

# RESIDENCY REQUIREMENTS

The determination of legal California residence is a complex matter. Students will be required to present various kinds of documentation for purposes of the final residency determination. All questions as to legal residence and the exceptions allowed under California law shall be directed to the Admissions & Records Office. The right of a student to attend any public community college in California is conditioned by certain residency qualifications set forth in the California Education Code. Residence determination is based on state and federal law, and is subject to change without prior notification.

## California Residents

To qualify as a California resident, a student must have legally resided in California for one year and one day prior to the beginning of the semester he or she is planning to attend and must have taken actions that express intent to establish California residence.

Students who have lived in California for more than one year but less than two years will be asked to show proof of legal California residence. The burden of proof lies with the student, who must present documentation of both physical presence in the state for at least one year and one day, and intent to establish permanent California residence. Failure to present such proofs will result in a non-resident classification for admission and tuition purposes. A list of acceptable documents is available on the college website and from the Admissions & Records Office.

Non-citizens may be eligible to establish California residency if allowed under the terms of his/her citizenship/immigration status, and upon presentation of acceptable residency documentation. The student will initially be classified as a nonresident and required to present the following items at the Admissions & Records Office:

- Immigration Documentation if applicable
- Documentation that verifies that the student has resided in California for one year and one day preceding the first day of the semester, and that the student has taken actions consistent with the intent to establish California residency.

## Nonresidents

A nonresident is a student who has not lived in California continuously for one year and one day prior to the beginning of the semester he or she is planning to attend, or who is unable to present proof of intent to establish permanent California residency, or who is not eligible to establish residency. Students classified as nonresidents shall pay non-resident tuition fees in addition to mandatory enrollment and health fees. Conduct inconsistent with a claim for California residence includes but is not limited to:

- Being an actively registered voter in another state
- Petitioning for divorce as a resident of another state
- Attending an out-of-state educational institution as a resident of that state
- Declaring nonresident status for California state income tax purposes
- Maintaining a valid driver's license or registered vehicle in another state

Legal intent to establish residency in California requires that the student take actions that carry an expression of intent to make California their primary and permanent state of residence. Intent can be manifested in many ways, including but not limited to filing California taxes as a resident,

being a registered California voter, registering vehicles in California, buying residential property in California (and living here).

U.S. citizens or permanent residents who previously held California residency and are returning to the state after an absence, and non-citizens without lawful immigration status shall be classified as a non-residents but may be exempted from payment of non-resident tuition pursuant to AB 540 provided they certify that they meet all of the four requirements:

1. The student must have:
  - Attended a combination of high school, adult school, and California Community College for the equivalent of three years or more, or
2. The student must have:
  - Graduated from a California high school or attained the equivalent prior to the start of the term (for example, passing the GED or California High School Proficiency exam), or
  - Completed an associate degree from a California Community College, or
  - Completed the minimum requirements at a California Community College for transfer to the California State University or the University of California, and
3. The student must register as an entering student at, or current enrollment at, an accredited institution of higher education in California, and
4. The student must file an affidavit with the college stating that if the student is a non-citizen without current or valid immigration status, the student has filed an application to legalize immigration status, or will file an application as soon as the student is eligible to do so, and submission of additional documentation as required by the college (e.g. high school transcripts to verify eligibility for exemption requirements).

Students who are nonimmigrants, other than those with T or U visa status, [for example, those who hold F (student) visas, B (visitor) visas, etc.] are not eligible for this exemption.

A year's equivalence at a California Community College is a minimum of 24 semester units of credit or 36 quarter units of credit. For noncredit courses, a year's attendance is a minimum of 420 hours, 210 hours for a semester, and 140 hours a quarter. Attendance in credit courses at a California Community College towards the attendance requirements shall not exceed two years of full-time attendance.

Full time attendance at a California adult school (established by a county office of education, a unified school district or high school district, or the Department of Corrections and Rehabilitation) means a minimum of 420 class hours of attendance for each school year in classes or courses.

Dual Enrollees (concurrently enrolled K-12 students) determined to be nonresidents may be admitted and classified as nonresidents but exempt from paying nonresident tuition per California Ed. Code, Section 76141. See Dual Enrollment/Admission of Minors section of this catalog for more information.

Nonresident students who are U.S. citizens and who reside in a foreign country will be admitted and classified as nonresidents but exempted from payment of nonresident tuition provided they meet all of the following requirements:

- Demonstrate a financial need for the exemption.
- Has a parent or guardian who has been deported or was permitted to depart voluntarily under the Federal Immigration and Nationality Act.

- Moved abroad as a result of the deportation or voluntary departure.
- Lived in California immediately before moving abroad. Attended a public or private secondary school in California for three or more years.
- Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
- 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.
- Documentation shall be provided by the student as required by the statute as specified in Education Code, section 76140(a)(5).
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather, they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

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. Contact the Admissions and Records Office for additional information on this exemption.

## Reclassification of Residence Status

Students who are admitted as nonresidents must petition for reclassification to California resident status. The petition process includes the completion of a Residence Reclassification Request form and the submission of acceptable documentation to support a claim that the student has met the requirements for physical presence and intent to establish legal residence in California. The physical presence requirement is one year of living in California. Students must show proof that California has been their primary state of residence, excluding vacations, for one year and one day prior to the beginning of the term for which reclassification is requested.

Request for Reclassification may be denied if the student:

- is in California solely for educational purposes.
- possesses a driver's license or vehicle registration or voter registration or selective service registration from a state other than California; such items constitute maintaining residence in another state.
- is claimed as a dependent on out-of-state tax returns (e.g., by parents living in another state).

Other regulations and restrictions apply that may affect the determination of residence status. Questions should be referred to the Admissions & Records Office.

## Military Personnel and Dependents

Active duty military personnel and their dependents, military veterans and their dependents are subject to the same criteria and regulations regarding the establishment of California residency as other nonresident students. The information provided herein refers to the assignment of California residency based on active-duty or discharged veteran status solely for the purposes of determining the tuition and fees for eligible service members, former service members and their dependents.

A student who is a member of the Armed Forces of the United States stationed in this state (except a service member assigned for educational

purposes to a state-supported institution of higher education), or a student who is a dependent (natural or adopted child, stepchild, or spouse) of a member of the Armed Forces of the United States stationed in this state on active duty is entitled to resident classification only for the purpose of determining the amount of tuition and fees.

If that service member is subsequently transferred out of California on military orders but continues to serve in the U.S. Armed Forces, or is subsequently retired from military service, neither the service member nor his or her dependent shall lose resident classification for tuition purposes so long as he or she remains continuously enrolled at the institution.

## Military Veterans

A student who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged shall be exempt from paying nonresident tuition for up to one year if he or she files an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.

The one year exemption provided in paragraph (1) shall be used while the student lives in this state and within two years of being discharged.

A former member of the Armed Forces of the United States who received a dishonorable or bad conduct discharge shall not be eligible for an exemption pursuant to this section.

## Veterans Access, Choice and Accountability Act (VACA)

In accordance with Education Code Section 68075.5(c), a full exemption from the nonresident fee for all students verified to be "covered individuals" per the criteria listed below and that qualify to use Montgomery GI Bill<sup>®</sup>-Active Duty Post-9/11 GI Bill<sup>®</sup> education benefits or Training and Rehabilitation for Veterans with Service-Connected Disabilities (Chapters 30, 31 and 33, respectively, of Title 38, U.S. Code) while living in California will be eligible for this exemption. A "covered individual" is defined in the VACA Act as:

1. A Veteran who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.
2. An individual eligible for transferred education benefits who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within 3 years of the transferor's discharge from a period of active duty service of 90 days or more.
3. An individual eligible for transferred Post-9/11 G.I. Bill<sup>®</sup> benefits while the transferor is on active duty who resides (lives) in California (regardless of his/her formal state of residence).
4. An individual eligible for benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill<sup>®</sup> benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence).
5. An individual eligible for rehabilitation under 38 U.S. Code § 3102 pursuing a course of education with education assistance from the Training and Rehabilitation for Veterans with Service-Connected Disabilities (Chapter 31) education benefits program.

6. A student who initially qualifies under the applicable requirements above will maintain "covered individual" status as long as continuous enrollment is maintained (other than during regularly scheduled breaks between courses, semesters or terms) at the institution, even if they enroll in multiple programs and shall continue to be exempt from paying nonresident tuition and other fees as described in the updated fee policy described below.

Students eligible for VA education benefits must provide a "Certificate of Eligibility" (COE) or the Authorization of Entrance into Rehabilitation and Certification (Chapter 31 Referral) by the VA confirming the approved education benefits for the veteran or eligible dependent to basic educational assistance under chapters 30, 31 and 33 of title 38, U.S. Code). The DD Form 214, Certificate of Release or Discharge from Active Duty, generally referred to as a "DD 214", shows the effective date of the veteran's discharge from active service and may also need to be submitted to assist with confirming the "covered individual" status.

G.I. Bill<sup>®</sup> is a registered trademark of the U.S. Department of Veterans Affairs (VA). More information about education benefits offered by VA is available at the official U.S. government Web site at <https://www.benefits.va.gov/gibill>.