Residency regulations are extremely complex. The information contained in this document is summarized from the regulations. The residency specialist will attempt to assist you, **but the burden of proof rests with the student.**

**General Provisions:**
Every person, by law, has a legal residence and there can only be one legal residence. In California, those persons who possess the legal ability to establish residency must be physically present (lived in California) AND demonstrate their INTENT to remain permanently. One must demonstrate **BOTH** physical presence and intent for one year as of the residency determination date. The residency determination date is one year and one day before the term begins. (California Administrative Code Title 5, Sections 54022, 54024 & 54028). **Students applying for late start classes will have their residency reviewed using the semester determination dates, not the late starting class dates. Students are expected to enroll by the published enrollment deadlines.**

### Conduct inconsistent with a claim of California residency is voting in another state, being a petitioner of a divorce in another state, declaring non-residence for California income tax purposes, being claimed as a dependent on out of state taxes, maintaining an out of state address, or attending an out of state college/university while paying in-state tuition.

Undocumented aliens as well as individuals who hold a nonimmigrant visa may not establish California residency regardless of the length of time they have been present in California. The most common nonimmigrant visas include the following: A, A2, BCC, B-1/B-2, C, CW-1, D-1/D-2, E-3, F-1/F-2, G1-G5, H-2/H-3, I, J-1/J-2, M-1/M-2, NATO1-L, O-2, P-1/P-2/P-3/P-4, Q, TN/TD.

Generally, students under the age of 19 and unmarried inherit the residency of the parent or the **legal** guardian with whom they reside. Students 19 years of age have had the year between 18 and 19 to obtain documents of intent and must prove their own residency. They cannot use the residency of the parent or the **legal** guardian.

A person’s residency shall not be derived simply by being married. A man or a woman establishes his or her residency independent of his or her spouse. Many of the documents of intent may be shared, but each may have some evidence of intent that is not shared.

**A Continuing Student Must Prove Financial Independence.** Continuing students must prove they are providing their full financial support or are dependent on a California resident. Individual State Income Tax form (CA 540), including the IRS Tax Transcript must be provided showing the student’s financial independence or dependence on another person as well as documents of California intent for the supporting person.

**Exceptions Authorized By The State Of California Include:**
- Active military personnel and their dependents are exempt from non-resident tuition provided they are stationed in California and submit their military ID and the orders to California with the Residency Reclassification Questionnaire.
- Retired military personnel (and their dependents) that are stationed in California for more than one year prior to separation and have been separated from the military for no more than two years are exempt from non-resident tuition by submitting the Discharge Papers (DD 214) and Military ID with the Residency Questionnaire.
- Under VACA Section 703, discharged military members and their dependents who are discharged outside of California and move to California within 3 years of discharge may be exempt from the non-resident tuition by submitting their Military ID, their Discharge Papers (DD214) and a Certificate of Eligibility or (Transferred Eligibility for Dependents) from the Department of Veteran’s Affairs with the Residency Questionnaire.
- Spouse or child living in California and enrolling in school within three years of a military member’s death in the line of duty following a period of active duty of 90 days or more can be exempt from the non-resident tuition by providing the Certificate of Eligibility for Chapter 33—Fry Scholarship with the Residency Questionnaire.
- Non-resident students who have completed three years of school in California and graduated in California or equivalency (GED or California Proficiency) may qualify for a waiver of non-resident fees by filing out the California Nonresident Tuition exemption Request Affidavit.

*This waiver does **not** classify you as a California resident for tuition purposes. The AB 540 only exempts you from paying the Non-Resident tuition and disqualifies you from some forms of financial aid.

*This exemption is **not** available for persons who are absent from California and taking Distance Education Classes.

### Residency Review Steps Are On The Reverse Side

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**Term** | **Term Start Date** | **Residency Determination Date** | **Deadline to Request Residency Reclassification**
--- | --- | --- | ---
Summer 2019 | May 28, 2019 | May 27, 2018 | June 11, 2019
Fall 2019 | August 19, 2019 | August 18, 2018 | September 2, 2019

Revised: 10/10/18
RESIDENCY REVIEW STEPS

It is important that you read the residency steps carefully and you submit all the documents listed below that you have with your first residency review request. Submit residency documents early as your first request may take up to ten days to review. A request for a second review may not be possible until after the semester begins.

1. Complete the Residency Reclassification Questionnaire. All questions must be answered.

2. If you are not a United States Citizen, provide a copy of your Permanent Resident Card or Visa & I-94 issued prior to the determination date. If your Permanent Resident Card or Visa is not one year and one day old prior to the determination date please provide a copy of your Notice of Action.

3. Provide copies of all the items listed below you have in your name to demonstrate evidence of your physical presence and intent. All items must be dated at least one year and one day as of the Residency Determination Date. Documents less than a year old or more than two years old do little to provide a claim for California residency, but in some cases may be helpful.

The following documents are acceptable ways to prove presence and your intent to be a California resident. Every case for residency is different based on the individual's situation; therefore, the Residency Specialist has the right to request additional documentation based on the circumstances. Provide copies of all of the following documents in your name and are dated at least one day and one year prior to the start of the semester. In cases when you are dependent on another party, provide the documents in their name as well.

Please help us help you and save yourself time.
Submit all of the documents you have from the list below for an accurate review.

A. Request the Federal Tax Return Transcript directly from www.irs.gov and provide that Transcript with your copy of the CA 540 or CA 540 NR for the most recent tax year. (The 1040 and W-2 are not sufficient).

B. Employment certification in the form of a form letter on company letterhead from the employer or two pay stubs (one recent and one from one year ago).

C. Ownership of residential property OR continuous occupancy of rented or leased property in California. (The rental or lease agreement must list your name as either a renter/lessee or occupant.)

D. Proof of California Voter Registration.

E. Possession of a valid California Driver’s License OR California Identification Card. (State law requires a resident driver to obtain a California driver’s license within 10 days from the date residence is established) OR a California Identification Card.

F. Possession of current California Vehicle Registration (a Certificate of Title is not sufficient evidence of a California vehicle registration). You must show one year of possession before the determination date. This may require you provide two registrations.

G. Establishing and maintaining active bank accounts for one year (personal savings or checking) drawn on a California Branch with a California address associated with the account. Provide two complete Bank Statements, one dated prior to the residency determination date and a current one.

H. Being the petitioner of a lawsuit or divorce in California.

I. Possession of a California Professional License.

J. Students who have attended an out of state college within the last year must also provide the most recent tuition statement from their college.

Please remember two things: California law stipulates the burden of proof rests with the student, and merely living in California for a year does not support a claim of residency for tuition purposes.

Note: Students who are in the process of requesting a change of residency status must meet the fee obligation and refund deadlines for each course in which they enroll while they are in the process of establishing residency.

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Complete using blue or black ink. Write legibly. Attach copies of evidence which demonstrates your intent to make California your permanent state of residence. Remember, California law stipulates the burden of proof rests with the student, and merely living in California for a year does not support a claim of residency for tuition purposes. Residency reclassification cannot be applied retroactively to previous semesters.

Student Name __________________________ IVC Student ID # __________

Address __________________________ City __________________________ State __________ Zip __________

Birth Date __________ Age __________ Phone (_____) __________ Email __________________________ @ __________

Semester: □ Summer □ Fall □ Spring Year: __________ Previous Residency Reclassification? If yes, when? __________

--- Continued on Reverse Side ---
13. If ( ) you, ( ) your spouse, or ( ) parent/guardian have been on active military duty within the last three years, answer questions 13A and 13B.

13A. If discharged in the last three years, when was the discharge date? Month_______ Day_______ Year_______

13B. What state is the Home of Record on the last Leave and Earnings Statement or the DD214? ________

HIGH SCHOOL INFORMATION

14. Have you attended a California high school for 3 or more years? □ No □ Yes

15. Did you receive your high school diploma, GED, or certificate in California? □ No □ Yes

STUDENT FINANCIAL INDEPENDENCE STATUS

California Education Code requires that financial independence is to be considered when a non-resident student is seeking reclassification. If you are an adult student and your parents are not California residents, you must demonstrate financial independence, along with physical presence and intent. Please answer the following questions, regardless of your age.

16. Were you claimed as a dependent for tax purposes in the last three years? □ No □ Yes

17. Have or will your parents or guardian claim you as a dependent for tax purposes this calendar year? □ No □ Yes

18. Have or will you receive $750 or more in financial assistance from your parents or guardian this calendar year? □ No □ Yes

19. Have or will you receive $750 or more in financial assistance from your parents or guardian in the last three years? □ No □ Yes

20. Have or will you live with your parents or guardian for more than six weeks this calendar year? □ No □ Yes

21. Did you live with your parents or guardian for more than six weeks at anytime within the last three years? □ No □ Yes

22. Where do your parents or guardian live? City________________________ State ______________

Please remember: If you are claiming financial independence, you will be required to provide the most recent year IRS Tax Return Transcript and copies of your CA 540 showing withholding amounts and a letter from your current employer stating your start date and work location.

Declaration:

I declare under penalty of perjury that these statements and all information submitted by me in conjunction to my request for a residency review are both true and accurate to the best of my knowledge. I understand that falsification of any information is grounds for disciplinary action under South Orange County Community College District Board Policies.

_________________________________________  _____________
Signature   Date

Revised: 10/10/18 jb