



California Residency Information for Students

A resident student is one who has been physically present in the state for more than one year and one day prior to the start of the term they will be attending and has demonstrated an intent to make California a permanent home. To establish residence, a person capable of establishing residency in California must couple their physical presence in California with objective evidence that the physical presence is with the intent to make California home for other than a temporary purpose.

Eligibility for California Residency:

1. You must be a United States citizen, permanent resident, asylee/refugee, DACA, or have a visa status that is eligible to establish residency. That includes the following visa categories: A 1-3, E 1-3, G 1-5, H-1B, H-1C, H4 (if dependent of H-1B or H-C), I, K 1-4, L-1A, L-1B, NATO 1-7, N-8, N-9, O-1, O-3 (if dependent of O-1), R 1-2, T 1-5, U 1-5, and V 1-3.
2. You must have lived in California under a residency eligible immigration status for at least one year and one day prior to the start of the term for which you seek residency.
3. Education Code section 68075.6 grants an immediate nonresident tuition fee exemption to eligible Special Immigrant Visa (SIV) holders and refugee students who settled in California upon entering the United States. This exemption is granted for one year from the date the student settled in California upon entering the United States.
 - a. This exemption applies to the following:
 - Iraqi citizens or nationals (and their spouses and children) who were employed by or on behalf of the United States Government in Iraq (Pub.L. No. 110-181, §124)
 - Afghan and Iraqi translators (and their spouses and children) who worked directly with the United States Armed Forces (Pub.L. No. 109-163, §1059)
 - Afghanistan nationals who were employed by or on behalf of the U.S. government or in the International Security Assistance Force (ISAF) in Afghanistan (Pub.L. No. 111-8, §602)
 - Refugee students admitted to the United States under Section 1157 of Title 8 of the United States Code

The following immigration statuses are **not** eligible to establish residency: B-1/B-2, C 1-4, C-1D, D 1-2, F 1-3, H-1B1, H-2A, H-3, H-4 (if dependent of excluded H type visa), J 1-2, M 1-3, O-2, O-3, (if dependent of O-2), P 1-4, Q 1-2, S 5-7, TWOV, TN, and TD, aliens under an order of supervision or parole, BCC or BE entrants, VWP (ESTA), undocumented and out of status students.

Documentation:

You must be able to provide objective evidence of your eligible immigration status, your physical presence in the state of California, and your intent to make California your permanent home. The documents must be in the student's name and dated appropriately for the term in which residency is requested. Original documents are required – we cannot accept photocopies.

Immigration Documents:

- Permanent residency card
- Visa
- I-797 notice of action or approval showing the status you have been granted and the dates it is valid
- USCIS letter showing granted status or extension of status
- Employment Authorization Card*

**An I797 or other USCIS document is required with the EAD card. An EAD does not grant any immigration status.*

Other documents may be considered on a case by case basis.

Residency Documents: You must provide a valid photo ID and 2 of the following documents

- Property tax forms
- Rental or lease agreements
- California voter registration
- California state income tax returns
- California driver's license or state ID
- Active checking or savings accounts in California banks – you must submit one statement from at least a year and a day prior to the state of the term you would like to declare residency in, and one current statement.

Other documents may be considered on a case by case basis.

Additional documents may be requested

Please note, the one year residence period does not begin to run until the student is both present in California and has manifested intent to establish California residence. The burden is on the student to demonstrate clearly both physical presence and the intent to establish California residence. If a student relinquishes California residence, one full year of physical presence and demonstrated intent to be a California resident is required to reestablish residency for tuition purposes.

Definition of Physical Presence:

A person capable of establishing residence in California must be physically present in the state for one year and one day prior to the start of the term for which residency is requested. A temporary absence for business, education, or pleasure will not result in loss of California residence, if during the absence, the person always intended to return to California and did nothing inconsistent with that intent.

Physical presence within the state solely for educational purposes does not constitute establishing California residence regardless of the length of that presence.

Residency Criteria:

- Every person has, in law, a residence. Every person who is married, 18 years of age or older, and under no legal disability to do so, may establish a residence. When determining residency, the following rules must be observed:
- There can be only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purposes, and to which one returns.
- A residence cannot be lost until another is gained.
- Residence can be changed only by the union of act or intent.
- A person's residence cannot be derived from their spouse.
- The residence of an unmarried minor child is the residence of the parent or guardian. When the minor lives with no parent or guardian, their residence is that of the parent with whom they maintained their last abode. A minor may establish their own residence when both parents are deceased and no legal guardian has been appointed, unless the student qualifies under the Self-Support or Two Year Care and Control exceptions.
- An alien unmarried minor may establish residence unless precluded from establishing domicile in the United States.

Evidence of Intent:

Intent to make California the home for other than a temporary purpose may be manifest in many ways.

A student who is 19 years of age or older and who has maintained a home in California continuously for the last two years shall be presumed to have the intent to make California the home for other than a temporary purpose, unless the student has evidenced a contrary intent.

A student who is under 19 years of age shall be presumed to have the intent to make California the home for other than a temporary purpose if both the student and their parent/guardians have maintained a home in California continuously for the last two years, unless the student has evidenced a contrary intent.

A student may be required to provide evidence of intent to make California the home for other than a temporary purpose if they do not meet the above criteria.

Conduct inconsistent with a claim of California residence includes but is not limited to the following:

- Maintaining voter registration in another state.
- Petitioning for divorce in another state.
- Attending an out of state institution as a resident of that other state.
- Declaring non-residency in California for state income tax purposes.
- Paying taxes in another state or country as a resident of that state or country.
- Not fulfilling tax obligations to the State of California.

Examples of objective evidence to establish California residency includes but are not limited to:

- Ownership of residential property or continuous occupation of a rented or leased property.
- Registering to vote in California
- Licensing in the state of California for professional practice.
- Active membership in California professional, religious, merchant, service organization, or clubs.
- Filing federal income tax from a California address.
- Payment of California state income tax as a resident.
- Maintaining California motor vehicle registration and license plates.
- Maintaining a California drivers' license or state ID.
- Maintaining a California as a home of record while in the armed forces.
- Petitioning for a divorce in California.
- Registering for selective service in California.

General Residency Guide:

Status	<u>Resident in CA for two or more years per answers to application questions.</u>	<u>Resident in CA for less than 2 years</u>	<u>Current stay in CA began less than one year and a day prior to start of term</u>
Citizen	No documentation required.	Student must submit 2 proofs of residency dated at least one year and one day prior to the start of the term residency is requested for.	Not eligible for residency until the one year period is complete and can be documented.
Non-Citizen (anyone other than a US citizen)*	Documentation of residency eligible immigration status required. Status must be documented for at least one year and one day prior to the start of term.	Documentation of valid immigration status and 2 proofs of in state residency required. Immigration and residency documents must be dated no later than one year and one day prior to the start of term.	Not eligible for residency until the one-year period is complete and can be documented. The student must maintain a residency eligible immigration status for the full year as well.
Military/Veterans/Military Dependents	Documentation of immigration status is required for non-citizens. US citizens do not need to submit additional documents.	Completion of the CA Active Duty Member/Dependents/Veterans Non-Resident Tuition Exemption form and documentation presented to the Financial Aid Office.,	

**Please not, students on a B1/B2 visa that have not been granted any other status may not attend due to federal immigration regulations.*