

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” **OR Form G-1450** authorizing a credit card payment <https://www.uscis.gov/sites/default/files/files/form/g-1450.pdf>
- ❑ **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>
 - Type, do not fill out by hand
 - On item #27, 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.
- ❑ 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/>)

John Doe 123 Main St Anywhere US 10111	Date <u>MM/DD/YY</u>
PAY TO THE ORDER OF <u>Department of Homeland Security</u>	\$ <u>410.00</u>
Four Hundred and Ten 00/100 DOLLARS	
Your Bank 456 Main St Anywhere US 10111	MEMO <u>Sevis # and/or I-94 #</u>
Your Signature _____	
I: 423456789 I:	00000234

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- ❑ **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 #5. 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)

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]