



WVHEPC J-1 Exchange Visitor Program

Dependents of Exchange Visitors

Your spouse and unmarried minor children under the age of 21 who accompany or follow you to the United States are usually admitted in J-2 classification, but are not exchange visitors. You are not permitted to bring dependents to the United States in J-2 classification if adequate funding for their support and health insurance coverage is not available.

Eligibility Requirements

Only your spouse and unmarried minor children under 21 years of age are eligible for J-2 status. Other family members, such as parents, brothers, and sisters are not eligible. Further, J-2 documentation for family members can only be issued if you can show funding for their support and health care. If your dependents are to accompany you or join you in the United States, they may obtain their visas and admission to the United States along with you on the basis of the Form DS-2019 issued in their names.

Obtaining a J-2 Visa and Entering the United States

Dependents who come to the United States must obtain their J-2 visas using the Form DS-2019 in their name. The J-2 applicant then presents the Form DS-2019 to the immigration officer at the port of entry to the United States. Upon entry to the United States, each dependent is issued a Form I-94 (Arrival/Departure Record), indicating the date of entry, classification, and an admission for D/S. You must demonstrate your ability to support your dependents while with you in the U.S. You must demonstrate that you have \$6,000 per year for a spouse and \$3,000 for each child.

Employment of J-2 Dependents

J-2 dependents may apply to the regional USCIS office having jurisdiction over their place of temporary residence for permission to accept employment, provided the income from such employment will be used to support your 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. Application for employment authorization is made on Form I-765, which is filed with the USCIS and accompanied by the appropriate fee. In addition to the Form I-765, one should submit a letter stating why the employment is desired, indicating the source and amount of support for the principal participant, and specifically stating that the income derived from employment will not be used for the support of the J-1 exchange visitor. Financial need is not a criterion for employment authorization of a J-2 dependent. However, USCIS sometimes requires a budget or statement of estimated expenses to determine that you have adequate income.

If permission for employment is granted, an Employment Authorization Document (EAD) is issued and is valid for any kind of full-time or part-time employment. If an extension of

stay is required in conjunction with extension of work authorization, the extension of stay notification must be filed prior to the extension of employment authorization. It is important to file the Form I-765 for continuation of employment authorization in a timely manner in order to preserve the J-2's right to work.

Travel Abroad and Re-entry

If a J-2 dependent wishes to travel outside the United States for a temporary visit and to reenter the country, he or she follows basically the same procedures as a J-1 exchange visitor. To reenter the United States, the dependent must have a valid passport and visa (unless exempt from passport and visa requirements) and a current Form DS-2019 issued in his or her own name. The DS-2019 must be endorsed by the Responsible Officer (UC International Services). The same regulations and procedures for automatic revalidation of visas for the J-1 principal participant apply to the J-2 dependent. The dependent may travel outside the United States and return either with the J-1 Exchange visitor or separately.

Study

Current regulations allow J-2 dependents to study full-time or part-time at any level without having to change status to a student visa.

Change of Status

As in the case of the J-1 exchange visitor, the J-2 dependent may change from J-2 status to another non-immigrant classification if not subject to the two-year home country physical presence requirement, or if the requirement has been waived.

A J-2 dependent can change to J-1 status only if he/she has been in the U.S. as a J-2 dependent for less than six months prior to the change of status. To accomplish this change, the J-2 dependent should submit to USCIS a Form DS-2019 made out in his or her own name, a copy of his or her Form I-94, Form I-539, and the appropriate fee. If it appears to USCIS that the change from J-2 to J-1 will cause the applicant's stay to extend beyond that of the original J-1 principal, USCIS will also require a letter from the applicant stating 1) that he or she understands that the original J-1 principal probably will not be allowed to change to J-2 status and thereby extend his or her stay beyond its original duration to remain in the United States with the person who has changed from J-2 to J-1 and 2) that he or she wants the change from J-2 to J-1 despite that understanding. The applicant can save much time by including such a letter with the application for change from J-2 to J-1 status.

Departure or Termination of Program

The J-2 dependent's status terminates in the United States when that of the J-1 participant terminates. The dependent reports his or her departure from the United States in the same way as the J-1 participant, by surrendering Form I-94 at the time of departure and notifying the West Virginia Higher Education Policy Commission (HEPC).