

Policy on Self-Employment During Post-Completion OPT and STEM OPT

Designated School Official (DSO) Guidance

Effective Date: Current

Purpose

This policy establishes Western New England University's institutional standards for reviewing self-employment reported by F-1 students during Post-Completion Optional Practical Training (OPT) and the 24-month STEM OPT extension.

The purpose of this policy is to:

- Ensure compliance with U.S. Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and Student and Exchange Visitor Program (SEVP) regulations.
- Provide consistent guidance to students and DSOs.
- Protect students from relying on employment arrangements that may later be determined by USCIS to be non-qualifying.
- Document the University's due diligence in reviewing employment information.

This policy does not replace federal regulations. USCIS remains the final authority regarding whether employment qualifies under OPT or STEM OPT.

General Principles

Students are responsible for maintaining evidence that their employment:

- Is directly related to their major field of study.
- Meets all applicable federal regulations.
- Is bona fide employment and not created solely to maintain immigration status.
- The University's DSOs maintain SEVIS records but are not responsible for determining legal eligibility under immigration law. However, DSOs should exercise reasonable diligence before supporting employment that appears inconsistent with federal regulations or guidance.

Section I

Post-Completion OPT Self-Employment

Self-employment may be acceptable

A student may engage in self-employment during the initial 12-month period of Post-Completion OPT provided the student can demonstrate that the employment:

- is directly related to the student's degree,
- constitutes actual business activity,
- averages at least 20 hours per week, and
- is supported by appropriate documentation.

Formation of an LLC or obtaining an EIN alone does not constitute qualifying OPT employment.

Documentation Required

Students requesting recognition of self-employment should submit:

Business Documentation

- Articles of Organization or Incorporation
- EIN confirmation
- Business registration
- Business licenses (if applicable)
- Business address
- Company website or professional business profile (if available)

Evidence of Active Business Operations

Examples include:

- Client contracts
- Consulting agreements
- Purchase orders
- Invoices
- Proof of payment
- Business bank statements (redacted if necessary)
- Software deployment documentation
- Product demonstrations
- Sales records

- Marketing materials
 - Customer correspondence
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Evidence of Degree-Related Work

Students must provide:

- Job description
 - Explanation of how duties relate to the degree
 - Current projects
 - Work products
 - Portfolio
 - Reports
 - Software
 - Research
 - Analytics
 - Engineering documentation
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Time Commitment

Students should provide documentation demonstrating:

- average hours worked each week (minimum 20 hours),
 - project schedules,
 - work logs,
 - calendars,
 - client meetings, or
 - other evidence of ongoing activity.
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Employment Letters

Employment letters should not simply consist of a student offering employment to themselves.

An employment letter signed solely by the student, appointing themselves to a position within their own company, will generally not be considered sufficient documentation.

DSO Generally Will Approve

The DSO will generally support reporting of self-employment when documentation demonstrates:

- an active operating business;
 - actual products or services;
 - ongoing clients or projects;
 - work directly related to the student's degree;
 - evidence of at least 20 hours per week of qualifying work;
 - sufficient documentation supporting the employment.
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DSO Generally Will Not Approve

The DSO generally will not support self-employment when:

- the company exists only on paper;
 - there are no clients or business activity;
 - the only documentation submitted is an LLC registration;
 - the only documentation submitted is an EIN;
 - the only employment letter is signed by the student offering employment to themselves;
 - duties are not clearly related to the student's degree;
 - insufficient evidence exists that the business is operating.
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Section II

STEM OPT Extension

The STEM OPT extension has substantially different requirements from initial OPT.

The University applies a more rigorous review because the employer must complete Form I-983 and provide structured training and supervision.

Employer Requirements

The employer must:

- participate in E-Verify;
- complete Form I-983;
- provide structured training;
- supervise the student;
- evaluate the student's progress;
- maintain a bona fide employer-employee relationship.

Self-Employment

As a general institutional policy, Western New England University will not support STEM OPT recommendations where the student is effectively self-employed.

Examples include:

- sole proprietorship;
 - single-member LLC;
 - student supervising themselves;
 - student signing Form I-983 as employer;
 - student appointing themselves supervisor.
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Company Ownership

Ownership alone does not automatically disqualify a student.

However, ownership that prevents a bona fide employer-employee relationship is inconsistent with STEM OPT requirements.

Factors considered include:

- ownership percentage;
 - governance structure;
 - supervisory authority;
 - employment authority;
 - independence of evaluations;
 - authority to discipline or terminate employment.
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Form I-983

The DSO will evaluate whether the individual signing Form I-983 appears to possess genuine supervisory authority.

Merely obtaining another person's signature is not sufficient.

Examples of Arrangements Generally Not Supported

Examples include:

Example 1

- Student owns 100% of the company.
- Student signs Form I-983.

👉 Result: Not supported.

Example 2

- Student owns 100%.
 - Employee signs Form I-983.
 - Student controls the employee.
- 👉 Result: Generally not supported.
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Example 3

- Two STEM OPT students own a company equally.
 - Student A signs Student B's Form I-983.
 - Student B signs Student A's Form I-983.
- 👉 Result: Generally not supported because neither student appears to exercise independent supervisory authority.
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Example 3

- Student starts a company providing only online services or the company is very recently started
- 👉 Result: Generally not supported.
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Examples Potentially Supported

The following examples may warrant further review.

Example 1

- Student owns a minority interest.
 - Independent management supervises student.
 - Independent supervisor performs evaluations.
 - Board governs employment.
- ✓ Result: May be considered.
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Example 2

- Student works as a W-2 employee.
 - Supervisor is independent.
 - Supervisor directs work AND evaluates performance.
 - Supervisor has authority regarding continued employment.
- ✓ Result: May be considered.

Documentation Required for STEM OPT

Students may be asked to submit:

- Articles of Organization
- Operating Agreement
- Shareholder Agreement
- Organizational chart
- Ownership percentages
- Payroll documentation
- E-Verify confirmation
- Form I-983
- Supervisor information
- Job description
- Explanation of training
- Performance evaluation procedures

Additional documentation may be requested.

Future Planning

Students intending to continue employment with their own company during STEM OPT are encouraged to plan well in advance.

Although no particular ownership structure guarantees approval, students may strengthen a future STEM OPT application by establishing:

- independent management,
- meaningful supervisory authority,
- documented training,
- E-Verify participation,
- a genuine employer-employee relationship.

Students should understand that these measures do not guarantee eligibility.

DSO Discretion

- Each case will be reviewed individually.
- The DSO may request additional documentation whenever necessary.
- The DSO may decline to recommend employment that cannot reasonably be supported by available documentation.
- PDSO's decision will be final

Student Responsibility

Students remain primary responsible to maintain their status, meet all the deadlines and stay proactive and abreast of the changes in the immigration rules. They are also responsible for :

- maintaining evidence of qualifying employment,
- reporting changes through the SEVP Portal,
- complying with unemployment limitations,
- responding to future USCIS requests for evidence.

The University's review of employment documentation does not constitute a legal determination that USCIS will ultimately recognize the employment as qualifying practical training.

Disclaimer

Important Legal Disclaimer

The information contained in this policy is provided by Western New England University solely as general guidance for F-1 international students regarding Optional Practical Training (OPT) and the 24-month STEM OPT Extension. It is intended to explain the University's administrative procedures for reviewing self-employment and maintaining SEVIS records.

*This document is **not** legal advice and should not be interpreted as legal advice.*

*Designated School Officials (DSOs), Principal Designated School Officials (PDSOs), and other University personnel are **not attorneys**, do not practice immigration law, and cannot provide legal opinions regarding a student's eligibility for immigration benefits or the interpretation of federal immigration statutes or regulations.*

Only U.S. government agencies, including the U.S. Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), the Student and Exchange Visitor Program (SEVP), and the U.S. Department of State, have authority to administer and interpret U.S. immigration laws and regulations. USCIS is the final authority that determines whether employment qualifies for OPT or STEM OPT purposes.

Students are strongly encouraged to consult with a qualified U.S. immigration attorney before making decisions regarding self-employment, establishing a business, ownership interests, independent contracting, STEM OPT employment, or any other immigration-related matter. The University encourages students to seek independent legal counsel whenever questions exist regarding compliance with immigration laws or the potential immigration consequences of any employment arrangement.

*The University's review of employment documentation, issuance of an updated Form I-20, or maintenance of a SEVIS record does **not** constitute approval, certification, endorsement, or legal determination that a student's employment complies with federal immigration laws or that USCIS will ultimately recognize such employment as qualifying practical training.*

Immigration laws, federal regulations, agency guidance, policy memoranda, and government interpretations are subject to change without notice. Although Western New England University makes reasonable efforts to keep this policy current, the University does not warrant or guarantee that this document reflects the most recent legal developments.

*If this policy has not yet been updated following changes in applicable immigration laws, regulations, agency guidance, or government policy, **it remains the student's sole responsibility to review and comply with the most current requirements published by the appropriate U.S. government agencies.***

Students should regularly consult official government resources, including USCIS, DHS, ICE, SEVP, and the Department of State, for the latest information affecting their immigration status and employment authorization.

Western New England University assumes no responsibility or liability for decisions made by students based upon this policy or for any consequences resulting from changes in immigration law or government interpretation occurring after publication of this document.

By relying on this guidance, students acknowledge that they remain solely responsible for maintaining their lawful immigration status and for ensuring compliance with all applicable federal immigration laws and regulations.

This policy represents Western New England University's institutional procedures for reviewing self-employment reported by F-1 students. It is intended to promote consistent administration of federal regulations and protect both students and the University. Because immigration regulations and agency guidance may change, the University reserves the right to modify this policy at any time.

Appendix A

Self-Employment Documentation Checklist

The following documentation is required before Western New England University will review a student's request to recognize self-employment during Post-Completion OPT.

Not all the documents are available or relevant, but try to submit as many as you can from the below lists. Submission of these documents does **not** guarantee that the employment will be recognized as qualifying employment under OPT or STEM OPT.

Section A. Business Formation

- ☐ Articles of Organization or Articles of Incorporation
- ☐ IRS Employer Identification Number (EIN) Confirmation Letter
- ☐ Business Registration Certificate (if applicable)
- ☐ State or Local Business License (if required)
- ☐ Operating Agreement or Shareholder Agreement (if applicable)
- ☐ Business Address
- ☐ Company Website, Professional Profile, or Product Website (if available)

Section B. Business Operations

Provide evidence that the business is actively operating.

Examples include one or more of the following:

- ☐ Client contracts
 - ☐ Consulting agreements
 - ☐ Purchase orders
 - ☐ Customer invoices
 - ☐ Proof of payments received
 - ☐ Business bank statements (account numbers may be redacted)
 - ☐ Product sales
 - ☐ Software deployment
 - ☐ App Store or Play Store publication
 - ☐ Marketing materials
 - ☐ Customer communications
 - ☐ Vendor agreements
 - ☐ Other evidence demonstrating ongoing business activity
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Section C. Employment Information

- ☐ Job title
 - ☐ Employment start date
 - ☐ Average weekly hours
 - ☐ Detailed job description
 - ☐ Current projects
 - ☐ Organizational chart (if applicable)
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Section D. Degree Relevance

Submit a written explanation (approximately one to two pages) addressing:

1. Your primary duties.
 2. The knowledge and skills obtained from your degree that you use in performing those duties.
 3. Examples of projects demonstrating application of your academic program.
 4. How your employment constitutes practical training in your major field of study.
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Section E. Supporting Evidence

Examples include:

- ☐ Portfolio
 - ☐ Source code repository
 - ☐ Technical reports
 - ☐ Business analytics reports
 - ☐ Engineering drawings
 - ☐ Research documentation
 - ☐ Product specifications
 - ☐ Screenshots of software or applications
 - ☐ Publications
 - ☐ Other work products
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Section F. Weekly Activity

Provide documentation demonstrating active engagement in the business.

Examples include:

- ☐ Weekly work log
- ☐ Calendar entries
- ☐ Client meetings
- ☐ Development schedule
- ☐ Project timeline

- ☐ Sprint reports
- ☐ CRM activity
- ☐ Time sheets

Additional Documentation for STEM OPT

Students seeking a STEM OPT extension must additionally provide:

- ☐ E-Verify Company Identification Number
- ☐ Completed Form I-983
- ☐ Organizational chart
- ☐ Ownership structure
- ☐ Supervisor information
- ☐ Documentation demonstrating supervisory authority
- ☐ Payroll documentation
- ☐ Position description
- ☐ Training plan

★ The University may request additional documentation as necessary.

Appendix B

DSO Self-Employment Review Rubric

The following rubric is intended solely for internal use by Western New England University DSOs to promote consistency when reviewing self-employment.

The rubric is not intended to determine legal eligibility under U.S. immigration law.

Review Area	Meets Standard	Needs Additional Documentation	Does Not Meet Standard
Business legally established	☐	☐	☐
Active business operations demonstrated	☐	☐	☐
Actual clients, customers, or products	☐	☐	☐
Business performing bona fide services	☐	☐	☐
Employment directly related to student's major	☐	☐	☐
Student demonstrates minimum 20 hours/week	☐	☐	☐
Documentation supports claimed activities	☐	☐	☐
Employment appears consistent with OPT regulations	☐	☐	☐

Additional STEM OPT Review

Review Area	Meets Standard	Needs Additional Documentation	Does Not Meet Standard
Employer enrolled in E-Verify	☐	☐	☐

Review Area	Meets Standard	Needs Additional Documentation	Does Not Meet Standard
Form I-983 complete	☐	☐	☐
Supervisor identified	☐	☐	☐
Supervisor appears independent	☐	☐	☐
Employer-employee relationship appears bona fide	☐	☐	☐
Student does not appear to supervise themselves	☐	☐	☐
Company capable of providing structured training	☐	☐	☐
Company capable of completing evaluations	☐	☐	☐

Overall Recommendation

- ☐ Recommend
- ☐ Request Additional Documentation
- ☐ Do Not Recommend

DSO Comments:

DSO Name:

Date: