

This handout is designed for the J-2 dependents of J-1 Exchange Visitors who wish to seek employment during their stay in the United States.

Eligibility Requirements:

- You must hold valid J-2 status, and the Exchange Visitor must hold valid J-1 status, as shown on your I-94 Departure Record cards. 8 CFR 214.2(j)(1)(v)(A)
- Title 8, Code of Federal Regulations, part 214.2(j)(1)(v) states that, “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.”
- You may begin work only after you have received 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 and the expiration date of your permission to work. 8 CFR 214.2(j)(1)(v)(A)

Application Procedures:

STEP 1: We strongly recommend that you meet with an OISS advisor to understand the process of applying for an Employment Authorization Document (EAD). To schedule an appointment, please call 713-348-6095 or email oiss@rice.edu.

STEP 2: Collect all the necessary documentation:

- ❑ **Two U.S. Passport Photos** (with name and I-94 number written lightly in pencil on the back of each photo), taken within the past **30 days**. For more on photo requirements, please visit: <https://travel.state.gov/content/passports/en/passports/photos.html>
 - Most copy and drug stores have the capability of taking passport photos.
 - Make sure to put in a protective envelope labeled “Photos”.
- ❑ Check or Money Order for **\$410** made payable to: “U.S. Department of Homeland Security”
- ❑ **Form G-1145** to confirm receipt number (usually takes 48 hours). <http://www.uscis.gov/files/form/g-1145.pdf>
 - Type, do not fill out by hand
- ❑ Original **Form I-765**, Application for Employment Authorization <https://www.uscis.gov/i-765> (*template provided in this packet*)
 - Type, do not fill out by hand
 - On item #9, leave blank if you do not yet have a Social Security number. On item #16, put in the code, “(C)(5)()”.
 - You must apply from the U.S. and remain here while your application is being adjudicated by USCIS, which can take approximately three months.
 - Do not e-file!
- ❑ **J-2 Work Permission Letter**. Sample template provided in packet.

John Doe 123 Main St Anywhere US 10111		Date <u>MM/DD/YY</u>
PAY TO THE ORDER OF Department of Homeland Security		\$ 410.00
Four Hundred and Ten 00/100 _____ DOLLARS		
Your Bank: 456 Main St Anywhere US 10111		
MEMO Sevis # and/or I-94 #		Your Signature _____
I: 123456789 I: 1010101234 I: 0111		

- ❑ Photocopies (not originals) of **J-1 and J-2 immigration information** (DS-2019s, passport ID pages, J-1 and J-2 visa stamps, and electronic I-94 Forms, <https://i94.cbp.dhs.gov/I94/>)
- ❑ **Financial documentation.** Photocopy of the funding documentation dated within the past 6 months (Rice offer letters, bank statements, etc.).
- ❑ **Proof of marriage.** Photocopy of marriage certificate with certified translation if not in English.
- ❑ Photocopy of previous EAD card(s), if applicable

STEP 3: Submit your application. The address you send your application to depends on the address you put on your I-765, question #3. Your application will go to either the Dallas or Phoenix Lock Box. To find the correct address, please go to: <https://www.uscis.gov/forms/forms-information/uscis-phoenix-and-dallas-lockbox-facilities>. USCIS will give you two addresses per Lock Box - a PO Box address and an address for courier services like FedEx. You can choose either option.

- USCIS may take up to 90 days (or longer) to process your application. To check the status of your application, go to: <https://egov.uscis.gov/casestatus/landing.do>. You will need your receipt number.
- If you filed with a G-1145, you should receive your receipt number within 24 hours of receipt of your application.
- Within approximately 2-4 weeks after you submit your application you should receive an I-797 Notice of Action in the mail that your application has been received, this document will also have your receipt number. If USCIS approves your application, you will most likely receive an approval notice via mail as well. Remember you cannot work until you have your EAD card. The EAD card is the last item USCIS will mail to you.

STEP 4: Receiving your Employment Authorization Document (EAD).

First, check to make sure the card has a correct spelling of your name and the dates for authorization are accurate. If there is an issue, please contact an OISS advisor for next steps.

- Send a copy to the OISS at oiss@rice.edu. Make sure to include the name and birthdate of the J-1.
- Please note that you may not work without a valid EAD card.



STEP 5: Start working! The EAD allows you to work at any job, full-time or part-time.

- Apply for a U.S. Social Security Number if you do not have one already. <https://www.ssa.gov/pubs/EN-05-10096.pdf> Note: You will most likely be subject to taxes now that you are making income.
- You may work part-time or full-time, at any job, for any employer (except that you may not practice medicine, even if you hold a license).
- There is no legal limit to the amount that you may earn.

Code of Federal Regulations regarding J-2 Work Authorization

“The accompanying spouse and minor children of a J-1 exchange visitor may accept employment only with authorization [...]. A request for employment authorization must be made on Form I-765, Application for Employment Authorization, with fee, as required by the Service, to the district director having jurisdiction over the J-1 exchange visitor's temporary residence in the United States. “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...” 8 CFR 214.2(j)(1)(v)(A)

“J-2 employment may be authorized for the duration of the J-1 principal alien's authorized stay as indicated on Form I-94 or a period of four years, whichever is shorter. The employment authorization is valid only if the J-1 is maintaining status. Where a J-2 spouse or dependent child has filed a timely application for extension of stay, only upon approval of the request for extension of stay may he or she apply for a renewal of the employment authorization on a Form I-765 with the required fee” 8 CFR 214.2(j)(1)(v)(B)



Application For Employment Authorization

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-765
OMB No. 1615-0040
Expires 02/28/2018

For USCIS Use Only	Fee Stamp	Action Block	Initial Receipt	Resubmitted
			Relocated	
			Received	Sent
			Completed	
<input type="checkbox"/> Application Approved <input type="checkbox"/> Authorization/Extension Valid From _____ <input type="checkbox"/> Authorization/Extension Valid To _____ Subject to the following conditions: _____		<input type="checkbox"/> Application Denied - Failed to establish: <input type="checkbox"/> Eligibility under 8 CFR 274a.12 (a) or (c) <input type="checkbox"/> Economic necessity under 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f) <input type="checkbox"/> Applicant is filing under section 274a.12	Approved	Denied
				A# _____

Mark "Permission to accept employment" unless you have previously applied for J-2 Work Authorization

▶ START HERE - Type or print in black ink.

I am applying for:

- Permission to accept employment.
- Replacement (of lost employment authorization document).
- Renewal of my permission to accept employment (attach a copy of your previous employment authorization document).

Capitalize last name(s)

1. Full Name

Family Name	First Name	Middle Name
_____	_____	_____

2. Other Names Used (include Maiden Name)

Family Name	First Name	Middle Name
_____	_____	_____

Address must be valid for the next four months

3. U.S. Mailing Address:

Street Number and Name	Apt. Number	
_____	_____	
Town or City	State	ZIP Code
_____	_____	_____

4. Country of Citizenship or Nationality

5. Place of Birth

Town or City	State/Province	Country
_____	_____	_____

6. Date of Birth (mm/dd/yyyy)

7. Gender Male Female

8. Marital Status:

Single Married Divorced Widowed

9. Social Security Number (Include all numbers you have ever used, if any)

Enter I-94 number

10. Alien Registration Number (A-Number) or Form I-94 Number (if any)

11. Have you ever before applied for employment authorization from USCIS?

Yes (Complete the following questions.)

Which USCIS Office?	Dates
_____	_____
Results (Granted or Denied - attach all documentation)	

No (Proceed to Question 12.)

"Yes" if you have applied for J-2 Work Authorization previously

12. Date of Last Entry into the U.S., on or about (mm/dd/yyyy)

13. Place of Last Entry into the U.S.

14. Status at Last Entry (B-2 Visitor, F-1 Student, No Lawful Status, etc.)

#14 and #15 should list "J-2 Dependent" unless you entered in another status

15. Current Immigration Status (Visitor, Student, etc.)

16. Eligibility Category. Go to the "Who May File Form I-765" section of the Instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. For example, (a)(8), (c)(17)(iii), etc.

() () ()

J-2: (c)(5)

17. (c)(3)(C) Eligibility Category. If you entered the eligibility category (c)(3)(C) in Question 16 above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree	Employer's Name as listed in E-Verify
_____	_____
Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number	

Leave blank!

18. (c)(26) Eligibility Category. If you entered the eligibility category (c)(26) in Question 16 above, please provide the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129.

19. (c)(35) and (c)(36) Eligibility Category

a. If you entered the eligibility category (c)(35) or (c)(36) in Question 16 above, please provide the receipt number of the Form I-140 beneficiary's Form I-797 Notice of Approval for Form I-140.

b. Have you EVER been arrested for and/or convicted of any crime? Yes No

NOTE: If you answered "Yes" to Item Numbers 19.b., refer to Item Number 5., Item H. or Item I. in the Who May File Form I-765 section of these Instructions for information about providing court dispositions.

Certification

I certify, under penalty of perjury, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the "Who May File Form I-765?" section of the instructions and have identified the appropriate eligibility category in Question 16.

Applicant's Signature

Don't forget to sign!

Date of Signature (mm/dd/yyyy)

Telephone Number

Signature of Person Preparing Form, If Other Than Applicant

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Preparer's Signature

Date of Signature (mm/dd/yyyy)

Printed Name

Address

Make sure to sign in blue ink between the text and the line

Please download the Word document file of this cover letter, edit it with your information (see all highlighted sections), and submit with your J-2 Work Authorization documents to USCIS.

[Today's Date]

[Your Full Name]

[Your Address (use same address as the one listed on I-765)]

USCIS

Attn: I-765 for J-2 Work Authorization

Insert Correct Lock Box Address here

Re: Form I-765 Application for Employment Authorization for [LAST NAME, First Name]
I-94 #: [write out I-94 #]

Dear USCIS Officer:

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

My [spouse]'s Form DS-2019 shows [\$XX,XXX] in support for the period of [XX] months, averaging [\$X,XXX] per month. From this sum approximately [XX%] will be withheld for income tax, leaving [\$X,XXX] for our household's monthly living expenses. Our monthly budget is as follows:

[\$XXXX	Rent and utilities]
[\$XXX	Food]
[\$XXX	Insurances (health, car, renter's insurance)]
[\$XXX	Miscellaneous (clothing, transportation, recreation etc.)]
[\$XXXX	Total]

As this budget shows, no additional income is necessary. However, the opportunity to work would be beneficial as [possibly explain professional goals and expertise]. Work outside the home would also help in [possibly explain interests and cultural adaption]. I therefore sincerely 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.

[***If your J-2 status is valid for more than one year, add the following statement to the Work Permission Letter: "I would like to request employment until the end date of my DS-2019 or include your actual end date here, under federal regulations 8 CFR274a.12(a) and (c)."

Please find my I-765 Application for Employment Authorization enclosed with the following documentation:

- o 2 passport-style photographs;
- o Check/money order of \$410 made out to U.S. Department of Homeland Security;
- o Form G-1145, E-Notification of Application/Petition Acceptance; – remove this line if you're not submitting the Form G-1145 with your application
- o Form I-765, Application for Employment Authorization;
- o Copies of both my J-2 immigration documents as well as the J-1's immigration documents (DS-2019s, passports, J visas, Form I-94 records)
- o Copy of previous EAD card – remove this line if you do not have any previous EAD cards

Sincerely,

[Your Signature]

[Your Full Name]