

# INCOME GENERATION OPTIONS FOR UNDOCUMENTED STUDENTS TOOLKIT

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# PREFACE

Thanks to widespread student advocacy efforts to pass legislation allowing undocumented students to pay in-state tuition (AB1540), get state financial aid (AB130-131) and apply for professional licensing (SB1159), higher education and career opportunities have become much more accessible for undocumented young people in California. But after graduation, undocumented students must identify ways to utilize their degrees and earn a living. While it's true that being undocumented creates barriers to pursuing employment in the U.S., there are many ways to earn a living through entrepreneurship regardless of your status.

Becoming an entrepreneur is not easy, but it is possible and can serve as a way to participate in—and help shape—today's changing economy. This toolkit provides in-depth information, resources and templates that address questions about independent contracting and business start-ups, as well as profiles of immigrant entrepreneurs to see real life examples of what people are doing. At a time when there is much uncertainty regarding the future of immigrants in the U.S., particularly DACA beneficiaries who may lose the opportunity to legally work, this toolkit outlines legal ways for all immigrants, regardless of their status, to utilize their degrees and thrive in the U.S.

This toolkit is intended as a resource for educators who wish to support undocumented students and for undocumented students and alumni who are trying to figure out their career options. This toolkit is not intended to be read in one sitting, but rather used as a resource directory that is frequently referenced. The appendix section includes templates that can be downloaded whenever they are needed.

# MESSAGE FROM THE UNIVERSITY OF CALIFORNIA

The University of California Office of the President (UCOP) is pleased to co-present with Immigrants Rising, an inclusive toolkit that provides income generation options to UC students and alumni, with or without work authorization. This resource provides guidance on how to earn a living as an independent contractor, confers advice on how to incorporate a business, and shares resources that are available both on and off UC campuses. I encourage UC student affairs practitioners, career center advisors, faculty members, and staff to use this toolkit to support the career pathways of all students, regardless of their immigration status.

This toolkit grew from a spring 2018 convening of the UC President's Advisory Council on the Undocumented Community & Immigration and UCOP Student Affairs. The convening sought to develop strategies to prepare undocumented students for post-graduation career opportunities. A prominent recommendation that emerged called for UCOP to equip each campus with information geared toward undocumented students on alternatives to employment and post-graduation opportunities. In response, UCOP partnered with Immigrants Rising to produce this toolkit. To begin dissemination of this important information, Immigrants Rising produced and delivered several in-person and online trainings to UC stakeholders, including directors and coordinators of undocumented student services, financial aid directors, career center staff, instructional faculty, hiring managers, UC students, and alumni from across the University system. We heard from participants they found these trainings to be very insightful.

The University of California remains steadfast to its commitment of supporting undocumented students' higher education, career readiness, and post-graduation opportunities. We will work to ensure they have a path forward to fulfilling their aspirations during and after their time at UC.

I am excited to share this project with you and hope that students, alumni, and student affairs staff find this to be a useful resource. Thank you for your time, effort, and dedication to supporting UC students.

Sincerely,



Elizabeth Halimah  
Associate Vice Provost for Diversity & Engagement  
University of California  
Office of the President

# FREQUENTLY ASKED QUESTIONS

## Student FAQs About Income Generation

### Career Options

#### **I am an undocumented student trying to choose a major, where should I start?**

You can choose any major you like, however, some professions, such as those in the health industry, may require work authorization. Also, keep in my mind that your immigration status may change at some point in the future, so don't limit your options solely based on your status. See [Section V](#) of this toolkit for more information about career pathways for undocumented students.

#### **I selected a major and all internships/work opportunities require work authorization, what should I do?**

Depending on your major, you may be able to get training and experience through fellowships (considered financial aid), unpaid internships or independent contracting. You may want to search for existing fellowships at your campus related to your field of study and identify ways to utilize your skills and experience to engage in work as an independent contractor. See [Section V](#) of this toolkit for more information about career pathways and training opportunities for undocumented students.

#### **I know I can't get employed in my field, so how can I use my degree?**

Any immigrant, regardless of status, can generate income through freelancing, independent contracting, or the establishment of their own business. Review [Section II](#) of this toolkit to learn how to get started as an independent contractor.

#### **Can I pursue graduate school as an undocumented student?**

Yes, undocumented students may pursue graduate or professional school. However, either option requires careful consideration and research. Learn more about graduate and professional school opportunities for undocumented students in Immigrant Rising's [Life After College Guide](#). Also refer to [UCLA's Undocumented](#)

[Graduate and Professional Students Handbook](#)

for more specific information about graduate and professional school at UCLA.

### Freelancing and Entrepreneurship

#### **I know I can work as an independent contractor, but how do I start?**

First, you should familiarize yourself with the legal aspects of working as an independent contractor, which you can learn about in [Section I](#) of this toolkit. Next, identify what skills, abilities, and knowledge you have that could be turned into contracting opportunities. Use the Independent Contractor Brainstorming Worksheet in [Appendix B](#) to help you get started.

#### **I am already doing independent contracting and would like to incorporate as a business to hire employees, where do I start?**

There are multiple ways to incorporate as a business. Review [Section III](#) of this Toolkit to become more familiar with the different types of business structures. Afterward, you can use the [Centro Community Business Plan App](#) to draft a business plan or use the Business Model Canvas Worksheet in [Appendix F](#) to help you develop your business model.

#### **I have been offered a job, but I do not have work authorization, what should I say?**

Undocumented people without work authorization are not allowed to work as employees. However, there may be an opportunity to work as an independent contractor. Start by familiarizing yourself with the independent contracting rules, which you can learn about in [Section I](#) of this Toolkit.

When preparing to speak with potential clients about working as an independent contractor, you may consider doing the following:

- » Make sure the type of work you wish to do follows the independent contractor guidelines; you cannot simply turn employment into independent contracting
- » Become familiar with the legal aspects of working as an independent contractor

- » Highlight your assets and skills and be prepared to demonstrate how they meet the needs of your clients
- » Research similar types of work so you know the standard rate for your services
- » Become familiar with writing contracts and make sure to sign a contract with every client

## Working with DACA

### **I have been offered a job and I have DACA, do I have to disclose my undocumented status?**

You are not required to disclose your undocumented status to your employer. For more information, see the National Immigrants Law Center's (NILC) [Frequently Asked Questions: DACA and Your Workplace Rights](#).

### **I was previously employed with my DACA work authorization, but I was not able to renew my DACA, what should I do?**

If a DACA beneficiary were to lose their work permit, the company that hired them would not be able to contract with them. If the beneficiary were to have their DACA status revoked, they could pursue independent contract work or start a business using his or her assigned SSN, as long as he or she contracts with any other entity other than the one that is aware of the expired work authorization.

## ITINs, SSNs and Taxes

### **I was not able to renew my DACA and would like to work as an independent contractor, do I have to get an ITIN?**

If you obtained DACA and used it to get an SSN you should not continue to use or renew your ITIN; you should only have either the SSN or ITIN, not both. Regardless of the possible termination of DACA, the assigned SSN will remain yours even if your work authorization terminates. The SSN is separate from a work permit and can be used to work as an independent contractor or start a business, which are options that do not require work authorization.

*Regardless of the possible termination of DACA, the assigned SSN will remain yours even if your work authorization terminates.*

### **I need to file taxes this year for some independent contractor work and money I received through a**

### **fellowship. What do I have to report and how much do I have to pay in taxes?**

As an independent contractor, you are considered self-employed and will need to pay self-employment tax if your net income is greater than \$400. Fellowship grants are not subject to tax withholding and not reported on a year-end tax form (W2 or Form 1099), but you are still required to report them on IRS Form 1040 and may need to make estimated tax payments directly to the IRS. For enrolled students, gift aid (i.e., scholarships) that exceed tuition, fees, books & supplies are taxable to the recipient per IRS publication 970. Please check with a tax accountant regarding your need to make estimated tax payments. How much you make, and how you file (single, married filing jointly, married filing separately), will determine how much you need to pay in taxes. It is recommended that you save about 20% of your earnings to pay taxes. Also keep in mind that the IRS allows business expenses to be deducted from your earnings as long as they are business-related and not personal. See [Section II](#) of this toolkit for more information about taxes.

### **How do I find out about other immigration options?**

Learn about options for gaining longer-term status and categories that might work for you now, or in the future in Immigrants Rising's [Beyond DACA: Immigration Options Every Undocumented Person Should Know](#). Learn about your possible immigration options by using Immigrants Rising's [Immigration Legal Intake Service](#).



# Staff/Faculty/Admin FAQs About Income Generation

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## Income Generation Through Freelancing and Entrepreneurship

**I know all students, regardless of immigration status, can earn a living through freelancing/ entrepreneurship, but how do I learn more about income generation options other than employment?**

You may want to start by reviewing this Toolkit to learn more about income generation options, other than employment. The Toolkit includes comprehensive guides, templates, and handouts to help students get started in freelancing and entrepreneurship.

**How can we support undocumented students interested in entrepreneurship at our campus?**

You may want to partner with the business school, law school, or entrepreneurship program (if available) on your campus. Business schools can offer classes, help develop curriculum, host workshops, or create certificate programs for undocumented students. Law schools often offer pro bono business legal assistance through transactional clinics (see a list of all transactional clinics at the UCs in [Section IV](#)) that can benefit undocumented students and their families. Entrepreneurship programs at your campus may be able to provide 1-on-1 support to students interested in starting a business, may have start-up funds available and may have incubators that can help undocumented students develop and launch a business idea (see a list of all entrepreneurship centers at the UCs in [Section IV](#)).

**Where can I find local entrepreneurship service providers to refer students to?**

In addition to support offered at your UC campus ([Section IV](#)), you and your students can find local entrepreneurship service providers on [venturize.org](#). Venturize is an online resource portal for small businesses that need help starting a business, scaling a business, and accessing capital, particularly enterprises located in underserved areas. All resources on Venturize are available in Spanish and the list of service providers indicates in which languages services are offered. Venturize's [interactive map](#) allows you to search for local service providers by zip code. You may also want to refer students to your local Small Business

Development Agency (see a complete list of agencies in California in [Section V](#) of this Toolkit).

**Are there any repercussions I should consider, as a result of sharing this information with students?**

No. Under federal law, as mandated by the Immigration Reform and Control Act of 1986 (IRCA), it is illegal to knowingly employ unauthorized workers in the United States. However, neither work authorization nor an SSN are required to engage in independent contracting or business start-up.

## Career Advice

**How do I advise undocumented students who are trying to choose a major?**

Undocumented students may choose any major they like, however, some professions, such as those in the health industry, may require work authorization. Also, keep in my mind that undocumented students may be able to adjust their status at some point in the future, so they should not limit their options solely based on status. See [Section V](#) of this toolkit for more information about career pathways for undocumented students.

**I know that undocumented students can get professional licenses in the state of California, but how does it work?**

SB1159 allows any immigrant, regardless of immigration status, to get a professional license in the state of California. There are specific requirements for each license that may include training, exams, certifications or an hourly commitment. For more information, see [Section II](#) in this Toolkit that discusses California's SB1159. To see a complete list of licensing and requirements, visit the [California Department of Consumer Affairs website](#).

## On-Campus Training Opportunities

**We have a great student we'd like to work with, how can we hire that student?**

Undocumented students without work authorization cannot be hired as employees under any circumstance.

**Can undocumented students engage in work study?**

Work study is a form of employment and undocumented students who do not have work authorization cannot be employed. Undocumented students who are DACA recipients and have non-expired work authorization

might be eligible for institutional work-study. Students should inquire with the Financial Aid Office to see if they qualify.

There are also ways to create career development and training opportunities for undocumented students, and potentially offer a stipend through fellowships. Currently, at UC a “stipend” must be administered through financial aid or through payroll (which requires work authorization).

Additionally, the terms, conditions and compensation for many graduate-level employment opportunities—research, teaching assistant, tutor—are addressed in collective bargaining agreements and cannot be modified to accommodate those without work authorization.

## Sponsorship

### **Is it possible for the UC to sponsor an undocumented student for a work visa?**

While the UC generally limits sponsorship opportunities to high-level academic positions, it may be able to petition a student for an H-1B Visa. An H-1B nonimmigrant visa is a temporary visa for professional workers in specialty occupations that normally require a bachelor’s degree or equivalent as a minimum requirement. For an H-1B, the employer is the petitioner, and they are required to make successive filings with the Department of Labor and then with USCIS. The employer must “attest” (promise) that it will pay the prevailing wage for that job in that geographic area, as well as to the actual wage paid at the company for others in the same job, among other attestations. For more information about the H1-B Visa and other long-term status and categories, see Immigrants Rising’s [Beyond DACA: Immigration Options Every Undocumented Person Should Know](#).

# SECTION I: UNDERSTANDING INCOME GENERATION, REGARDLESS OF IMMIGRATION STATUS

Most undocumented immigrants face significant barriers when pursuing employment in the United States. Employers are required to ask for proof of legal status, and it is illegal for any employer to hire a person knowing that the individual is not lawfully authorized to work. In this section, we outline some legal ways to earn money in the United States. It is the worker's responsibility to determine whether they may legally pursue these options based on their immigration status. For more information on obtaining legal advice, visit the Student Legal Services Department at your campus.

There are multiple ways to work for yourself, including independent contracting (also called consulting or freelancing) and establishing a formal business. Many individuals, including professionals, do independent work outside of their regular employment as a way to boost earnings or lay the foundation for a business. This section will cover what it means to be an independent contractor, personal information needed to pursue this option, tax liability, and independent contractor guidelines.

*For more information on obtaining legal advice, considering visiting the Student Legal Services Department at your campus.*

## Legal Considerations for Independent Contracting

It is important to consider the legal aspects of earning a living as an independent contractor without legal status. Under federal law, as mandated by the Immigration Reform and Control Act of 1986 (IRCA)<sup>1</sup>, it is illegal to knowingly employ unauthorized workers in the

United States. This applies to all workers, however, an employer's responsibility to verify work authorization is much higher for workers classified as employees than for workers classified as independent contractors, sporadic domestic workers, or workers who are hired through contracts with other legal entities. The IRCA requires employers to verify that every new employee is legally authorized to work in the U.S., through a two-part federal employment verification system, known as the "I-9 System". First, an employee must complete Form I-9, Employment Eligibility Verification and assert under penalty of perjury that they are legally authorized to work in the U.S. Second, the employer must review the original documentation from a specified list (e.g., birth certificates, passports and work permits) to verify both the worker's identity and eligibility to work. After review, the employer must certify under penalty of perjury that they have examined the original documentation<sup>2</sup>.

There are exceptions to the I-9 System obligations when not dealing with employees. An individual or entity is not required to obtain Form I-9 from independent contractors or sporadic domestic workers.<sup>3</sup> Further, Individuals or entities are generally not obligated to affirmatively verify the work authorization of individuals whom they engage as independent contractors.

*While employment is now allowed without work authorization, independent contracting and business start-up do not require work authorization and therefore, are viable opportunities for anyone, regardless of immigration status.*

However, **Federal Statute 8 U.S. Code 1324a(a)(4)** prohibits an individual or entity (a client) from knowingly engaging an unauthorized individual to provide services

<sup>1</sup> 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").

<sup>2</sup> 8 CFR § 274a.2(b)(1)(i)(B).

<sup>3</sup> 8 CFR § 274a.1.

as a contractor.<sup>4</sup> This means that if an employer is aware that an employee's work authorization has expired, he or she cannot contract with that same individual as an independent contractor. Therefore, if a DACA beneficiary were to lose their work permit, the company that hired them would not be able to contract with them. In the case of DACA getting revoked, a DACA beneficiary could pursue independent contract work or start a business using their assigned SSN, as long as they contract with an entity other than the one that is aware of the expired work authorization. Individuals who fail to comply with Form I-9, or knowingly hire or contract undocumented individuals may face civil fines, criminal penalties, or debarment from government contracts.<sup>5</sup>

It should be noted that in some instances, engaging in unauthorized employment (which USCIS has interpreted to include unauthorized self-employment) may adversely impact the ability of the individual to adjust his or her immigration status at a later time. However, legal experts who consulted with us could not imagine a scenario in which prior unauthorized work caused an *additional* adverse impact to adjustment beyond the adverse impact of having been present without authorization.

## Independent Contracting

Although employers may not knowingly hire an unauthorized immigrant, federal and state laws often do not require proof of immigration status for an individual to go into business for themselves and receive payment for goods or services. Individuals who perform services, but are not employees, are sometimes categorized as independent contractors.

An independent contractor is defined as a self-employed person who produces a specific type of work product in a determined amount of time. The difference between an independent contractor and an employee is discussed below, but the general rule is that the person paying an independent contractor has the right to control or direct only the result of the work and not what will be done and how it will be done.<sup>6</sup> The independent contractor may be paid an hourly rate or a flat fee. Independent contractors generally use their own name to do business, but they may decide to start their own

### Bo Daraphant's Story



**“My entrepreneurship was born out of two things: necessity—because I couldn’t get hired and needed to do something on my own—and passion for my art.”**

Bo Thai is an undocumented artist from Thailand and owner of illegal Drip, a clothing line that blends art and advocacy. Bo is also the co-founder of Monarch Mercado, a network and marketplace for undocumented people to find community, grow, and hustle. Bo graduated from UC Irvine with a degree in International Studies. [Watch Bo's Story](#)

company by starting a sole proprietorship and using a business name instead.

**Personal Identification Required:** The person or company that pays is not required to ask an independent contractor to fill out an I-9 or otherwise inquire about immigration status. They will, however, require a Social Security Number (SSN) or an [Individual Taxpayer Identification Number \(ITIN\)](#)<sup>7</sup> to commence work.

**NOTE: DACA beneficiaries who receive SSNs should use their SSN to engage in work as independent contractors even if their work authorization expires.**

The ITIN is a processing number issued by the IRS. The ITIN may be used to report earnings to the Internal Revenue Service, open interest-bearing bank accounts with certain banks, and conduct business in the United States. The IRS issues ITINs regardless of immigration status, because both citizens and noncitizens may have a U.S. tax filing or reporting requirement under the Internal Revenue Code. If you obtained DACA and used it to get an SSN you should not continue to use or renew your ITIN. Regardless of the possible termination of DACA, the assigned SSN will remain your SSN even if the individual's work authorization terminates. The SSN used to keep track of earnings generated through

<sup>4</sup> United States Code, 2006 Edition, Supplement 5, Title 8 - ALIENS AND NATIONALITY <https://www.govinfo.gov/app/details/USCODE-2011-title8/USCODE-2011-title8-chap12-subchap11-partVIII-sec1324a>

<sup>5</sup> <https://www.uscis.gov/i-9-central/penalties>

<sup>6</sup> For further information on independent contractor work and guidelines see <http://www.irs.gov/businesses/small/article/0,,id=99921,00.html>

<sup>7</sup> For more information about ITINS, see Immigrants Rising's ITIN Guide, <https://immigrantsrising.org/resource/individual-tax-identification-number-guide/>

employment (which requires work authorization) or independent contracting (which does not require work authorization). Therefore, individuals who lose their work authorization may continue to generate income through independent contracting or business start-up using their SSNs. To learn more about the ITIN, see Immigrants Rising's [ITIN Guide](#).

**Taxes:** An independent contractor must pay self-employment tax and income tax. An independent contractor may use an ITIN to file and pay taxes instead of an SSN using [Form 1099](#). Independent contractors can get free tax prep help through the [IRS Volunteer Income Tax Assistance \(VITA\)](#). Independent contractors may also receive support from the [IRS Low Income Taxpayer Clinics \(LITC\)](#). LITCs can represent people before the IRS or in court on audits, appeals, tax collection matters, and other tax disputes. Services are provided for free or for a small fee.

## IRS Forms Required of Independent Contractors

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An independent contractor is responsible for having a valid SSN, ITIN or EIN to complete a W-9 Form. The following forms are used to keep track of payment and pay taxes on earned income, and do not require work authorization.

**W-9:** The IRS requires that payers (clients) use [Form W-9](#) to obtain taxpayer identification numbers from independent contractors. The W-9 Form is filled out at the start of work by an independent contractor and kept on record by the payer. Note that if, in one calendar year, an independent contractor is paid anything less than \$600 then the payer does not need to request a W-9 Form.<sup>8</sup> Regardless of whether or not a W-9 Form is requested, independent contractors should keep track of their earnings and pay taxes on all earnings. A W-9 Form is likely to be requested by each client. The only personal information that is required on the form is name, current mailing address and either an SSN, ITIN or EIN; work authorization is not required.

**1099:** The IRS requires that payers (clients) use [Form 1099](#) to record the total amount of money paid to independent contractors in any given calendar year. A payer must file a 1099 for each independent contractor paid \$600 or more. A copy of the 1099 is mailed to the

### Kai Martin's Story



**“The drive and the hustle just became natural to me, so once I was of age I found myself looking to learn tips and tricks. I was determined never to sit still and never say I can’t do it, because I know I can always find something to do.”**

Kai is a native of the twin islands of Trinidad and Tobago. After immigrating to the United States, she began her U.S. educational journey in the New York City public school system. She completed her associate’s degree at the Borough of Manhattan Community College and later attended John Jay College of Criminal Justice, where she graduated cum laude with a bachelor’s degree in law. While currently pursuing her MPP at George Washington University, Kai provides professional consulting services in product and personal branding, small business startup, social media management, and marketing and public relations. [Watch Kai’s Story](#)

independent contractor at the end of the year and he or she becomes responsible for paying taxes thereafter.

## Basic Guidelines for Independent Contractors

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For federal tax purposes, the IRS common law rules<sup>9</sup> are applicable to determine if a worker is an independent contractor or an employee. Facts that provide evidence of the degree of control and independence fall into three categories:

**Behavioral:** Does the company control or have the right to control what the worker does and how the worker does his or her job?

**Financial:** Are the business aspects of the worker’s job controlled by the payer? (these include things like how worker is paid, whether expenses are reimbursed, who provides tools/supplies, etc.)

**Type of Relationship:** Are there written contracts or employee type benefits (i.e. pension plan, insurance,

8 <http://www.mbahro.com/News/tabid/110/entryid/147/W9-Tax-Form-FAQ.aspx>

9 <https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee>

**Table 1. Employees vs. Independent Contractors: Main Differences**

	Employee	Independent Contractor
Behavioral Control	Employer trains and directs work, including hours of work, what tools or equipment to be used, specific tasks to be performed and how the work is to be done	Worker can set their own hours and works with little or no direction or training
Financial Control	A worker is paid a salary, is restricted from working for others, and does not participate in company profits or losses	Worker may work for others at the same time and can incur a profit or loss
Type of Relationship	Worker is entitled to benefits; work is directly related to the company's core work	Worker finance his or her own benefits out of the overall profits of the enterprise; worker works on a specific project or period of time

vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business?

Businesses must weigh all these factors when determining whether a worker is an employee or independent contractor. Some factors may indicate that the worker is an employee, while other factors indicate that the worker is an independent contractor. There is no “magic” or set number of factors that “makes” the worker an employee or an independent contractor, and no one factor stands alone in making this determination. Also, factors which are relevant in one situation may not be relevant in another.

The keys are to look at the entire relationship, consider the degree or extent of the right to direct and control, and finally, to document each of the factors used in coming up with the determination.

## Employment vs. Independent Contracting

It is very important to understand the differences between employment and independent contracting. Please refer to Table 1 to understand the main differences.

## California Common Law Test and the ABC Test

California courts and administrative agencies have generally applied common law principles to determine independent contractor status. Recently, however, there have been major developments in independent contractor law.

Beginning January 1, 2020, a new law, commonly referred to as [Assembly Bill 5](#) (AB 5), significantly altered the way California law distinguishes between employees and independent contractors. The new law codifies into law the 2018 California Supreme Court’s decision in [Dynamex Operations West, Inc v. Superior Court](#). In that case, the Court adopted a standard that presumes that all workers are employees instead of contractors. The burden is now on any entity classifying an individual as an independent contractor using the “ABC Test”. Under the newly adopted “ABC test,” a worker may be classified as an independent contractor, instead of an employee, only if the hiring entity establishes all of the following:

- (A) that the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact;
- (B) that the worker performs work that is outside the usual course of the hiring entity’s business; and
- (C) that the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

*Before engaging in independent contracting, we suggest carefully thinking about the type of services one could provide that meet the requirements. See [Appendix A](#) for a list of top consulting opportunities that can be done independently.*

California’s new AB5 applies to all of California, but exempts many professional workers and many other

workers with licenses, such as stylists and barbers. The following professions were excluded from AB5<sup>10</sup>:

- » Doctors: physicians, surgeons, dentists, podiatrists, veterinarians, psychologists.
- » Some licensed professionals: lawyers, architects, engineers.
- » Financial Services: insurance brokers, accountants, securities broker-dealers, investment advisors.
- » Real estate agents.
- » Direct sales: provided the salesperson's compensation is based on actual sales rather than wholesale purchases or referrals.
- » Commercial fishermen.
- » Builders & contractors: construction firms that build major infrastructure projects and big buildings.
- » Professional services: marketing, human resources administrator, travel agents, graphic designers, grant writers, fine artists.
- » Freelance writers, photographers: provided the worker contributes no more than 35 submissions to an outlet in a year.
- » Hair stylists, barbers: defined as a licensed barber or cosmetologist provided that person sets their own rates and schedule.
- » Estheticians, electrologists, manicurists: provided they are licensed.
- » Tutors: provided they teach their own curriculum. Does not apply to public school tutors.
- » AAA-affiliated tow truck drivers.

However, workers in these exempt categories are not automatically independent contractors. They must pass the 11-point "Borello test" after the California Supreme Court case it is drawn from; [S. G. Borello & Sons, Inc. v. Department of Industrial Relations](#). The Borello test focuses primarily on the hiring entity's right to control the manner and means of performing the work but also requires consideration of the following factors:

1. Whether the worker is engaged in an occupation or business that is distinct from that of the hiring firm
2. Whether the work is part of the hiring firm's regular business
3. Whether the hiring firm or the worker supplies the equipment, tools, and the place for the person doing the work
4. The worker's financial investment in the equipment

or materials required to perform the work

5. The skill required in the particular occupation
6. The kind of occupation—whether, in the locality, the work is usually done under the hiring firm's direction or by a specialist without supervision
7. The worker's opportunity for profit or loss depending on his or her own managerial skill
8. How long the services are to be performed
9. The degree of permanence of the working relationship
10. The payment method, whether by time or by the job, and
11. Whether the parties believe they are creating an employer/employee relationship.

The first factor on the list is given the most weight.

*To pass all tests, we recommend incorporating as a business (see [Section III](#)) and actively engaging in promotion of services.*

To learn more about AB5, please review the California Immigrant Policy Center's (CPI) [AB5 Frequently Asked Questions](#).

<sup>10</sup> <https://calmatters.org/economy/2019/09/whos-in-whos-out-of-ab-5/>

# SECTION II: HOW TO START EARNING A LIVING AS AN INDEPENDENT CONTRACTOR

Independent contracting requires a change of mindset, from working for a boss to working for oneself. This means establishing an expertise (through a product or service), marketing oneself, networking, understanding the rules of independent contracting, understanding taxes, engaging in continuous learning, and most importantly, believing in oneself!

## Participating in the Gig Economy

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The gig economy refers to a growing segment of the labor market where individuals earn a living outside of traditional part-time or full-time employment, usually as independent contractors, also known as freelancers. The gig economy has grown tremendously over the past few years, as a result of technology, which has facilitated the connection between workers and clients in a variety of sectors. Individuals who choose to participate in the gig economy may do it out of necessity or by choice. Some individuals may experience employment barriers in the traditional labor market due to lack of experience or educational attainment, language barriers, immigration status, having a criminal record, being a survivor, or a lack of interest in traditional employment. The gig economy has endless options and often does not require high educational attainment.

Gig opportunities include:

- » Driving for car services such as Uber or Lyft
- » Selling products or services on sites such as Etsy or eBay
- » Working as a freelance writer, web designer or musician
- » Working for pay apps such as TaskRabbit
- » Selling products such as Mary Kay or Princess House
- » Renting space in your personal home with sites such as Airbnb

» Any one-time, task-based job

[Samaschool](#), a San Francisco-based nonprofit focused on preparing low-income populations to succeed as independent workers, offers a variety of tools to help people get started in the gig economy. Their [Work Finder](#) includes a vast list of work organized by categories that include Care, Creative, Delivery and Driving, Design and Tech, to name a few. Each specific type of work includes a description, types of skills and experience needed, estimated hourly range, and whether or not it is suitable for English learners. Samaschool also includes online marketplaces to find work in the desired field/industry of choice.

## Working as a Professional Service Provider

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In addition to participating in the gig economy, individuals may choose to leverage their expertise, skills, abilities, certification, and professional and academic training to independently offer professional services to the public. These professional services exist in a variety of industries, however, the ability to provide them requires experience, passion for a specific type of work, and in some instances, licensing or educational attainment.

Professional services include:

- » Accounting
- » Advertising
- » Legal
- » Medical
- » Engineering
- » Computer programming
- » Graphic design
- » Website design



- » Payroll management
- » Taxes
- » Writing and editing
- » Fine art
- » Photography
- » Landscaping
- » Construction
- » Real estate
- » Cosmetology

#### What to Consider When Providing Professional Services<sup>11</sup>:

- » **What certifications or special licenses are needed?** Depending upon your profession, you may need special certification or a special license before you can begin operating as a consultant. For example, fund-raising consultants don't need special certification, although you can become certified through the National Society of Fund Raising Executives. And in some states, you may need to register as a professional fund-raising consultant before starting your business. On the other hand, if you wish to become an independent lawyer, accountant, or real estate agent, you will need to pursue higher education and complete the licensing requirements for these options. See SB1159 in [Section II](#) for additional information about professional licenses for undocumented people in California.
- » **Am I qualified to become a consultant?** Before becoming a consultant, you need to make sure you have the qualifications to get the job done. This includes having experience and staying up to date with current trends and changes. You may also consider acquiring additional skills or knowledge. [Skillshare](#) is an online platform with thousands of online classes taught by professionals on topics including illustration, design, photography, video, freelancing, and more.
- » **Am I organized enough to become a consultant?** Becoming a professional consultant requires having excellent time management and planning skills in order to juggle multiple clients and tasks.
- » **Who are my potential clients?** In order to find clients, professional consultants should have a large network of contacts and become familiar with marketplaces to find clients. [LinkedIn Pro Finder](#)

#### Pedro Moura's Story



**"I was able to break out of a cycle of poverty and I want to help others in my community do the same. I have developed a scalable business and crafted a product that helps people in their day to day lives."**

Pedro Moura is a formerly undocumented immigrant from Brazil and the cofounder of Flourish Savings, a free mobile app geared toward empowering young adults to build savings habits by making it feel like play. Pedro graduated from UC Davis with a degree in economics and completed an MBA at the UC Berkeley Haas School of Business. [Watch Pedro's Story](#)

helps connect freelance professionals with high quality leads, utilizing LinkedIn profiles.

To see a list of the top consulting businesses thriving today, see [Appendix A](#).

## Professional Licensing (California SB 1159)

California's [SB1159](#), approved by Governor Brown in 2014, requires licensing boards within the Department of Consumer Affairs to accept an individual tax identification number in lieu of a social security number for professional licenses. The law enables all California students who qualify to sit for specific licensing exams, including the California Bar Exam, and to become licensed upon passing the exams. The law also prohibits any entity within the department from denying licensure to an applicant based on his or her citizenship status or immigration status.

Individuals who wish to get a professional license should review the requirements and associated fees ahead of time. While undocumented individuals may not get legally hired as employees without work authorization, immigrants, regardless of status, may utilize their professional license to earn a living as professional consultants.

A complete list of professional licenses issued by the Department of Consumer Affairs is found on their

<sup>11</sup> Adapted from <https://www.entrepreneur.com/article/41384>

website: [https://www.dca.ca.gov/about\\_us/entities.shtml](https://www.dca.ca.gov/about_us/entities.shtml).

## Additional Consideration for Independent Contracting

In addition to understanding the IRS and state rules for independent contracting, it is important for individuals who wish to earn a living as independent contractors to learn about additional responsibilities such as liability insurance, contracts, invoicing, budgeting, and taxes.

### Liability Insurance

In some instances, independent contractors may be asked to provide liability insurance. General liability insurance is a type of insurance policy for independent contractors or business owners that would cover legal expenses resulting from a lawsuit. Independent contractors have the same legal obligations and liability exposures as larger firms. They can be sued for damaging client property, causing bodily harm, or advertising injury. Clients may require general liability insurance before they sign a contract to avoid being held responsible for alleged wrongdoing or accidents caused by a contractor. Some industries, such as construction, require by law for independent contractors to carry general liability coverage by law.

Liability policies typically cover the following:

- » Bodily injury caused to someone else (who is not your employee)
- » Slip and fall accidents
- » Copyright infringement
- » Product liability
- » Slander and libel
- » Property damage

*Finding the right insurance provider may involve doing some research. There are a number of different coverage types, monthly fees, and deductibles that need to be taken into consideration. There are also free online tools, such as [Insureon](#), to get free quotes and compare policies.*

### Sumana Kaluvai's Story



**“My background in entrepreneurship primarily stems from a myriad of side hustles that I stumbled into over time.”**

Sumana Kaluvai and her family immigrated to the US from India when she was 2 years old. She graduated in 2019 from UCLA with a degree in bioengineering. While at UCLA, Sumana was a member of the professional entrepreneurship fraternity, Sigma Eta Pi, and a fellow in the Dream Summer Program. She currently works at a biotech-related consulting firm in San Francisco. [Watch Sumana's Story](#)

### Contractor Agreement

Independent Contractor Agreements are legally binding documents that clearly outline the scope of work, payment schedules and deadline expectations of a freelance arrangement. The first distinction that needs to be made about these contracts is that they are not for employees. The contract serves as an agreement between a company or individual (the client) and an independent or freelance worker. Some examples include a handyman that is contracted to install new windows in a home, a freelance web designer contracted to create a company's website, or an editor contracted to provide copy-editing services to a non-profit organization. The contractors are independent workers, not employees, and are therefore, responsible for most of their own tax obligations.

The contract agreement outlines exactly what the work consists of, when it needs to be completed by and the fee due to the contractor upon completion. The second is that it shields clients from liability issues and helps protect assets and proprietary information. If a client is taken to court, the signed agreement will clearly show the judge what the expectations of the arrangement were. A contract may also be needed in the case of an IRS audit.

For the freelancer, the contract serves as a legally binding document in the case of a payment disagreement. In addition, the contract adds a level of professionalism for the contractor and shows a willingness to commit to work and time agreements.

To see a sample contract, refer to [Appendix C](#).

## Invoicing

Independent contractors are not on payroll, which means that they need to know how to create an invoice to request payment for services provided to a client. An invoice is a document that lists the products and services an individual or business provides to a client and establishes an obligation on the part of the client to pay the business for those products and services. Invoices are important for both the business sending them and the client receiving them. For independent contractors or small businesses, an invoice helps expedite the payment process by giving clients a notification of the payment that is due. For clients, invoices provide an organized record of an expense with itemized details, and can help with record keeping. It is the responsibility of the contractor to provide an invoice to the client.

The most common way to create an invoice is to use a template. However, individuals should understand the key components of an invoice. The most effective invoices include the following elements, organized by section.

- » **Header:** Includes information about the independent contractor or business, including contact information.
- » **Invoice Number:** This is an individual number assigned by the seller to distinguish this invoice from all others the seller sends.
- » **Invoice Date:** The invoice is generated and sent on the invoice
- » **Payment Terms:** When a payment is expected.
- » **Billing Company Information:** The name of the business (or the contractor) and the contact person should be included in the header, with contact information.
- » **Customer or client information:** The person or business receiving the invoice should be identified, with their contact information, in the header.
- » **Line items:** The bulk of the body section is made up by line items. Line items name or describe the goods sold or services rendered, the cost per unit or hourly rate, the number of units bought or hours billed, and the total due for that particular item.
- » **Billable expenses:** If you've had to pay for some things that the customer needs to cover, include these expenses on the invoice. These could also be included separately, depending on client protocols.

## Norma Castañeda's Story



**“As immigrants we’ve been resilient our whole lives and that creates persistence that we bring along with us to the business world. We have the mentality that, ‘yes, I can do it. It’s going to take a while, but it’s possible.’”**

Norma immigrated to the U.S. from Michoacan, Mexico at the age of fifteen. She is a first-generation college student and graduated from California State University, Los Angeles with a degree in business administration and an emphasis on marketing management. While attending college she launched and managed a small business through eBay for two years. After gaining experience in business management, she started offering consulting services in 2012 and launched her real estate business in 2017. Norma became a Notary Public in December 2019. [Watch Norma's Story](#)

- » **Total charges:** A summary of all charges associated with the items or services being billed.
- » **Payment instructions:** Payment instructions appear in the footer of the invoice, if necessary. These instructions might include a line about where to send checks, what credit cards are accepted, any early payment discounts, or applicable late fees if the payment isn't received by the due date.

To see a sample invoice, refer to [Appendix D](#).

*Invoices can also be generated online easily, using tools such as the [Quickbooks Invoice Generator](#) or [Microsoft Office Templates](#).*

## Budgeting

Unlike traditional employees, who receive a paycheck every two weeks, independent contractors may have more inconsistency in their income and therefore, should do a bit more planning. The first step is to keep track of all expenses, including personal and business expenses. Individuals may choose to do this manually or use online tools, such as [Mint](#). The next step is to determine monthly income, including all revenue streams. Freelance or gig income is likely sporadic, depending on the type of work, the hourly rate and

availability. The purpose of keeping track of expenses and income is to spend less than what you earn.

Independent contractors also have to set aside cash to pay for income taxes and self-employment tax. The recommended amount to put aside is 20-30% of all income received. The amount of money that is left behind after expenses, bills, food, tax and savings, is called disposable income. If there is not much cash leftover, individuals run the risk of going into debt each month. Part of maintaining a budget as a freelancer is knowing where and when the money is coming in, having multiple revenue streams and possibly working long hours (i.e. a combination of gig work and professional consulting).

start a business in the U.S. For more information about the ITIN, see Immigrant's Rising's [ITIN Guide](#).

## Paying Taxes as an Independent Contractor

Filing taxes as an employee and independent contractor are very different. When an individual works for themselves there are no deductions from their paycheck for income taxes, social security or Medicare, as would be the case if they were working as an employee. Independent contractors or small business owners are held responsible for paying federal and state income tax, social security and Medicare; this combined tax is called self-employment tax for independent contractors.

How much money is reported and how a person files (single, married filing jointly, married filing separately, etc.) determines the amount needed to pay for taxes. Independent contractors or business owners pay taxes by subtracting business deductions and expenses from the net income of all business activities. This amount gets added to any other income, and then the tax is calculated on total adjusted gross income. There are federal and state tax brackets depending on how much money is made and how an individual files. It is recommended to refer to the [IRS website](#) for yearly federal tax brackets and state websites for yearly state tax brackets.

It is recommended to work with a reliable tax preparer or accountant who can help complete the correct tax forms and determine deductions and expenses. Students may also find free tax preparation support through local IRS's [Low Income Taxpayer Clinics \(LITC\)](#) or [Volunteer Income Tax Assistance Program \(VITA\)](#).

Individuals who do not have a Social Security Number (SSN) may file taxes using an Individual Tax Identification Number (ITIN). The IRS issues ITINs to individuals not eligible to obtain an SSN. The ITIN allows individuals to report earnings to the IRS, open interest-bearing bank accounts with certain banks and

# SECTION III: STARTING A BUSINESS AS AN IMMIGRANT

Individuals may consider incorporating as a business to (1) hire employees (who have work authorization), (2) create a layer of identity protection between the person and the business; (3) avoid questions related to work authorization, (4) be exempt from freelance laws, (5) access financial capital for business, (6) have the ability to seek larger, more competitive contracts, and (7) get more cost-effective benefits, such as cheaper health insurance premiums.

All immigrants, regardless of legal status, are eligible to start a business in the U.S. using an SSN, ITIN, or EIN. However, before considering starting a business, there are important decisions that need to be made and rules and procedures that must be addressed. While there is no single source for filing requirements, the following steps can give you an idea of the general process.<sup>12</sup> Each of these steps are outlined below and are discussed in more detail in the following sections, focusing on what immigrants, regardless of legal status, may or may not be eligible for.

**NOTE:** *The following steps provide a very general overview of the steps needed to start a business. There are many development and incubator programs that can help people learn about how to start a business and support individuals throughout the process. [Venturize.org](https://www.venturize.org) helps people learn about loans, retirement and healthcare for small businesses. Their [interactive map](#) helps people identify local business support providers across the nation.*

**Step 1.** Understanding taxes and identification documents required to get started. All immigrants, regardless of legal status, are able to pursue entrepreneurship opportunities using a Social Security Number (SSN) or Individual Tax Identification Number (ITIN). Before considering starting a business, individuals should make sure you have a valid SSN or ITIN.

**Step 2.** Writing a business plan or utilizing the Business Model Canvas (BMC). These tools will help individuals identify the goals and purpose of the business. This document will help individuals identify their financial needs to start a business.

**Step 3.** Financing a business. Individuals need to think about ways to finance their business early in the process. There are incurred costs in the beginning stages (i.e. licensing, permits, etc.) that may require capital.

**Step 4.** Deciding the location of a business. Depending on the type of business individuals wish to start, they will have to consider whether they will be working from home or out of home.

**Step 5.** Choosing a business structure.

- » Sole Proprietorship
- » Partnership
- » Corporation
- » Limited Liability Corporation (LLC)

**Step 6.** Registering a Business Name, often called Doing Business As (DBA). If an individual chooses to name their business as anything other than their own personal name then they'll need to register it with the appropriate authorities.

**Step 7.** Obtaining business licenses and permits. Almost every business needs some form of license or permit to operate legally. Licensing and permit requirements vary depending on the type of business, where it is located, and what government rules apply.

**Step 8.** Marketing and promotion. All businesses need to engage in marketing and promotion to get clients.

A more detailed explanation of each step is discussed below.

<sup>12</sup> These steps were derived from the U.S. Small Business Administration (SBA). For more detailed information visit <https://www.sba.gov/starting-business>.

## Step 1. Tax Information, ITINs and EINs

All immigrants, regardless of legal status, can pursue entrepreneurship opportunities (business start-up) using a Social Security Number (SSN) or Individual Tax Identification Number (ITIN). Before starting a business, individuals need to make sure they have a valid SSN or ITIN. The IRS issues ITINs to individuals not eligible to obtain an SSN. The ITIN allows individuals to report earnings to the IRS, open interest-bearing bank accounts with certain banks and start a business in the U.S. For more information about the ITIN and the latest changes, please read Immigrants Rising's [ITIN Guide](#).

**REMINDER:** *If someone previously received an SSN through DACA or other temporary protections, they should always use that number for tax purposes and never revert to using an ITIN.*

**EINs.** In addition to the SSN or ITIN, individuals may choose to apply for a An Employer Identification Number (EIN). The EIN, also known as a Federal Tax Identification Number, is a unique 9-digit number assigned by the Internal Revenue Service (IRS), and is used to identify a business entity. Similar in purpose to the SSN assigned to individuals, EINs are used by employers, sole proprietors, corporations, partnerships, non-profit organizations, trusts and estates, government agencies, certain individuals, and other business entities.<sup>13</sup> an SSN or ITIN may be used to get an EIN.

Individuals can apply for an EIN online, by fax, or mail depending on how soon an individual needs to use the EIN. Applying for an EIN is a free service offered by the Internal Revenue Service. Visit the IRS website at [www.irs.gov](http://www.irs.gov) (keyword "EIN") and apply using the interview-style [online EIN application](#).

## Step 2. Business Plans and Business Model Canvas

A business plan defines a person's business or the services they would like to provide, identifies their goals, and serves as their business resume.<sup>14</sup> It describes the products and services they will sell, the clients to whom they will sell, the production, management, and marketing activities needed to produce their offerings, and the projected costs for their work and effort. The

### Alejandro Flores's Story



"I saw the hustle day in and day out. Just like many of you out there, we see it in our parents. We see it in our relatives. We are hustlers by nature, because we need to survive."

Alejandro is a seasoned entrepreneur and activist who has made it his mission to advocate for marginalized communities. As an outspoken queer, DACA, Latinx person, Flores' work aims to champion the next generation of intersectional entrepreneurs. Brought to the United States by his mother in 1997, Alejandro had strong progressive values instilled in him from a young age. His upbringing and family's commitment to overcoming adversity is what inspired him to launch his businesses: Unum Sunglasses, Progressive Button, and most recently Stokes Poke. [Watch Alejandro's Story](#)

business plan generally projects 3-5 years ahead and outlines the road the company intends to take to grow.

The form and content of a business plan varies for each individual or business. The main purpose of the business plan is not necessarily to impress outsiders, but to force individuals to think about certain aspects of starting a business. A business plan is a reflection of the individual and their ability to organize, manage, and communicate their vision. A business plan will also provide the basis for a financial proposal, which is the document submitted to the financial community in order to acquire start-up capital or expand a business.

The U.S. SBA offers [free tutorials](#) on how to create a business plan. They also offer a [Business Plan Tool](#) that provides step-by-step guidance to help people get started. To see a business plan outline, see [Appendix E](#).

Formal business plans often involve using informed judgement about certain aspects of a proposed business. Entrepreneur, Cris Mercardo, suggests using the Business Model Canvas (BMC), to test whether or not there is demand for a product or service. This tool allows individuals to gather feedback from potential customers that can be used to develop a business plan.

<sup>13</sup> <https://www.irs.gov/pub/irs-pdf/p1635.pdf>

<sup>14</sup> Most of this information comes from the SBA, for more information visit <https://www.sba.gov/starting-business/write-your-business-plan>

To see a BMC template, see [Appendix F](#) and to see an example of the BMC, see [Appendix G](#).

Entrepreneur, Aashan Shah, suggests following a “lean startup methodology,” which dictates that the best way to start a business is to talk to potential customers. It is important to validate initial efforts before investing too much time or resources. Aashan recommends using [Launchpad Central](#), which allows individuals to take an evolving approach to the Business Model Canvas by validating and invalidating specific aspects of the business model. They also have great resources and videos that will help guide entrepreneurs through the process.

*UC students interested in business start-up may wish to take a class through the business department or visit their entrepreneurship center/department to get individualized support to start a business. See [Section IV](#) of this toolkit for a list of UC entrepreneurship centers and departments.*

## Step 3. Getting Access to Financial Capital

### Building Credit

Accessing financial capital for personal or business purposes requires building credit history and maintaining a good credit score. There are different ways to build credit, such as applying for a credit card at a bank, using a cosigner for a loan, or becoming an authorized user on someone else's credit card. Many banks will accept the ITIN and any form of valid identification, such as a passport when applying for an initial credit card or loan. Once a person gets access to their first lines of credit, they should be responsible credit users by making on-time payments, disputing errors and unauthorized charges, checking their credit limit, and not overspending. All these factors will affect credit scores and the likelihood to increase a credit line or apply for other loans.

For more information about building credit, see Immigrants Rising's [Credit and Financial Capital Guide](#).

### Business Loans

Most businesses will require start-up capital. When seeking financial capital for a small business, lenders will typically review personal credit history, which is why

### Cindy Kolade's Story



**“I started my business because I wanted something better for myself and because I love fashion. I was inspired by people who were using African fabric to tell their story.”**

Cindy Kolade is a native of Ivory Coast, West Africa and a recipient of DACA and the Maryland Dream Act. A member of the Maryland chapter of Undocublack network, Cindy began her entrepreneurial career through the creation of her own couture fashion line, La Belle Ivoire, which translates to “The Beautiful Ivory.” Inspired by the beauty of her culture and heritage, Cindy's custom pieces are uniquely designed to bring the beauty of Ivory Coast to the United States. In addition to fashion, Cindy is currently pursuing a degree in Molecular Biology from Towson University. [Watch Cindy's Story](#)

it is important to establish and maintain good personal credit. The capital that is needed to launch, maintain or grow a business can come from a variety of sources, including friends and family, traditional banks and other alternative lenders. Finding the right funding depends on the strength of a business and a person's financial history. Below is an overview of the most popular sources of business capital.

**Banks:** Traditional banks are a great starting point and can help an individual figure out where they stand in terms of qualifying for funding. Even if a business does not have a strong enough track record or enough assets as collateral to qualify for a bank loan, talking to someone at a traditional bank can help an individual figure out what documents are needed and the best options to pursue.

**SBA Loans:** The [Small Business Administration \(SBA\)](#) provides financial assistance in the form of loans that financial institutions make to eligible small businesses. The SBA does not lend the money directly to entrepreneurs to start or grow a business, but sets the guidelines for loans that are made by its partners (lenders, community development organizations and micro-lending institutions). SBA guarantees that these loans will be repaid, which eliminates some of the risk to the lending partners.

**Microloan Programs:** Microloans are perhaps the best option for immigrants because they are controlled by non-profit organizations that create their own requirements. The Microloan program provides loans up to \$50,000 to help small businesses and certain not-for-profit childcare centers start up and expand. The average microloan is about \$13,000.<sup>15</sup>

Microloans are available at low interest rates through organizations such as [Opportunity Fund](#), the nation's leading nonprofit microfinance organization or [Accion USA](#), the largest nationwide nonprofit lending network.

## Free Money for Business Start-Up

**Crowdfunding:** This is a great option for businesses with products that can capture the public's interest. Crowdfunding sites such as [Kickstarter](#) or [GoFundMe](#) rely on investors to help get an idea or business off the ground, often rewarding them with perks or equity in exchange for cash. Another great resource for entrepreneurs is [Kiva](#), a non-profit organization that uses crowdfunding to help a borrower start or grow a business.

**Small Business Grants:** Small-business grants offer a way for small-business owners to get established or grow without having to worry about paying back the funds. These grants are typically offered through nonprofits, government agencies and corporations; some grants focus on specific types of business owners, such as minorities, veterans and women. The downside to free financing is that everybody wants it. It will take a lot of work to find and apply to grants, but time spent searching for these opportunities could pay off in the long run.

Below are a few small business grants and fellowships specifically for immigrants:

**[Immigrant's Rising Entrepreneurship Fund:](#)** Immigrants Rising's Entrepreneurship Fund provides grants to undocumented entrepreneurs working to create positive social change.

**[The Emerson Collective:](#)** The Emerson Collective Immigration Innovation Incubator is an initiative that offers individuals financial, organizational, and professional development support over two years to develop early-stage ideas

**[The Roddenberry Fellowship:](#)** The Roddenberry Fellowship is a 12-month program for activists from across the country who are working to protect the most vulnerable and to make the U.S. a more inclusive and equitable place to live. Twenty Fellows will be selected to receive \$50,000 each, as well as tailored support, to help implement a project or initiative.

## Funding for Students at UCs

UC students may have funding available at their institutions, as part of business competitions or capital venture funds. For example, [CITRIS Foundry](#), the University of California tech innovation hub, provides seed funding, access to campus labs, and mentorship during their 12-month program. There may be additional funding sources through capital providers that partner with specific UC institutions. [Startup@Berkeley](#) has a list of local funding resources available on their website, as well as other entrepreneurship resources. See [Section IV](#) of this toolkit for a list of entrepreneurship centers at all UC campuses.

## Step 4. Deciding the Location of a Business

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Depending on the type of business an individual wishes to start, they will have to consider whether they will be working from home or elsewhere.

**Working From Home:** If an individual intends to operate out of their home, they may have to complete a home occupation permit application, have their home inspected, and pay a fee for a permit. Some counties, cities and residential neighborhoods may place restrictions on the type of business that can operate from home; it is important to do research ahead of time. More information about this is available at a local government office or online.<sup>16</sup>

**Working Out of Home:** If an individual decides not to operate out of their home, then they will have to do careful planning and research to ensure their business location meets their business needs.<sup>17</sup> They will likely be required to obtain an occupancy permit issued by the city and/or county where the business is located. The type of business they are operating must be legally

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<sup>15</sup> <https://www.sba.gov/loans-grants/see-what-sba-offers/sba-loan-programs/microloan-program>

<sup>16</sup> For more information about home-based businesses, visit <https://www.sba.gov/starting-business/how-start-business/business-types/home-based-businesses>

<sup>17</sup> <https://www.sba.gov/starting-business/choose-your-business-location-equipment/tips-choosing-your-business-location>



appropriate to comply with planning and zoning laws, which may require a government fee.<sup>18</sup>

## Step 5. Choosing a Business Structure

One very important step in getting started is determining how to structure a business. Businesses can operate as sole proprietorships, partnerships, corporations, or Limited Liability Corporations (LLCs).

While the process of incorporation is the same as it is for U.S. citizens and is handled at the state, not federal level, it's important to understand and get advice about the ownership status and tax ramifications for the chosen entity. For example, an S Corporation is very popular among entrepreneurs due to certain tax benefits, but its shares can only be held by U.S. citizens and resident aliens, while an LLC or C Corporation has no restrictions on non-U.S. citizen owners.

### Sole Proprietorship

**Definition:** An independent contractor may wish to start his or her own company and provide services in the form of a sole proprietorship. A sole proprietorship is a type of business entity owned and run by one individual where there is no legal distinction between the owner and the business.<sup>19</sup>

**Personal Information Required:** In most cases, an SSN or ITIN can be used to start a sole proprietorship. Only in certain circumstances, such as hiring an employee, would someone have to apply for an [EIN](#) (discussed in the tax section of this guide). Similar to independent contractor work, there is no requirement to have work authorization.

With a sole proprietorship, individuals may use a trade name or a business name other than their own legal name to do business; in the United States there is a requirement to file a Doing Business As (dba) statement with a local government agency, such as the county clerk's office. It's important to note that when forming a business, the legal name of the business defaults to the name of the person or entity that owns the business, unless an individual chooses to rename it and register it as a DBA name.

### Victor Galvan's Story



**“Entrepreneurship is about having resources and connections to people that are willing to give you access. Rules are a figment of my imagination and I have to believe that I can turn \$1 into \$10.”**

Born in Chihuahua, Mexico, Victor Galván is an entrepreneur, Rocky Mountain native and DACA recipient. He began organizing in the immigrant community in 2008 at the age of sixteen through Padres Y Jóvenes Unidos. In 2012, Victor joined the CIRC team to help mobilize Latino and immigrant voters in the general election and was instrumental in the campaign to win ASSET in-state tuition equity in 2013. Víctor has had numerous side hustles in the past, including t-shirt branding and online candy sales, and now he's developing a tequila brand. [Watch Victor's Story](#)

**Liability and Taxes:** Working as a sole proprietor still means that an individual is working as an independent contractor, which means they are held liable for all debts incurred by the business. They must have the same liability, should follow the same guidelines, and must use the same tax forms as independent contractors.<sup>20</sup>

Refer to Table 2 to learn about the steps to take to set up a sole proprietorship in California. Note that each state determines the process to incorporate as a business. Therefore, individuals who wish to incorporate a business in another state, should look up the steps required to start a business in that state.

### Partnership

**Definition:** A partnership is the relationship existing between two or more persons who join to carry on a trade or business. Each person contributes money, profits and losses of the business. It is recommended, but not legally mandatory, that both parties draft and sign a partnership agreement.<sup>21</sup>

<sup>18</sup> For information about basic zoning laws, visit <https://www.sba.gov/starting-business/choose-your-business-location-equipment/basic-zoning-laws>

<sup>19</sup> For more information about sole proprietorships, visit <https://www.irs.gov/businesses/small-businesses-self-employed/sole-proprietorships>

<sup>20</sup> For more information about taxes you may be liable for and the forms needed for a sole proprietorship, see <https://www.irs.gov/businesses/small-businesses-self-employed/sole-proprietorships>

<sup>21</sup> For more information about partnerships, visit <https://www.sba.gov/starting-business/choose-your-business-structure/partnership>

**Table 2. Steps to Set Up a Sole Proprietorship in California<sup>22</sup>**

### Steps to Set Up a Sole Proprietorship in California

1. Start with a business plan.
2. If you use a business name that is different from your legal name, California requires you to file a Fictitious Business Name Statement in the county recorder's office where the business is located.<sup>23</sup> The cost is about \$35 depending on the type of business.
3. Go to city hall to register the business and get a business license. The cost varies by city, but it is generally around \$10. You may consider asking for a business tax exemption form, usually provided to first time business owners. [Here](#) is an example of one.
4. Research other licenses or permits needed to conduct your specific business. You may obtain this information by going to the California Governor's [Office of Business and Economic Development CalGold website](#).
5. Open a business account at a bank using an SSN, ITIN or EIN.
6. Other requirements may have to be fulfilled depending on the county, such as registering with the local newspaper.
7. Report and pay taxes using your SSN, ITIN or EIN (if hiring employees).

**Personal Information Required:** Similar to a sole proprietorship, each partner may use his or her SSN or ITIN. A partnership may use the surnames of the individual partners or may use a fictitious business name.

**Liability and Taxes:** A partnership must file an annual information return to report the income, deductions, gains, losses, etc., from its operations, but it does not pay income tax. Instead, it “passes through” any profits or losses to its partners. Each partner includes his or her share of the partnership's income or loss on his or her tax return. Partners are not employees and should not be issued a Form W-2. The partnership must provide copies of Schedule K-1 (Form 1065) to the partners by the date Form 1065 is required to be filed, including extensions.<sup>24</sup>

## Corporations (S and C)

**Definition:** In forming a corporation, prospective shareholders exchange money, property, or both, for the corporation's capital stock. A corporation conducts business, realizes net income or loss, pays taxes and distributes profits to shareholders.<sup>25</sup> Immigrants, regardless of legal status, are able to form C corporations, but not S corporations. However,

additional information or licenses may be required by your state or local jurisdiction. This section provides a general overview of corporations. Therefore, we encourage you to research the specific aspects of forming a corporation in your current jurisdiction and seek advice from an attorney familiar with local laws.

Most corporations are C corporations, which are independent legal entities owned by shareholders. This means that the corporation itself, not the shareholders that own it, is held legally liable for the actions and debts the business incurs. C corporations generally take the same tax deductions as a sole proprietorship to figure its taxable income. A corporation can also take special deductions. For federal income tax purposes, a C corporation is recognized as a separate tax-paying entity.

An S corp is a corporation with the Subchapter S designation from the IRS. What makes the S corp different from a traditional corporation (C corp) is that profits and losses can pass through to your personal tax return. Consequently, the business itself is not taxed. Only the shareholders are taxed. There is an important caveat, however: any shareholder who works for the company must pay him or herself “reasonable compensation.” Basically, the shareholder must be paid fair market value, or the IRS might reclassify

<sup>22</sup> For more information about starting a business in CA, see <http://www.sos.ca.gov/business-programs/business-entities/starting-business>

<sup>23</sup> For more information about name availability in CA, see <http://www.sos.ca.gov/business-programs/business-entities/name-availability/>

<sup>24</sup> For more information about taxes you may be liable for and the forms needed for partnerships, see <https://www.irs.gov/businesses/small-businesses-self-employed/partnerships>

<sup>25</sup> For more information about corporations, visit <https://www.sba.gov/starting-business/choose-your-business-structure/corporation>

any additional corporate earnings as “wages.”<sup>26</sup> Unfortunately, under U.S. tax law, S corporations cannot have a “nonresident alien as a shareholder,”<sup>27</sup> which means that undocumented individuals are not eligible to apply for S corporations or be part of one.

**Personal Information Required:** An [EIN](#) (discussed in the tax section of this guide) must be obtained to start a corporation. A corporation is formed under the laws of the state in which it is registered. To form a corporation an individual will need to establish their business name and register their legal name with the state government. If they choose to operate under a name different from the officially registered name, they’ll most likely have to file a DBA. State laws vary, but generally corporations must include a corporate designation (Corporation, Incorporated, Limited) at the end of the business name. Note: even though employment authorization is not required to form a corporation, there may be additional requirements in the formation process that may require an SSN. We encourage consulting with a trusted attorney and the local city clerk for specific requirements.

**Liability:** C corporations limit the personal liability of directors, shareholders, employees and officers. Legal obligations of the business cannot become personal debt obligations of any individual associated with the business.

**Taxes:** Although requirements vary by jurisdiction, C corporations are required to file state, income, payroll, unemployment and disability taxes. One major downside of C corporations is the double taxation that occurs. After deducting business expenses and salaries, the remaining income is subject to tax. This net income is also distributed to shareholders in the form of dividends. These dividends are income to the shareholder and are reported on the individual’s tax return. Therefore, profits from a C corporation are taxed at the corporation’s tax rate and individual’s tax rate. Only net income retained by the C corporation temporarily avoids double taxation.<sup>28</sup>

## Limited Liability Company (LLC)

A Limited Liability Company (LLC) is a business structure allowed by state statute that provides the limited liability features of a corporation and the tax efficiencies and operational flexibility of a partnership.

### Celia Serrato’s Story



“I would encourage people who want to start a business to just do it. If you are passionate about it and doing it for the right reasons, then you’re going to make it happen.”

Born in Michoacán, Mexico, Celia Serrato is a student at Santa Ana College and part of UndocuScholars Fellowship and IDEAS Club. Celia is also co-owner of HerbalHermanasCo. Her products are included in Caja Latina, a monthly subscription box that celebrates the intersectionality of Latinx identity. Celia is frequently seen at MujeresMarkets in Downey and Los Angeles, pop-up markets that feature WOC/QTPOC creators and artists. HerbalHermanasCo was recently featured as one of the ‘10 Latina-Owned Businesses You Need on Your Radar’ by [hiplatina.com](#). [Watch Celia’s Story](#)

Owners of an LLC are called members. Most states do not restrict ownership, and so members may include individuals, corporations, other LLCs and foreign entities. There is no maximum number of members. Most states also permit “single-member” LLCs, those having only one owner. Each state may use different regulations, and you should check with your state if you are interested in starting a Limited Liability Company. Immigrants, regardless of legal status, and even entities based outside of the U.S. may form and own an LLC. However, additional information or licenses may be required by your state or local jurisdiction. This section provides a general overview of LLCs. We encourage individuals to research the specific aspects of forming an LLC in their current jurisdiction and seek advice from an attorney familiar with local laws.

## Starting an LLC as a Worker Cooperative

**Definition:** A worker cooperative is a business composed of members who are both workers and owners of the business. Members can control the structure and practices of the work environment. Businesses who hire a worker cooperative are hiring the cooperative not a single member, therefore, they are

<sup>26</sup> <https://www.sba.gov/starting-business/choose-your-business-structure/s-corporation>

<sup>27</sup> [http://uscode.house.gov/view.xhtml?req=\(title:26%20section:1361%20edition:prelim\)](http://uscode.house.gov/view.xhtml?req=(title:26%20section:1361%20edition:prelim))

<sup>28</sup> For more information about taxes you may be liable for and the forms needed for corporations, see <https://www.irs.gov/businesses/small-businesses-self-employed/corporations>

**Table 3. Steps to Set Up an LLC in California** <sup>29</sup>

### Steps to Set Up an LLC in California

1. A group of workers researches the type of business plan they want and the state regulations.
2. An agreement is made that establishes how the business will be managed, who the members will be, how membership will be granted or revoked, and any other details.
3. To become an LLC in California, a person or group must file Articles of Organization with the Secretary of State along with a fee of \$70. The articles can be filed by filing a form on the Secretary of State's website.
4. The group should develop a management agreement. In California, the Beverly-Killiea Limited Liability Company Act, Corp C 1700-17655 contains rules regarding internal management.
5. Within 90 days of filing the articles, the LLC must file a Statement of Information with the Secretary of State. This includes names and addresses of LLC management and all members of the LLC, the general nature of the LLC's business activities, the name and address of the LLC's agent of service of process and the address of the LLC's principal business office. The statement is filed every 2 years and when the information changes.
6. The LLC must obtain an Employer Identification Number (EIN) as its business tax identification number. The process of completing an EIN application on Form SS-4 can be done online, by phone, or through your attorney.

not required to prove that the work being done by the worker cooperative qualifies as independent contract work.<sup>30</sup>

**Personal Information Required:** Businesses that hire an LLC are not typically required to obtain any information about the worker-owners of the LLC. In other words, as a worker-owner of an LLC, an individual should not be required to provide any personal information, such as name or even an ITIN, to that business. Note: even though employment authorization is not required to form an LLC, there may be additional requirements in the formation process that may require an SSN. We encourage consulting with a trusted attorney and the local city clerk for specific requirements.

**Liability:** An LLC is an unincorporated business organization, whose members are NOT responsible for the debts of the company. Obligation is limited to their investment in the company, and each member of the LLC has the power to make decisions regarding the business.

**Taxes:** Depending on the state that the LLC is established in, there are taxes to be paid. In California an LLC is taxed at the entity level, which means an \$800/ year minimum franchise tax is imposed on every LLC, regardless of gross receipts or net income (Note:

there is a proposal in the 2020 California Governor's budget to waive the franchise tax fee for first-time LLC owners). Also, every year an FTB Form 568 must be filed and, if the LLC has revenues over \$250,000, it must pay an annual fee based on the total income for the year.<sup>31</sup>

Refer to Table 3 to learn about the steps to take to set up an LLC in California. Note that each state determines the process to incorporate as a business. Therefore, individuals who wish to incorporate a business in another state, should look up the steps required to start a business in that state.

For more information about the worker cooperative model, visit Democracy at Work Institute's vast [resource library](#). [Democracy at Work Institute](#) works to expand the worker cooperative model to reach communities most directly affected by social and economic inequality, specifically people of color, recent immigrants, and low-wage workforces.

Review Table 4 to understand the pros and cons about each business structure.

<sup>29</sup> "Limited Liability Company (LLC)," State of California Franchise Tax Board, [http://www.ftb.ca.gov/businesses/bus\\_structures/LLcompany.shtml](http://www.ftb.ca.gov/businesses/bus_structures/LLcompany.shtml)

<sup>30</sup> "Limited Liability Company (LLC)," State of California Franchise Tax Board, [http://www.ftb.ca.gov/businesses/bus\\_structures/LLcompany.shtml](http://www.ftb.ca.gov/businesses/bus_structures/LLcompany.shtml)

<sup>31</sup> For further information on taxes for LLC, see <http://www.irs.gov/businesses/small/article/0,,id=98277,00.html>

**Table 4. Pros and Cons of Each Business Structure**

	Pros	Cons
<b>Sole Proprietorships</b>	<ul style="list-style-type: none"> <li>» Easy to set up</li> <li>» Low start-up costs</li> <li>» Net losses can be deducted from personal tax</li> </ul>	<ul style="list-style-type: none"> <li>» As the owner, you are responsible for debts and other liabilities</li> <li>» You pay income taxes on your business's net profits</li> </ul>
<b>General Partnerships</b>	<ul style="list-style-type: none"> <li>» Easy to start up</li> <li>» Low start-up costs</li> <li>» Net business losses can be deducted from owners' personal taxes</li> </ul>	<ul style="list-style-type: none"> <li>» Owners are responsible for debts and other liabilities</li> <li>» Owners pay income taxes on the business' net profits</li> </ul>
<b>Corporations</b>	<ul style="list-style-type: none"> <li>» Owners' responsibility for debts and other liabilities is limited</li> <li>» In certain cases, benefits can be deducted as business expenses</li> <li>» Taxes can be lowered when owners and the business share profits</li> </ul>	<ul style="list-style-type: none"> <li>» Can be more expensive to create than both sole proprietorships and partnerships</li> <li>» Legal paperwork must be filed with your state</li> <li>» The business is a separate tax entity that must pay taxes at the corporation's tax rate and individual's tax rate</li> </ul>
<b>Limited Liability Companies (LLCs)</b>	<ul style="list-style-type: none"> <li>» Owners' responsibility for debts and other liabilities is limited even if they have control of the business</li> <li>» Profits and losses do not have to be allocated according to ownership interest</li> <li>» Owners get to choose whether the LLC is taxed as a partnership or a corporation</li> </ul>	<ul style="list-style-type: none"> <li>» LLCs are more expensive to establish than partnerships and sole proprietorships</li> <li>» Legal paperwork must be filed with your state</li> <li>» LLCs are taxed at the entity level and a franchise tax may be imposed (varies by state) and pay a revenue fee based on total income for the year</li> </ul>

## Step 6. Registering a Business Name (DBA)

If an individual chooses to name your business anything other than their personal name then they'll need to register it with the appropriate authorities. A fictitious name (or assumed name, trade name or DBA name) is a business name that is different from a personal name, the names of partners or the officially registered name of the LLC or corporation. It's important to note that when individuals form a business, the legal name of the business defaults to the name of the person or entity that owns the business, unless they choose to rename it and register it as a DBA name. The legal name of the business is required on all government forms and applications, including the application for employer

tax IDs, licenses and permits. Registering the DBA is done either with the county clerk's office or with your state government, depending on where the business is located.<sup>32</sup>

All businesses operated in California must obtain a fictitious business name statement application and pay a fee if the name of the business contains anything other than just the name of the actual owner of the business. This statement is recorded in the office of the county recorder in the county where the business is being operated.<sup>33</sup>

## Step 7. Business Licenses and Permits

Almost every business needs some form of license or permit to operate legally. Licensing and permit

<sup>32</sup> <https://www.sba.gov/starting-business/choose-register-your-business/register-your-business-name>

<sup>33</sup> <http://www.sos.ca.gov/business-programs/business-entities/starting-business/types/>

requirements vary depending on the type of business you are operating, where it is located, and what government rules apply. Individuals may find the specific licenses or permits your business may need for each state through the [SBA website](#). Several cities in the U.S., including Chicago, have passed ordinances to allow informal businesses, such as street vending, to operate legally.<sup>34</sup> We encourage checking with the city clerk to determine what other ordinances have passed that could benefit a particular business venture.

Some occupations, professions, vocations, and industries require specific licenses from the California Department of Consumer Affairs or other state agencies. Some states, including California and New York, have passed laws authorizing some undocumented immigrants to get professional licenses. As of January 1, 2016, all undocumented Californians are eligible to receive professional licenses from the 43 California Boards and Bureaus under the California Department of Consumer Affairs. For more information regarding CA SB 1159, see [Section II](#) of this toolkit. To see a complete list of similar bills in other states, [click here](#).

## Step 8. Marketing and Promotion

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All businesses need to engage in marketing and promotions to get clients. Marketing is the process of getting a business noticed by the people who need or want a particular product or service. Promotion is the voice of a company which sends out a brand's message to its audience. Marketing and promotions go hand in hand. Well designed marketing and promotional strategies ensure a business' long-term success by bringing in a constant flow of new customers and ensuring profitability.

The first step is to do a market research analysis to identify your target audience and potential clients. This can involve something as simple as soliciting feedback from friends, family and trusted professional connections on the type of service or product that you're offering and asking them to suggest potential clients. The next step is to create materials to promote your business. These materials include business cards, flyers, brochures, a website, and/or social media accounts. The digital world has made marketing easy and affordable, but it is also recommended to reach out to potential clients via phone, email, mail and in-person meetings. Success in business is about

relationships. Networking allows individuals to form the type of relationships that will lead to sales, referrals, and other important business growth. To learn more about marketing strategies and to get free business counseling, visit the [Small Business Administration website](#).

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34 <https://www.scribd.com/document/282619119/City-of-Chicago-Food-Cart-Ordinance>

# SECTION IV: SUPPORT AND RESOURCES

## UC Support and Resources

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UC campuses across California offer a wide variety of support and resources for students and alumni interested in starting a business. Below are lists of entrepreneurship centers, business school classes, and additional support services that UC students and alumni can utilize to get support.

### UC Entrepreneurship Centers

UC Entrepreneurship Centers are a great place to seek information and assistance regarding business startup or other entrepreneurial endeavors. These centers focus on providing students with the tools, knowledge, and support they need in order to launch successful businesses. They also promote the development, research, and teaching of innovation and entrepreneurship at all of the UC campuses. Visiting one of these centers at any UC campus would be a great way to start thinking about how to generate income!

See the list of [UC entrepreneurship centers](#).

### UC Business School Courses

UC students, regardless of their major, can take classes offered at the business school to learn about basic entrepreneurship concepts. Almost every field of study can be turned into a contracting or business opportunity, so we recommend taking advantage of the curriculum available in these classes and the professional connections that faculty members can make.

See list of [UC business school courses and descriptions](#).

### UC Transactional Legal Clinics

Transactional Clinics are a great place to seek assistance on a myriad of issues that are categorized by the clinic speciality. Transactional clinics are usually

student run with a supervising attorney in charge of the clinic. Many UC Transactional Clinics have tackled serious and niche cases that have assisted community members. These clinics help students hone their skills while also providing more affordable services to people in need of legal help. Visiting a transactional clinic can be a great first step when assessing a specific legal need.

See list of [UC Transactional Clinics](#).

### UC Undocumented Student Services and Centers

The UC Undocumented Student Services and Centers are committed to empowering and supporting the advancement of undocumented students in institutions of higher education. The various centers aim to build awareness of changing policies affecting California's undocumented populations, offer academic guidance and financial support, and create a safe and inclusive environment for undocumented students on campus. The centers offer a variety of services for students ranging from legal services to mental health support. The dream centers also provide leadership opportunities, internship and fellowship opportunities, and graduate school planning for those who aim to pursue a graduate education.

See list of [UC Dream Resource Centers](#).

## External Support and Resources

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In addition to support at UC campuses, there is much business support and assistance outside of campus through local government agencies and non-profit organizations.

- » Contracting opportunities
- » Mentoring and networking
- » Marketing and research
- » International trade

### California Small Business Development Centers (SBDCs)

To find personalized training and assistance with business start-up, individuals may visit or contact their local Small Business Development Centers (SBDC). Direct and personalized technical assistance is provided to entrepreneurs through professional consulting, supplemented by low-cost or free seminars and conferences. These services are delivered throughout California via an extensive network of thirty-five SBDCs. SBDCs provide business guidance in the following areas:

- » best practices for small businesses
- » business plan development
- » start-up basics
- » financing
- » procurement & contracting opportunities
- » regulatory compliance
- » money management
- » international trade
- » manufacturing assistance

To find a local SBDC, visit <https://americassbdc.org/small-business-consulting-and-training/find-your-sbdc/>

### Venturize

To find a local business service provider, visit [venturize.org](http://venturize.org). Venturize is an online resource portal for small businesses that need help becoming loan ready, particularly enterprises located in underserved areas. With Venturize, small business owners can access clear, trustworthy information and tools, including a [locator map](#) of mission-based lenders and resource providers throughout the United States. All resources on Venturize are available in Spanish. All business providers are categorized by assistance areas:

- » Business planning and strategy
- » Financial tools and management
- » Legal, licensing and permitting



# SECTION V: CAREER PATHWAYS

Every student, no matter their post-secondary plans, can benefit from mapping out and following a sequence of career-related classes, certifications and training in their area of interest. It is particularly important for undocumented students to understand at which point immigration status may become a barrier along their career path. For example, jobs in health, engineering, social work and accounting sectors may be complicated for an undocumented person to attain due to the verifiable work experience hours they often require. This does not mean that these fields are unavailable to undocumented students, but rather that students need to understand the requirements ahead of time and be prepared to identify other ways to apply their expertise to non-employment opportunities, such as consulting or business start-ups.

To assist undocumented students in plotting out their careers, Immigrants Rising created a Career Pathways Database for Undocumented Students that shows all UC majors and fields of study with training opportunities, licensing requirements, and hourly contracting rates, as well as indicates whether or not these opportunities are available without work authorization.

[See the interactive database here.](#)

# APPENDICES

## Appendix A: List of the Top Consulting Businesses Thriving Today<sup>1</sup>

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There are many more consulting opportunities beyond this list, please email [iliana@immigrantsrising.org](mailto:iliana@immigrantsrising.org) to add consulting opportunities that you would like to add.

- Accounting:** Accounting is something that every business needs, no matter how large or small. Accounting consultants can help a business with all of its financial needs.
- Advertising:** This type of consultant is normally hired by a business to develop a good strategic advertising campaign.
- Auditing:** From auditing utility bills for small businesses to handling major work for telecommunications firms, auditing consultants are enjoying the fruits of their labor.
- Business:** Know how to help a business turn a profit? If you have a good business sense, then you'll do well as a business consultant. After computer consulting, people in this field are the next most sought after.
- Business writing:** Many businesspeople have trouble when it comes to writing a report—or even a simple memo. Business writing consultants provide much needed help and make everyone happy!
- Career counseling:** With more and more people finding themselves victims of corporate downsizing, career counselors will always be in demand. Career counselors guide their clients into a profession or job that will help them be both happy and productive employees.
- Communications:** Communications consultants specialize in helping employees in both large and small businesses better communicate with each other, which ultimately makes the business more efficient and operate smoothly.
- Computer programming:** From software to hardware, and everything in between, if you know computers, your biggest problem will be not having enough hours in the day to meet your clients' demands!
- Data Analytics:** Most organizations are now web-based and therefore, require someone to help make sense of all the information that is collected online. Data analytics involves analyzing raw data in order to make conclusions about that information.
- Editorial services:** From producing newsletters to corporate annual reports, consultants who are experts in the editorial field will always be appreciated.
- Gardening:** In the past decade the demand for gardening consultants has blossomed (pun intended) into a \$1 million-a-year business. Not only are businesses hiring gardening consultants; so are people who are too busy to take care of their gardens at home.
- Grantmanship:** Once you learn how to write a grant proposal, you can name your price.
- Human resources:** As long as businesses have people problems (and they always will), consultants in this field will enjoy a never-ending supply of corporate clients, both large and small. (People-problem prevention programs could include teaching employees to get along with others, respect and even violence prevention in the workplace.)
- Insurance:** Everyone needs insurance, and everyone needs an insurance consultant to help them find the best plan and pricing for them.
- Marketing:** Can you help a business write a marketing plan? Or do you have ideas that you feel will help promote a business? If so, why not try your hand as a marketing consultant?
- Payroll management:** Everyone needs to get paid. By using your knowledge and expertise in payroll management, you can provide this service to many businesses, both large and small.
- Public relations:** Getting good press coverage for any organization is a real art. When an organization finds a good PR consultant, they hang on to them for life!
- Publishing:** If you're interested in the publishing field, then learn everything you can and you, too, can be a publishing consultant. A publishing consultant usually helps new ventures when they are ready to launch a new newspaper, magazine, newsletter--and even websites and electronic newsletters.
- Taxes:** With the right marketing and business plan (and a sincere interest in taxes), your career as a tax consultant can be very lucrative. A tax consultant advises businesses on the legal methods to pay the least amount of tax possible.
- Writing services:** Anything related to the written word will always be in demand. Find your specialty in the writing field, and the sky will be the limit!

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<sup>1</sup> From <https://www.entrepreneur.com/article/41384>

# Appendix B: Independent Contractor Brainstorming Worksheet



## INDEPENDENT CONTRACTOR BRAINSTORMING WORKSHEET

You can engage in independent contracting by participating in the gig economy or offering professional services in a specific area of expertise. Use this worksheet to help you think through the type of work you can do as an independent contractor.

**THE GIG ECONOMY** refers to a growing segment of the labor market, in which clients contract with workers, often via apps, for specific tasks and activities. The gig economy has endless options and often does not require high educational attainment. Learn more about the gig economy and the types of work it encompasses at [gigworker.com/start-here](http://gigworker.com/start-here).

In addition to participating in the gig economy, individuals may choose to leverage their expertise, skills, abilities, certification, and professional and academic training to offer **professional services** to the public. These professional services exist in a variety of industries, however, the ability to provide them requires experience, passion for a specific type of work, and in some instances, licensing or educational attainment.

There are many different types of independent contract work you can do, allowing you to leverage all the skills, experience and knowledge that you have accumulated over time both inside and outside of school. You can start in the gig economy and work toward offering specialized professional services.

### INSTRUCTIONS

Once you have a better idea of what independent contracting is all about, go through the different parts of this worksheet. You can work on parts at a time and come back to it; there is no need to complete the entire worksheet in one sitting.

### PART 1: SELF ASSESSMENT

Think about the types of services you might be able to offer. What skills, experience, or other assets do you have that you can share? Consider that some gigs are for general tasks and others require a specific skill set.

**What is your current field of study?**

**What skills have you acquired within your field from the classes you've taken?**

**What skills have you acquired within your field outside the classroom?**

**Gig opportunities** include:

- Driving for car services such as Uber or Lyft
- Selling products or services on sites such as Etsy or eBay
- Performing music at paid gigs and concerts
- Working for freelance labor apps such as TaskRabbit
- Selling products such as Mary Kay or Princess House
- Renting space in your personal home with sites such as Airbnb
- Any one-time, task-based job

**Professional services** include:

- Accounting
- Advertising
- Legal
- Medical
- Engineering
- Computer programming
- Graphic design
- Website design
- Payroll management
- Taxes
- Writing and editing
- Fine art
- Photography
- Landscaping
- Construction
- Real estate
- Cosmetology

# INDEPENDENT CONTRACTOR BRAINSTORMING WORKSHEET

**What type of services do independent contractors in your field offer?** Try doing a Google search “Independent contracting for XXX majors”

**What type of work experience do you have (paid or unpaid)?**

**What do you enjoy doing for fun?**

**What are you passionate about?**

**Based on these responses, think about the type of services you might be able to offer in the gig economy. Write down your ideas below.**

## **PART II: WORK EXPLORATION**

Using the [Samaschool Work Finder](#), identify 5 areas of work that you think are a good fit and write them down.

- 1.
- 2.
- 3.
- 4.
- 5.

For each type of work write down the skills, education, training, certification, or licensing that is needed to engage in this type of work. You may have to do additional research beyond what Samaschool offers.

- 1.
- 2.
- 3.
- 4.
- 5.

# INDEPENDENT CONTRACTOR BRAINSTORMING WORKSHEET

For each type of work note the marketplaces where you can sign up to find clients.

- 1.
- 2.
- 3.
- 4.
- 5.

## **PART III: CREATING A PROFILE**

Choose one of the marketplaces and review a profile of a consultant and answer the following questions:

**What do you like about the profile?**

**What characteristics stand out the most in the profile?**

**Would you contract that person?**

→ *Review a few more profiles and answer the same questions as above.*

Once you have a better idea about what a good profile looks like, answer the questions below.

**What type of services would you like to provide?**

**What makes you different from anyone else doing the same type of work? (Think about previous experience or personality traits)**

**How long have you been doing this type of work (Include experience in school and outside of school)**

# INDEPENDENT CONTRACTOR BRAINSTORMING WORKSHEET

Why do you enjoy doing this activity?

Once you have answered these questions, use Samaschool's [About Me Generator](#) to create an "About Me" section that can be used in online platforms. **Add it below.**

## PART IV: MARKETING AND PROMOTION

Now that you have an idea of the type of work you would like to do as an independent contractor, you will need to start thinking about marketing your services. You can begin by creating a profile in several marketplaces, but you will likely have to do additional marketing.

Below are a few ways to promote and market yourself:

- Create business cards and add a QR code to link to your website or LinkedIn profile.
  - Purchase inexpensive business cards: [www.vistaprint.com](http://www.vistaprint.com)
  - Create your free website: [www.wix.com](http://www.wix.com)
  - Create free QR codes: [www.qr-code-generator.com](http://www.qr-code-generator.com)
- Consider creating a flyer/brochure to promote your services.
  - Use free Microsoft Office templates: [templates.office.com/en-us/brochures](http://templates.office.com/en-us/brochures)
- Reach out to friends and family to see if they need the service. If not, ask if they can help spread the word. Hand them your business card and flyer/brochure.
- Reach out to professional connections to promote your services. Be specific about the type of services you offer and how they may fill a need.
- Post an ad on social media promoting your services.
  - Learn about FB ads: [www.facebook.com/business/ads](http://www.facebook.com/business/ads)

**Write down the action steps you plan to take to promote your services below.**

# Appendix C: Sample Independent Contractor Agreement

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Free Independent Contractor Agreement builder is available at [www.lawdepot.com/contracts/independent-contractor-agreement/](http://www.lawdepot.com/contracts/independent-contractor-agreement/).

## INDEPENDENT CONTRACTOR AGREEMENT

THIS INDEPENDENT CONTRACTOR AGREEMENT (the "Agreement") is dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

<b>CLIENT</b>  _____  _____  (the "Client")
---

<b>CONTRACTOR</b>  _____  _____  (the "Contractor")
---

### BACKGROUND

- A. The Client is of the opinion that the Contractor has the necessary qualifications, experience and abilities to provide services to the Client.
- B. The Contractor is agreeable to providing such services to the Client on the terms and conditions set out in this Agreement.

---

IN CONSIDERATION OF the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the Client and the Contractor (individually the "Party" and collectively the "Parties" to this Agreement) agree as follows:

### SERVICES PROVIDED

1. The Client hereby agrees to engage the Contractor to provide the Client with the following services (the "Services"):
  - \_\_\_\_\_
2. The Services will also include any other tasks which the Parties may agree on. The Contractor hereby agrees to provide such Services to the Client.

### TERM OF AGREEMENT

3. The term of this Agreement (the "Term") will begin on the date of this Agreement and will remain in full force and effect until the completion of the Services, subject to earlier termination as provided in this Agreement. The Term may be extended with the written consent of the Parties.

### PERFORMANCE

4. The Parties agree to do everything necessary to ensure that the terms of this Agreement take effect.

### CURRENCY

5. Except as otherwise provided in this Agreement, all monetary amounts referred to in this

Agreement are in USD (US Dollars).

## **COMPENSATION**

6. The Contractor will charge the Client a flat fee of \$ \_\_\_\_\_ for the Services (the "Compensation").
7. The Client will be invoiced when the Services are complete.
8. Invoices submitted by the Contractor to the Client are due within 30 days of receipt.
9. In the event that this Agreement is terminated by the Client prior to completion of the Services but where the Services have been partially performed, the Contractor will be entitled to pro rata payment of the Compensation to the date of termination provided that there has been no breach of contract on the part of the Contractor.
10. The Compensation as stated in this Agreement does not include sales tax, or other applicable duties as may be required by law. Any sales tax and duties required by law will be charged to the Client in addition to the Compensation.

## **REIMBURSEMENT OF EXPENSES**

11. The Contractor will be reimbursed from time to time for reasonable and necessary expenses incurred by the Contractor in connection with providing the Services.
12. All expenses must be pre-approved by the Client.

## **CONFIDENTIALITY**

13. Confidential information (the "Confidential Information") refers to any data or information relating to the Client, whether business or personal, which would reasonably be considered to be private or proprietary to the Client and that is not generally known and where the release of that Confidential Information could reasonably be expected to cause harm to the Client.
14. The Contractor agrees that they will not disclose, divulge, reveal, report or use, for any purpose, any Confidential Information which the Contractor has obtained, except as authorized by the Client or as required by law. The obligations of confidentiality will apply during the Term and will survive indefinitely upon termination of this Agreement.

## **OWNERSHIP OF INTELLECTUAL PROPERTY**

15. All intellectual property and related material, including any trade secrets, moral rights, goodwill, relevant registrations or applications for registration, and rights in any patent, copyright, trademark, trade dress, industrial design and trade name (the "Intellectual Property") that is developed or produced under this Agreement, is a "work made for hire" and will be the sole property of the Client. The use of the Intellectual Property by the Client will not be restricted in any manner.
16. The Contractor may not use the Intellectual Property for any purpose other than that contracted for in this Agreement except with the written consent of the Client. The Contractor will be responsible for any and all damages resulting from the unauthorized use of the Intellectual Property.

## **RETURN OF PROPERTY**

17. Upon the expiration or termination of this Agreement, the Contractor will return to the Client any property, documentation, records, or Confidential Information which is the property of the Client.

## **CAPACITY/INDEPENDENT CONTRACTOR**



**CAPACITY//INDEPENDENT CONTRACTOR**

18. In providing the Services under this Agreement it is expressly agreed that the Contractor is acting as an independent contractor and not as an employee. The Contractor and the Client acknowledge that this Agreement does not create a partnership or joint venture between them, and is exclusively a contract for service. The Client is not required to pay, or make any contributions to, any social security, local, state or federal tax, unemployment compensation, workers' compensation, insurance premium, profit-sharing, pension or any other employee benefit for the Contractor during the Term. The Contractor is responsible for paying, and complying with reporting requirements for, all local, state and federal taxes related to payments made to the Contractor under this Agreement.

**NOTICE**

19. All notices, requests, demands or other communications required or permitted by the terms of this Agreement will be given in writing and delivered to the Parties at the following addresses:

- a. \_\_\_\_\_  
\_\_\_\_\_
- b. \_\_\_\_\_  
\_\_\_\_\_

or to such other address as either Party may from time to time notify the other, and will be deemed to be properly delivered (a) immediately upon being served personally, (b) two days after being deposited with the postal service if served by registered mail, or (c) the following day after being deposited with an overnight courier.

**INDEMNIFICATION**

20. Except to the extent paid in settlement from any applicable insurance policies, and to the extent permitted by applicable law, each Party agrees to indemnify and hold harmless the other Party, and its respective affiliates, officers, agents, employees, and permitted successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever, which result from or arise out of any act or omission of the indemnifying party, its respective affiliates, officers, agents, employees, and permitted successors and assigns that occurs in connection with this Agreement. This indemnification will survive the termination of this Agreement.

**MODIFICATION OF AGREEMENT**

21. Any amendment or modification of this Agreement or additional obligation assumed by either Party in connection with this Agreement will only be binding if evidenced in writing signed by each Party or an authorized representative of each Party.

**TIME OF THE ESSENCE**

22. Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

**ASSIGNMENT**

23. The Contractor will not voluntarily, or by operation of law, assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Client.

**ENTIRE AGREEMENT**

24. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement except as expressly provided in this Agreement.

**ENUREMENT**

25. This Agreement will enure to the benefit of and be binding on the Parties and their respective heirs, executors, administrators and permitted successors and assigns.

**TITLES/HEADINGS**

26. Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting this Agreement.

**GENDER**

27. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

**GOVERNING LAW**

28. This Agreement will be governed by and construed in accordance with the laws of the State of.

**SEVERABILITY**

29. In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.

**WAIVER**

30. The waiver by either Party of a breach, default, delay or omission of any of the provisions of this Agreement by the other Party will not be construed as a waiver of any subsequent breach of the same or other provisions.

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IN WITNESS WHEREOF the Parties have duly affixed their signatures under hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_(Client)

\_\_\_\_\_  
\_\_\_\_\_(Contractor)



# Appendix E: Business Plan Outline

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Below is an outline for a business plan. Download the complete template with detailed instructions at <https://www.score.org/resource/business-plan-template-startup-business>.

View a sample business plan at [www.sba.gov/business-guide/plan-your-business/write-your-business-plan](http://www.sba.gov/business-guide/plan-your-business/write-your-business-plan).

## Executive Summary

1. An overview of your business idea (one or two sentences).
2. A description of your product and/or service. What problems are you solving for your target customers?
3. Your goals for the business. Where do you expect the business to be in one year, three years, five years?
4. Your proposed target market. Who are your ideal customers?
5. Your competition and what differentiates your business. Who are you up against, and what unique selling proposition will help you succeed?
6. Your management team and their prior experience. What do they bring to the table that will give your business a competitive edge?
7. Financial outlook for the business. If you're using the business plan for financing purposes, explain exactly how much money you want, how you will use it, and how that will make your business more profitable.

## Company Description

1. Company mission statement
2. Company philosophy and vision
3. Company goals
4. Target market
5. Industry
6. Legal structure

## Products & Services

1. Your company's products and/or services: What do you sell, and how is it manufactured or provided?
2. The problem the product or service solves: Every business needs to solve a problem that its customers face. Explain what the problem is and how your product or service solves it. What are its benefits, features and unique selling proposition?
3. Any proprietary features that give you a competitive advantage: Do you have a patent on your product or a patent pending? Do you have exclusive agreements with suppliers or vendors to sell a product or service that none of your competitors sell?
4. How you will price your product or service: Describe the pricing, fee, subscription or leasing structure of your product or service. How does your product or service fit into the competitive landscape in terms

of pricing? How will that pricing strategy help you attract customers? What is your projected profit margin?

## Marketing Plan

1. Market research
2. Barriers to entry
3. Threats and opportunities
4. Product/service features and benefits
5. Target customer
6. Key competitors
7. Positioning/Niche
8. How you will market your product/service
9. Promotional budget
10. Pricing
11. Location or proposed location
12. Distribution channels
13. 12-month sales forecast

## Operational Plan

1. Production
2. Location
3. Personnel
4. Inventory
5. Suppliers
6. Credit policies

## Management & Organization

1. Biographies
2. Gaps
3. Advisors
4. Organization Chart

## Startup Expenses & Capitalization

1. Start-Up Expenses
2. Opening Day Balance Sheet
3. Personal Financial Statement

## Financial Plan

1. 12-month profit & loss projection
2. Cash flow projection
3. Projected balance sheet
4. Break-even calculation
5. Use of capital

## Appendices

The Appendices include documents that supplement information in the body of the plan, such as contracts, leases, purchase orders, intellectual property, key managers' resumes, market research data and anything that supports assumptions or statements made in the plan.

# Appendix F: Business Model Canvas Template

PDF version is available at [https://www.designorate.com/wp-content/uploads/2016/02/Designorate\\_Business\\_Model\\_Canvas.pdf](https://www.designorate.com/wp-content/uploads/2016/02/Designorate_Business_Model_Canvas.pdf)

## Business Model Canvas

[Designorate.com](http://Designorate.com)

Company Name:

Date:

<p><b>Key Partners</b></p> <p>"Remove this text, and add start yours"</p>	<p><b>Key Activities</b></p> <p>"Remove this text, and add start yours"</p> <p>What Key Activities do our Value Propositions require? Our Distribution Channels? Customer Relationships? Revenue streams?</p>	<p><b>Value Proposition</b></p> <p>"Remove this text, and add start yours"</p> <p>What value do we deliver to the customer? Which one of our customer's problems are we helping to solve? What bundles of products and services are we offering to each Customer Segment? Which customer needs are we satisfying?</p>	<p><b>Customer Relationships</b></p> <p>"Remove this text, and add start yours"</p> <p>What type of relationship does each of our Customer Segments expect us to establish and maintain with them? Which ones have we established? <del>How are they interacted with the</del></p>	<p><b>Customer Segments</b></p> <p>"Remove this text, and add start yours"</p> <p>For whom are we creating value? Who are our most important customers?</p>
<p><b>Key Resources</b></p> <p>"Remove this text, and add start yours"</p> <p>What Key Resources do our Value Propositions require? Our Distribution Channels? Customer Relationships? Revenue Streams?</p>		<p><b>Channels</b></p> <p>"Remove this text, and add start yours"</p> <p>Through which Channels do our Customer Segments want to be reached? How are we reaching them now? How are our Channels integrated? Which ones work best? Which ones are most cost-efficient?</p>		
<p><b>Cost Structure</b></p> <p>"Remove this text, and add start yours"</p> <p>What are the most important costs inherent in our business model? Which Key Resources are most expensive? Which Key Activities are most expensive?</p>		<p><b>Revenues Streams</b></p> <p>"Remove this text, and add start yours"</p> <p>For what value are our customers really willing to pay? For what do they currently pay? How are they currently paying? How would they prefer to pay? How much does each Revenue Stream contribute to overall revenues?</p>		

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## Appendix G: Business Model Canvas Example

This example is available at [www.sba.gov/business-guide/plan-your-business/write-your-business-plan](http://www.sba.gov/business-guide/plan-your-business/write-your-business-plan)

*This example business plan is provided by the Small Business Administration.  
Get help starting and running your small business at [SBA.gov](http://SBA.gov).*

<b>Wooden Grain Toy Company</b>	
<b>Identity</b> Wooden Grain Toys manufactures high-quality hardwood toys for children aged 3-10.	<b>Problem</b> Parents and grandparents are looking for high-quality, durable toys that will entertain kids and foster creativity.
<b>Our solution</b> Our handcrafted toys are made from solid hardwoods, and are designed with sufficient moving parts to engage young children without limiting imagination.	<b>Target market</b> The target audience is adults, specifically parents and grandparents who wish to give toys to their children or grandchildren.
<b>The competition</b> Wooden toys are part of a niche market with companies of all sizes. Large companies include Plastique Toys and Metal Happy Toys, which sell internationally. Smaller companies sell locally in shops, craft fairs, or online.	<b>Revenue streams</b> Wooden Grain Toys will sell directly to customers at craft fairs and online.
<b>Marketing activities</b> Wooden Grain Toys will communicate with customers with an email newsletter, targeted Google and Facebook ads, social media, and in person at craft fairs.	<b>Expenses</b> <ul style="list-style-type: none"><li>• Materials for toys including wood, steel, and rubber</li><li>• Craft fair fees and travel costs</li><li>• Inventory space for products</li></ul>
<b>Team and key roles</b> Currently, the only team member is the owner, Andrew Robertson. As profits increase, Wooden Grain Toys will look to add an employee to assist with social media and online marketing.	<b>Milestones</b> As business grows, Wooden Grain Toys will advertise in target markets—especially in advance of the holiday season.

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## ABOUT US

Founded in 2006, Immigrants Rising transforms individuals and fuels broader changes. With resources and support, undocumented young people are able to get an education, pursue careers, and build a brighter future for themselves and their community. Immigrants Rising is a fiscally-sponsored project of Community Initiatives. For more information, visit [www.immigrantsrising.org](http://www.immigrantsrising.org)

For inquiries regarding this resource, please contact Iliana G. Perez, Director of Research & Entrepreneurship, at [iliana@immigrantsrising.org](mailto:iliana@immigrantsrising.org).