

# RESIDENCY FOR TUITION PURPOSES

The Office of Admissions and Records determines the resident status of all new and returning students. Responses to the Application for Admission and, if necessary, other evidence furnished by the student are used in making this determination. It is the student's responsibility to provide documentation that clearly demonstrates both physical presence and the intent to establish California residence. A student who does not submit adequate information to establish the right to classification as a California resident will be classified as a non-resident for tuition purposes. Some visa types are precluded by federal law from establishing residency.

The residence determination date is the day immediately preceding the opening day of instruction of the semester as set by the Board of Trustees. Generally, residency requires actual physical presence in California at least one year prior to the residence determination date, coupled with proof of the intent to make California one's home. Generally, California residency is established by one of the following:

1. If the applicant is 18 or under, his or her parents or legal guardian must have had legal residence in California for a minimum of one year and one day prior to the start of the semester.
2. If the applicant is 19 years of age or older, the applicant must have residence in California for a minimum of one year and one day prior to the start of the semester.

Non-citizen students holding visas which do not preclude them from establishing residency in California (for example: permanent resident, refugee status, or amnesty approval), must have legal residence in California for a minimum of one year and one day prior to the start of the semester.

\*(per Education Code, Section 68060)

**Factors Considered to Determine Residency:** A person's presence in California and the factors below are considered in determining California residency. No one factor determines residency.

- Being licensed to practice a profession in California
- Filing California State Income taxes as a resident
- Having an active checking and/or savings account in a bank in California
- Having paid non-resident tuition in another state
- Owning residential property in California for personal use
- Possessing a California Driver's License and a vehicle registration in California
- Showing proof of employment in California
- Possessing a divorce decree issued in California
- Showing California as "home of record" on military records (DD214 or Leave and Earnings Statement)
- Voting in California

**Important:** Residence classification is determined for each student when the admission application is accepted. Any student who is classified as a resident, but who becomes a non-resident at any time by virtue of a change of residence, by his or her own action or by the person from whom his or

her residence is derived, is obligated to notify the Admissions & Records Office immediately.

**Non-Resident Student:** A student's residence status is determined at the time of application. A student classified as a non-resident must pay non-resident tuition in addition to the enrollment fee and other fees (including a \$57 Capital Outlay Fee per Ed Code 76141) for credit classes.

**Assembly Bill 540:** Any student, other than a non-immigrant alien, who meets all of the following requirements, shall be exempt from paying nonresident tuition at the California Community Colleges, the California State University and the University of California (all public colleges and universities in California).

Students who are nonimmigrants [for example, those who hold F (Student) visas, B (Visitor) visas, etc.] are not eligible for this exemption.

## Who Qualifies?

- An alien student who is without lawful immigrant status (undocumented, out of status)
- Students who are nonimmigrants and who are victims of trafficking, domestic violence, and other serious crimes who have been granted T or U visa status, under Title 8 of the United States Code, Sections 1101(a)(15)(T) or (U) are eligible for this exemption

A U.S. Citizen and/or Permanent Resident card holder who does not meet the California residency requirement

## Requirements

- Attended high school in California for three or more years,
- Attended a combination of California high school, California adult school, and/or California Community College for the equivalent of three or more years of full-time attendance,
- Attained credits earned in California from a California high school equivalent to three or more years of full-time high school course work and attended a combination of elementary, middle/secondary, and/or high schools in California for a total of 3 or more years.
- Graduated from a California high school or attained the equivalent (i.e., GED or Certificate of High School Proficiency) prior to the start of the term,
- Attained an associate degree from a California Community College,
- Completed the minimum requirements at a California Community College for transfer to a California State University or University of California.

In the case of a person without lawful immigration status, the filing of an affidavit with the college stating that the student has filed an application.

**Assembly Bill 2364:** Community college districts are **mandated** to exempt non-shy;resident special part-time students from the requirement to pay non-resident tuition for community college credit courses. The term "special part-time student" refers to students who have been recommended by the principal of the pupil's school and have parental permission to attend a community college during any session or term and who enroll in 11 or fewer units per semester, or the quarter equivalent, in accordance with

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Education Code section 76001. The exemption does not apply to special full-time students.

This exemption is not intended to apply to categories of students who would be precluded from qualifying for the AB540 non-resident tuition exemption:

1. students who reside outside of California and enroll via Distance Education, and
2. students with non-immigrant visas (except students traded a T or U visa).

A student receiving a non-resident tuition exemption under AB2364 does not receive resident status for the purpose of fees or financial aid.

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### **AB 1232: Nonresident Tuition Waiver for English as a Second Language (ESL) courses:** (Amends Section 76140 of the Education Code)

AB 1232 provides an exception to the requirement that California Community Colleges charge the nonresident tuition rate for specified students enrolled in credit-bearing ESL courses.

This law states that a community college district (CCD), following admission and subsequent course enrollment, must charge a tuition fee to nonresident students, except that a CCD will exempt students who enroll in a credit-bearing ESL course from all of the fee if they are a:

1. recent immigrant, as defined in Section 1101(a)(15) of Title 8 of the United States Code (USC).
2. recent refugee, as defined in Section 1101(a)(42) of Title 8 of the USC; and,
3. person who has been granted asylum by the United States, as defined in Section 1158 of Title 8 of the USC.

Only the nonresident tuition fee for ESL courses is exempt. The exemption only applies to individuals who, upon entering the United States, settled in California, and who have resided in California for less than one year.

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**Senate Bill 141:** This bill requires districts to exempt non-resident tuition from a non-resident student who is a U.S. citizen and who resides in a foreign country, if that student meets all of the following requirements.

1. Demonstrates a financial need for the exemption.
2. Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
3. Moved abroad as a result of the deportation or voluntary departure.
4. Lived in California immediately before moving abroad.
5. Attended a public or private secondary school in California for three or more years.
6. Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
7. Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
8. Documentation shall be provided by the student as required by statute as specified in Education Code section 76140(a)(5).

A student receiving a non-resident tuition exemption under SB141 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from non-resident tuition fees under this law. These students

do not qualify for the California College Promise Grant (CCPG) or any other state financial aid until they establish California residency. As citizens, SB141 students may apply and qualify for federal financial assistance such as Pell, FSEOG and federal student loans.

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