# J-2 Work Authorization

## International Student Services – Texas A&M University

This handout explains how to complete the **paper version** of the I-765 application for J-2 Work Authorization and how to mail the completed application to the appropriate U.S. Citizenship and Immigration Services (USCIS) Service Center.  The Texas Service Center will mail the Employment Authorization Document (EAD) card to the applicant upon approval.

It is now possible to submit Form I-765 and the associated application fee for J-2 Work Authorization **online** through the USCIS e-Filing system. To do so, visit http://www.uscis.gov, select "FORMS" from the menu at the top of the page, and then select "File My Application Online" from the menu on the left side of the page. From here you can find links with information about how to e-File, how to submit supporting documents, etc. If you click on "Forms Currently Available for e-Filing and Form-Specific e-Filing Instructions" from the menu on the right side of the page, you will then have the option to select "Instructions for Electronically Filing Form I-765" from the new menu on the right side of the page. You will have to create an e-Filing Account to file Form I-765 electronically and to pay the application fee online. You will still have to mail the supporting documents for the J-2 Work Authorization application.

### J-2 Work Authorization Rules

- The J-2 may not begin work until the USCIS has issued an Employment Authorization Document (EAD).
- The J-2 may not be back-paid for any work done before the first authorized day of employment.
- The J-2 must stop work on the day that the work authorization expires.
- The work permission may be extended again through USCIS if the J-1's DS-2019 is still valid or has been extended. Make sure the J-1 extension is done at least 2 months before the DS-2019 expires so that USCIS can extend the J-2 work authorization before it expires.
- Before beginning employment, an employer must complete the "Employment Eligibility Verification" Form I-9.
- The employer and the J-2 employee must be aware of all U.S. laws concerning tax obligations. For more information concerning these matters, refer to the Taxes section of the ISS website.

**The following documents are required to complete the paper application for J-2 Work Authorization. You are advised to photocopy all documents listed below before mailing them to USCIS. The documents should be compiled and submitted to USCIS in the following order:**

1. A completed USCIS Form I-765, which can be downloaded from the USCIS web page: http://www.uscis.gov. Click on the Immigration Forms link and scroll to the form I-765.  Make sure to use the latest version of Form I-765, to use the appropriate eligibility code on question # 16 on Form I-765 and to sign Form I-765. The eligibility code for question #16 on Form I-765 is **(-)(c)(5)**.
2. Two passport-style photographs sealed in a plastic bag or envelope. Print your name, birth date and I-94 number on the back of each photograph lightly with a soft pencil. Staple the plastic bag or envelope (do not staple the photographs) to the top right corner of Form I-765.
3. A personal check or money order payable to "Department of Homeland Security." Staple the check to the top left corner of Form I-765. The fee amount for Form I-765 is listed on the USCIS webpage.
4. Photocopies of the J-1 and J-2's I-94 cards (front and back). Do not send the originals.
5. Photocopies of previously issued EAD cards (front and back), if applicable.
6. Photocopies of the J-1 and J-2's current DS-2019s.  Do not send the originals. If the DS-2019 is near expiration, the J-1 must see instructions Extension of Stay on the ISS website.  The J-2 can apply for work authorization after the program has been extended and a new DS-2019 issued.
7. The J-2 Work Authorization Budget Form (available in the ISS office and on the ISS website), completed by the J-2 applicant for work authorization. Revenue needs to be greater than expenses.
8. Photocopies of the J-1 and J-2's valid passport pages (picture page, validity/expiration page, visa stamp). Do not send the originals.

**Determine which USCIS Service Center will process your J-2 Work Authorization application.**

J-2 Work Authorization applications should be mailed to the appropriate USCIS Lockbox. See page 10 of the USCIS Instructions for Form I-765 to determine which USCIS Lockbox should receive your J-2 Work Authorization application. The appropriate USCIS Lockbox is <u>determined by the address written on Form I-765</u>. It is recommended that the phrase "I-765" be written on the envelope containing the J-2 Work Authorization application. Remember to include a return address on the envelope as well. An example of what the envelope should look like is included below:

<div align="center">

Sample I-765 Application Envelope

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|---|
| Your Return Address<br><br>          USCIS<br>          PO Box 660867<br>I-765       Dallas, TX 75266 |

**If the address listed on your Form I-765 is in the State of Texas, send your application to the USCIS Dallas Lockbox. The addresses for the USCIS Dallas Lockbox are listed below:**

| For U.S. Postal Service deliveries:<br>    USCIS<br>    PO Box 660867<br>    Dallas, TX 75266 | For Express mail and private courier deliveries:<br>    USCIS<br>    Attn: AOS<br>    2501 S. State Hwy. 121, Business<br>    Suite 400<br>    Lewisville, TX 75067 |
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**If the address listed on your Form I-765 is NOT in the State of Texas, you should visit the USCIS webpage to determine which USCIS Service Center will process your application.**

**Mail the OPT application to the appropriate USCIS Service Center. This can be done in one of two ways:**

1. U.S. Postal Service (http://www.usps.com)
    a. U.S. Postal Express Mail provides a tracking service to confirm when the application was delivered.
    b. U.S. Priority Mail provides a tracking service to confirm when the application was delivered.
    c. First Class Mail Packages does not provide a tracking service.

2. Private Courier Services (non U.S. Postal Service deliveries)

It is recommended that you mail your application by **Priority Mail** through the US Post Office so that you will have a tracking number. Be sure to waive the signature if you use Priority mail, US postal Express Mail or certified mail. You may send your application by 1st class mail; however, you will not have proof that USCIS received your application.

**Check on the status of your J-2 Work Authorization application.**

Use the U.S. Postal Service tracking system to check whether or not the J-2 Work Authorization application was delivered. USCIS will send a receipt, usually within 4 to 6 weeks from receiving the J-2 Work Authorization application, to the address on Form I-765. It is important to keep this receipt. The receipt number is also written on the back of the check and a copy of the cashed check can be obtained from the applicant's bank. The USCIS Case Status Service is available at https://egov.uscis.gov/cris/jsps/index.jsp. From the receipt notice date, USCIS has 90 days to send an EAD card. These days can be interpreted as work days, Monday through Friday, excluding weekends and federal holidays rather than calendar days. If the card is not issued within 90 days after the receipt date, see page 1 of the Form I-765 Instructions for how to apply for an Interim EAD card.

**What to do if your address changes after applying for J-2 Work Authorization.**

It is advisable to use an address that will not change while the J-2 Work Authorization application is being processed. However, if the address where USCIS needs to mail the EAD changes, request a change of address by filing Form AR-11 AND file a Change of Address either online or by calling the National Customer Service Center at 1-800-375-5283. Do not request any other action, such as status of your case. Do not write a letter. Detailed information about requesting a change of address is available on the USCIS website (https://egov.uscis.gov/crisgwi/go?action=coa). Please note that any change in address can dramatically delay the receipt of the EAD. Remember that your J-1 primary visa holder must update their information through the MyRecord tab of the Howdy Portal (https://howdy.tamu.edu) within 10 days of any change of address.