067

By U.S. Postal Service:

USCIS
PO Box 660867
Dallas, TX 75266

After mailing in the documents, you will receive a notice (Form I-797) stating you need to wait for about 90 days to receive your EAD. You can track your case with the receipt number on the USCIS website [7]. Be sure to keep this receipt for your files.