

# DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

University requirements for establishing residency for tuition purposes are independent from requirements for establishing residency for other purposes, such as for tax purposes, or other state or institutional residency. These regulations were promulgated not to determine whether a student is a resident or nonresident of California, but rather to determine whether a student qualifies to pay university fees at the in-state or out-of-state rate. A resident for tuition purposes is someone who meets the requirements set forth in the Uniform Student Residency Requirements. These laws governing residency for tuition purposes at the California State University are California Education Code sections 68000-68086, 68120- 68133, and 89705-89707.5, and California Code of Regulations, Title 5, Subchapter 5, Article 4, sections 41900- 41915. This material can be viewed by accessing the California State University website (<http://www.calstate.edu/residency/>).

Each campus's Admissions Office is responsible for determining the residency status of that campus's new and returning students based, as applicable, on the student's Application for Admission, Residency Questionnaire, and, as necessary, other information the student furnishes. A student who fails to provide sufficient information to establish resident status will be classified as a nonresident.

## Residency Requirements

### Initial Determination: Eligible Immigration Status, Physical Presence and Intent

A student seeking to pay in-state tuition at a California State University (CSU) as a first-time freshman, transfer, or as a post-baccalaureate/graduate student must have an eligible immigration status to establish residency (see **Eligible Immigration Information**), meet physical presence by the Residence Determination Date, and demonstrate intent to indefinitely remain in the State of California for more than one year immediately preceding the Residence Determination Date. If the student is under the age of 19 (with limited exceptions), the student's residence status is derived from that of the parent or from that of the legal guardian.

### Requirements for Residency for Tuition Purposes

**Physical Presence:** The student or parent/guardian must be physically present in California for more than one year immediately preceding the Residence Determination Date in which enrollment is contemplated. For example, if a student plans to attend the CSU for the Fall 2024 academic term, and the Residence Determination Date for that term is September 20, 2024, the student must establish physical presence in California no later than September 19, 2023.

### Eligible Immigration Status

A student seeking to pay in-state tuition at a California State University campus as a first-time freshman, transfer, or post-baccalaureate/graduate student must have an eligible immigration status (<https://www.calstate.edu/apply/california-residency-for-tuition-purposes/Documents/Immigration-Statuses.pdf>) to establish residency. Therefore, the student must be a United States citizen, a permanent resident (Green

Card holder), or hold an eligible visa status (all eligible visas can be found at [www.calstate.edu/residency/](http://www.calstate.edu/residency/)).

Students in the category of Deferred Action for Childhood Arrivals (DACA), Humanitarian Parole, or Temporary Protected Status (TPS) are also eligible to establish residency for tuition purposes. Also, students who are adjusting their immigration status, such as asylum, may qualify for residency depending on where they are in the application process.

Most nonimmigrant visa holders, such as an F-1 or J-1 visa holder, are not eligible to establish California residency for tuition purposes. Students with a visa or without an immigration status should contact the university Admissions Office.

If a student does not qualify as a California resident, the student may be eligible for certain exceptions and exemptions (<https://www.calstate.edu/apply/california-residency-for-tuition-purposes/Pages/exceptions-exemptions.aspx>), such as California Nonresident Tuition Exemption, commonly known as AB 540. Nonresident students (including US citizens, permanent residents, and undocumented individuals, including students with a T visa U visa, DACA, Humanitarian Parole (certain countries), Special Immigrant Juvenile, asylum, refugee, or Temporary Protected Status) may be exempted from paying nonresident tuition. Students seeking the AB 540 Exemption must satisfy attendance and graduation/transfer requirements from a California school (e.g., K-12, adult school, and community college).

## Exceptions

Exceptions to the general residency requirements are contained in California Education Code sections 68070-68086 and California Code of Regulations, Title 5, Subchapter 5, Article 4, sections 41906- 41906.6, 41910. Whether an exception applies to a particular student can only be determined after the submission of an application for admission and, as necessary, additional supporting documentation. Because neither the campus nor the Chancellor's Office staff may give legal advice, applicants are strongly urged to review the material for themselves and consult with a legal advisor.

## Residency Determination Dates

### Quarter Term Campuses

Quarter	Date
Fall	September 20
Winter	January 5
Spring	April 1
Summer	July 1

### Semester Term Campuses

Semester	Date
Fall	September 20
Winter	January 5
Spring	January 25
Summer	June 1

## Residency Determination Dates for CalState TEACH

Semester	Date
Fall	September 20
Spring	January 5
Summer	June 1

**Intent:** California law stipulates the burden of proof rests with the student, and merely living in California for a year does not support a claim for residency for tuition purposes. The student, or in some cases a parent or legal guardian, must demonstrate intent to remain indefinitely in the state for more than one year immediately preceding the Residence Determination Date (RDD) and sever all residential ties with the former state or country of residence. If the student is under the age of 19, the student's residence status is derived from that of the parent or legal guardian unless an exception applies. There must be sufficient documentation to demonstrate that intent was established more than one year (a minimum of one year and one day) before the RDD.

Documents must include the student's name, the student's California address, and a date at least one year and one day prior or on the RDD for the term. For students under the age of 19, documents must be in the parent or legal guardian's name unless an exception applies. Also, a parent or legal guardian's immigration status does not preclude a student from establishing residency; therefore, the parent or legal guardian is not required to provide any immigration documents to demonstrate intent.

Evidence demonstrating intent to remain in the State of California indefinitely may vary from case to case, but will include, and is not necessarily limited to, the absence of residential ties to any other state, California voter registration and history of actually voting in California elections, maintaining California vehicle registration and driver's license, maintaining active California bank accounts, filing California income tax returns and listing a California address on federal tax returns, owning residential property or occupying or renting a residence where permanent belongings are kept, maintaining active memberships in California professional or social organizations, and maintaining a permanent military address and home of record in California. For a complete list of acceptable supporting documents, please visit [www.calstate.edu/residency/](http://www.calstate.edu/residency/) under Intent.

## Residency Exceptions and Exemptions

Students not classified as California residents for tuition purposes may qualify for an exception or an exemption from payment of nonresident tuition. Exceptions to the general residency requirements are contained in California Education Code sections 68070-68086 and California Code of Regulations, Title 5, Subchapter 5, Article 4, sections 41906- 41906.6, 41910. Whether an exception applies to a particular student can only be determined after the submission of an application for admission and, as necessary, additional supporting documentation. Because neither the university nor the Chancellor's Office staff may give legal advice, applicants are strongly urged to review the material for themselves and consult with a legal advisor.

## Reclassification - Financial Independence (only applies to continuing students)

A student classified as a nonresident for a prior term may seek reclassification in any subsequent term; however, reclassification requires that, in addition to satisfying the requirements of physical presence and

intent to remain indefinitely in the state, the student must also satisfy the requirement of financial independence as outlined in Title 5 CCR § 41905.5. To do so, the student must contact the appropriate person in the university admissions office and complete a Residency Questionnaire Form and provide supporting documents.

### 41905.5. Residence Reclassification - Financial Independence Requirement

- Any nonresident student requesting reclassification to resident for tuition purposes must demonstrate financial independence.
- Student has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.
- Student has not and will not receive more than seven hundred fifty dollars (\$750) per year in financial assistance from their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.
- Student has not lived and will not live for more than six weeks in the home of their parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.
- Note: Students who receive a government scholarship and/or financial assistance should be viewed the same as state and federal financial aid, and athletics grants-is-aid; and should not be counted as parental support.
- Effective Fall 2020 academic term, if the student meets at least one of the following criteria, the student does not have to meet the financial independence requirement. Student must provide the university admissions office supporting documents (e.g. state income tax returns, court documents, marriage certificate, military order form) that demonstrate they meet the criteria.
  - Dependent on a parent who has California residence for more than one year immediately preceding the residence determination date;
  - Enrolled in a graduate or postbaccalaureate program, regardless of age;
  - Turned 24 years of age by the residence determination date;
  - Married or registered domestic partner as of the residence determination date;
  - Active duty members serving in the U.S Armed Forces;
  - Veteran of the U.S. Armed Forces;
  - Legal dependent other than spouse or registered domestic partner;
  - Former ward of the court, foster youth or both parents are deceased;
  - Declared by a court to be an emancipated minor; or
  - Unaccompanied youth who is homeless or at risk of becoming homeless.

## Residency Appeals

A student classified as a nonresident may appeal a final university decision within 30 days of notification by the university. Appeals will be accepted only if at least one of the following criteria applies:

- a. The decisions was based on:
  - i. a significant error of fact by the campus;
  - ii. a significant procedural error by the campus; or

- iii. an incorrect application of the law which, if corrected would require that the student be reclassified as a California resident; and/or
- b. Significant new information, not previously known or available to the student, became available after the date of the campus decision classifying the student as a nonresident and based on the new information, the classification as a nonresident is incorrect.

Instructions to submit an appeal and additional information can be found at the California Residency for Tuition Purposes Website (<http://www.calstate.edu/residency/>).

Appeals via email, fax and U.S. mail will not be accepted. A student with a documented disability who is requesting an accommodation to submit an appeal through the CSU website (<http://www.calstate.edu/>) should contact Student Affairs and Enrollment Management at [residencyappeals@calstate.edu](mailto:residencyappeals@calstate.edu).

The office of the Chancellor will either decide the appeal or send the matter back to the campus for further review.

A student incorrectly classified as a resident or incorrectly granted an exception from nonresident tuition is subject to reclassification as a nonresident or withdrawal of the exception and subject to payment of nonresident tuition in arrears. If incorrect classification results from false or concealed facts, the student may also be subject to discipline pursuant to Section 41301 of Title 5 of the California Code of Regulations. A student previously classified as a resident or previously granted an exception is required to immediately notify the Admissions Office if the student has reason to believe that the student no longer qualifies as a resident or no longer meets the criteria for an exception.

Changes may have been made in the rate of nonresident tuition and in the statutes and regulations governing residency for tuition purposes in California between the time this information is published and the relevant residency determination date. Students are urged to review the statutes and regulations stated above.