

Employment Authorization for Dependents in J-2 Status

What is “J-2” Employment Authorization?

Employment authorization is formal permission for a Dependent in J-2 “status” to work part-time or full-time, and on or off campus. A **Dependent** is defined as a **spouse or unmarried minor child** (under the age of 21) of a J-1 **Exchange Visitor** (EV). Work authorization must be requested, and is **not an automatic benefit**. A Dependent is eligible to apply for an **Employment Authorization Document** (EAD) from U.S. Citizenship and Immigration Service (USCIS). Once the EAD is received and the “valid from” date on the card has been reached, a Dependent can legally begin employment in the U.S.

Note: A Dependent can only apply to USCIS for employment authorization after arrival in the U.S. and only if employment is not for the purpose of financially supporting the J-1 Exchange Visitor.

General Guidelines for Dependent Employment Authorization:

- Dependents are eligible to apply for employment authorization as long as their Exchange Visitor (EV) spouse or parent is in valid or legal J-1 “status”.
- Employment authorization is a benefit a Dependent may apply for; however, working in the U.S. is not authorized until the petition is approved, the EAD card received, and the “from date” on the card has been reached.
- A job offer is not required in order to apply for an EAD card.
- Employment is only authorized for the validity dates indicated on the EAD card.
- Employment authorization is typically approved for a period of one year at a time, although it can be approved for the duration of the EV’s program, if longer than one year. Once approved, please keep in mind that employment authorization must be renewed prior to its expiration date in order to continue employment without interruption.
- If the EV changes their status to another classification or ends their EV program early and departs the U.S., the Dependent must stop employment, even if their EAD card has not yet expired, as they are no longer eligible for employment, since their eligibility is tied to the EV’s status.

How to Apply for Employment Authorization:

Gather the required documentation - In order to apply for employment authorization, a Dependent must provide the following documents when submitting an application to USCIS:

- Signed and completed [Form G-1145](#) (E-Notification of Application Acceptance) - this form is not required, but recommended. Completing this form ensures you will receive an email or text message when your application is received by USCIS.

- **USCIS fee** - The payment of this fee should be in the form of a check or money order, made out to the **U.S. Department of Homeland Security**. For the current fee, click [here](#) or use the [fee calculator](#).
 - If using the calculator, select Reason for filing: **Permission to Accept employment**, Filing category: **Foreign Students**, Foreign Students: **(c)(5)**.
 - As of 01/03/2022, the fee is \$410, although this is subject to change, and your responsibility to confirm the current fee amount. See FAQ #10 on page 5 of this guide for instructions on how to complete a check.
- **Two identical passport photos** – Photos should be recent, recommended to be no more than 30 days old, and taken specifically for this application. Ensure the photos are proper [U.S. passport size](#). Print your name and I-94 number on the back of each photo and place photos in an envelope.
- **Signed and completed Form I-765** (Application for Employment Authorization) – please see our [I-765 Instruction Guide](#) for more information in filling out this form.
- **Employment Request Letter** explaining the following:
 - Why employment is desired, such as personal enrichment, professional development, or cultural exchange
 - Indicate the source and amount of financial support that already exists for your EV spouse
 - Provide a breakdown of monthly expenses of your family’s household
 - Demonstrate that the financial support received by your EV spouse is sufficient to cover all monthly expenses listed in the breakdown
 - Describe how the income derived from the Dependent employment will not be necessary to support your EV spouse and/or family while in the US

Review our J-2 **EAD Letter Template as an example (found on the last page of this guide)
- **Copies** of the Dependent DS-2019, visa, passport, and I-94 – Do not send originals
- **Copies** of the Exchange Visitor DS-2019, visa, passport, and I-94 – Do not send originals
- Evidence of the Dependent’s **relationship to the Exchange Visitor**:
 - If dependent spouse: provide copy of **marriage certificate**
 - If dependent a minor child: provide copy of **birth certificate**
 - **Note: If possible**, please include a certification of translation, if the birth marriage certificate are not in English (recommended, but not required)
- **Reviewing your application documents** - Once you have gathered all the required documentation as listed above, you are welcome to make an appointment with either a J-1 Scholar Advisor or a J-1 Student Advisor to review your application packet. An advising appointment to review your packet is not mandatory, but it is recommended. In order to make an appointment to review your application packet, please call the ISSS office at 801-581-8876 or email the J-1 Scholar Team at internationalscholars@utah.edu.

- **Mailing your application documents** - When you are ready to submit your application packet to USCIS, use the address as listed on the [USCIS website](#). **Note:** The address of the USCIS Lockbox varies depending on the mail service provider you select and the state you are living in, such as Utah.
Tip: We recommend making copies of all the documents in your packet, including the check or money order mailed to USCIS as proof of payment. It is important to keep these copies in a safe place, in case your packet is lost in the mail or if an error has been made on your EAD card.

Receiving the EAD card:

- The application for employment authorization takes an average of **three months** for processing and review.
- If permission for employment is granted, an Employment Authorization Document (EAD) is issued and valid for any type of full-time or part-time employment for the period of time stated on the card.
- A Dependent is not allowed to begin employment until after receiving the EAD, and employment cannot continue beyond the **end date** stated on the card.

Extending Employment Authorization:

- Employment eligibility expires based on the expiration date found on the EAD card; however, it is possible to extend employment authorization (if eligible) by filing a **new Form I-765**, along with all new supporting documentation, and paying the I-765 fee.
- Dependents are only eligible to request an extension based on the duration of the EV's Exchange Program as indicated on the DS-2019. The maximum possible duration of an EAD extension cannot exceed the duration of the EV's Exchange Program as found on the DS-2019.
- If requesting an EAD extension due to an Exchange Visitor's program extension, please keep in mind that any **extension of stay** of the Exchange Visitor must be approved **prior** to the application for extension of employment authorization.
- In order to maintain continuous employment (without any gaps), a Dependent must file a **Form I-765** sufficiently in advance of the expiration date of the current EAD, so that a **new EAD** extension application (Form I-765) is approved before the expiration of the current EAD card.
- The Dependent can apply for an extension of work authorization **up to 180 days** before the current EAD expires.
- If the current EAD expires while the **Form I-765** is pending, a Dependent must cease employment activity until **receiving** the new EAD.

Disclaimer: International Student & Scholar Services provides support and information related to U.S. immigration laws and regulations related to F and J status. ISSS staff are not attorneys and any information provided by us should not be construed as legal advice. Individuals are welcome to consult a qualified immigration attorney for specific legal advice, particularly in complicated cases. For a list of local Utah attorneys please visit our website [here](#).

Frequently asked Questions:

1. How long does it take for an Employment Authorization request to be approved by USCIS?

The application process for Dependent employment authorization can take from three to five months; the average is three months.

2. How long can J-2 Employment Authorization be granted?

Employment for a Dependent can be authorized for the entire duration of the Exchange Visitor's program; however, it is more common for authorization to be granted for **one year at a time**. If requesting work authorization for **more than one year** (for example, as much as up to the entire duration of the Exchange Visitor's program), we recommend including this statement: *"I would like to request employment until the end date of my Exchange Visitor spouse's DS-2019 on (program end date), as allowed under federal regulations 8 CFR274a.12(a) and (c)".* It is not guaranteed, however, that work authorization will be granted for more than one year at a time.

3. Should I keep a copy of my application for Employment Authorization?

Yes. We recommend to always keep copies of all official documents related to your immigration status. We also strongly recommend that you make copies of checks or money orders that you mail to USCIS as proof of payment, if your application is lost in the mail. In case USCIS makes an error on your EAD card, one way to prove the error was theirs (and not yours) is to keep copies of the documents submitted.

4. How can I check on the status of my application?

If you also file a G-1145, USCIS will text a notification of receipt of your I-765 (EAD) application and added it to the processing queue. USCIS will then mail an I-797 Receipt Notice that will include a **receipt number**. You can use the receipt number to access information about your application through [USCIS Case Status](#).

5. I do not have a U.S. bank account. Is it okay that I pay the I-765 fee using a check from my spouse's/parent's U.S. bank account?

Yes. Just make sure that a name and address are printed on the upper left hand corner of the check. If you use a "temporary" check, which are issued by banks when opening a new account, you can "write-in" the name and address.

6. I have a job offer but my EAD card has not arrived yet. Can I begin work?

No. Physical **possession** of the EAD card determines valid work authorization. You must have **received** your EAD card as proof of your legal work authorization. Any employment activity before the EAD card has arrived is considered a violation of your legal status.

7. I have received my EAD card. Am I authorized to begin employment?

Yes, you are authorized to work based on possession of the card, and based on the validity dated found on the card.

8. My EAD has expired. However, I have applied for an extension and my application is currently being reviewed by USCIS. Am I allowed to continue working while I wait for the approval of the extension?

No. Employment authorization expires with the expiration of the current EAD card, and you must cease employment based on the expiration date listed. You may resume employment once you have **received** your new EAD card and only within the work authorization **date range** printed on the new card.

9. Why do I need to write an EAD Request Letter?

A Dependent can apply to USCIS for employment authorization only if the employment is not for the purpose of supporting the Exchange Visitor spouse. Therefore, an EAD Request Letter serves the purpose of stating that your Exchange Visitor spouse has sufficient funding to support themselves for the length of their program, and that you, the Dependent, is seeking employment for reasons other than financially supporting your Exchange Visitor spouse, such as for personal enrichment, and cultural exchange.

10. How do I complete a check/money order?

Sample Check/ Money Order

The image shows a sample check form with the following fields and numbered boxes:

- 1:** DATE
- 2:** PAY TO THE ORDER OF
- 3:** \$ (Amount in Dollars)
- 4:** DOLLARS (Amount in Words)
- 5:** BANK NAME
- 6:** FOR (Signature)

Additional fields include: NAME, ADDRESS, CITY, STATE, ZIP; BANK NAME, ADDRESS, CITY, STATE, ZIP; and Bank Routing Number, Bank Account Number, and Check Number.

- 1: Date: MM/DD/YYYY
- 2: U.S. Department of Homeland Security
- 3. \$410.00 (as of June 2022), which is subject to change
- 4. Four-hundred and ten dollars
- 5. SEVIS ID (starts with "N00", found on your DS-2019)
- 6. Your signature

Note: If you have a money order please check with the issuer on where to put the information listed above as it can differ depending on the type of money order.

Sample EAD Request Letter

Date: (today's date)
 To: U.S. Citizenship and Immigration Services
 From: J-2 Dependent's name
 Re: Request for an EAD for a J-2 Dependent

Dear USCIS Officer:

I would like to apply for J-2 Dependent work authorization, as allowed by federal regulations. My J-1 Exchange Visitor spouse, **(list J-1 Name)**, receives a monthly payment in the amount of **(\$ amount)** from **(specify source)**.

Our monthly expenses are:

ITEM	COST
Rent and Utilities	(\$ amount)
Food	(\$ amount)
Medical Expenses (including Health Insurance)	(\$ amount)
Miscellaneous (clothing, transportation, recreation, etc.)	(\$ amount)
Childcare (if applicable)	(\$ amount)
Total Expenses:	(\$ Expenses Per Month)

The difference between our income and expenses is sufficient to provide for living expenses:

ITEM	AMOUNT
Monthly Income	(\$ amount)
Monthly Expenses	(\$ amount)
Excess Amount Per Month	(\$ Excess Amount per Month)

I request employment to pursue my interests in **(list your interest here)**. Through this employment, I will experience the American workplace, and it will allow for opportunities for personal enrichment, professional development, and recreational and cultural exchange. The income from my employment will not be necessary to support my Exchange Visitor spouse. Enclosed are all required documents for my application **(list those here)**.

Thank you for your consideration of this request.

Sincerely,

(J-2 Signature)
 (J-2 printed name, as listed on DS-2019)

Note: If you would like to request work authorization for more than one year (as much as up to the entire duration of the Exchange Visitor's program), we recommend including this statement: *"I would like to request employment until the end date of my Exchange Visitor spouse's DS-2019 on (program end date), as allowed under federal regulations 8 CFR274a.12(a) and (c)".* Work authorization for more than one year is not guaranteed.