



INTRODUCTION TO WORKING FOR YOURSELF

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FREQUENTLY ASKED QUESTIONS

Should I use my ITIN or SSN (assigned through DACA) to work for myself or start a business?

If you obtained DACA and used it to get a SSN you should not continue to use or renew your ITIN. You should use your SSN. Regardless of the possible termination of DACA, the assigned SSN will remain your SSN even if the individual's work authorization terminates.

Do I have to reveal my immigration status as an independent contractor?

No. Entities are not obligated to affirmatively verify the work authorization of individuals whom they engage as independent contractors. However, it is important to know that federal statute 8 U.S. Code 1324a(a)(4) prohibits an entity from knowingly engaging an unauthorized individual to provide services as a contractor.

If my work permit were to get revoked, could the company that hired me as an employee contract with me to do independent contractor work?

No. The company would be aware that your work authorization expired, so they would not be able to contract with you. You would still be able to do independent contracting with anyone else not aware of your immigration status.

IMPORTANT LINKS

Immigrants Rising

- Homepage: immigrantsrising.org

IRS

- For more information on independent contractor work and guidelines see: <http://www.irs.gov/businesses/small/article/0,,id=99921,00.html>
- IRS Publication 15-A, 2016 Edition (Common Law Rules): <https://www.irs.gov/pub/irs-pdf/p15a.pdf>
- Latest W7 Form: <https://www.irs.gov/pub/irs-pdf/fw7.pdf>
- Latest W9 Form: <https://www.irs.gov/pub/irs-pdf/fw9.pdf?portlet=103>
- Latest 1099 Form: <https://www.irs.gov/pub/irs-pdf/f1099msc.pdf>

Working for Yourself Resources

- Small Business Administration (SBA), Self-Employed & ICs: <https://www.sba.gov/starting-business/how-start-business/business-types/self-employed-independent-contractors>
- Independent Consultant Network: <http://iqworkforce.force.com/careers/>
- Freelancers Union: <https://www.freelancersunion.org/>
- Sample CA IC Agreement: <http://employerscenter.com/independent-contractor-agreement-instructions-california/>

Legal Citations

- Immigration Reform and Control Act of 1986, Pub. L. No. 99-6603, 100 Stat. 3359 (codified at 8 U.S.C § 1324a). The IRCA amended the Immigration and Nationality Act (“INA”).
- I-9 System: 8 CFR § 274a.2(b)(1)(i)(B), 8 CFR § 274a.1.
- Federal Statute 8 U.S. Code 1324a(a)(4): United States Code, 2006 Edition, Supplement 5, Title 8 - ALIENS AND NATIONALITY <https://www.gpo.gov/fdsys/granule/USCODE-2011-title8/USCODE-2011-title8-chap12-subchapII-partVIII-sec1324a/content-detail.html>