

All students are classified as either a resident of the State of California or non-resident when applying for admission. The residency status determines whether students will be charged non-resident tuition and capital outlay in addition to enrollment fees.

California law stipulates the burden of proof rests with the student. Merely living in California for a year does not support a claim of residency for tuition purposes. (T5 54026) Please note: Each case for establishing CA residency is different based on the individual's situation. Residency Specialist has the right to request additional documentation. The information contained in this document is summarized from the regulations.

Under California law, a person who is married or 19 years of age or older, may establish CA residency if the person:

1. Is a U.S. citizen or is under an INS status that allows them to establish domicile **And**
2. Has lived in California continuously for at least one year and one day before the semester begins **And**
3. Can prove that they intend to make California their permanent home with concurrent relinquishment of the prior legal residence.
Reference: Education Code Section 68018, 68061, 76140, Title 5 54020, 54022

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.

Students who have attended an out of state college within the last year must also provide the most recent tuition statement from their college, if it is a public one. In case students were attending an out of state private college, we will need students' most recent unofficial transcript from that college.

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 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 filling 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.

Status types under which a person may establish residency:

- Undocumented individuals as well as those 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: B-1/B2, C1 to C-4, D1/D2, F-1/F-2/F-3, H-1B1, H-2A/ H-2B/ H-3/ H-4, J-1/ J-2, M-1/ M-2/ M-3, O-2/ O-3, P-1/ P-2/ P-3/ P-4, Q-1 to Q-3, S-5/ S-6/ S-7, TN/TD, TPOV.

Residency Review Steps

To request a residency review:

1. Submit the California Residency Questionnaire and **copies** of documents listed below to support your claim of residency to the Office of Admissions & Records by the stated deadline (**see website for specific deadlines**).
2. Provide copies of your documents in **your name** that are dated **at least one year and one day prior to the beginning of the term and current**. In cases when you are dependent on other persons, provide their documents in their name as well.
3. 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 (I-797)**.

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.

Any items submitted from either Group A or B must have an issued date of at least one (1) year and one (1) day prior to the start of the term the reclassification is being requested.

Term	Term Start Date	Documents To Be Considered Must Be Issued On or Before:	Deadline to Request Residency Reclassification
Spring 2020	January 13, 2020	January 12, 2019	January 27, 2020
Summer 2020	May 28, 2020	May 27, 2019	June 9, 2020
Fall 2020	August 17, 2020	August 16, 2019	August 31, 2020

You may establish your residency by submitting the following required documentation:

Option 1:

- Request the Federal Tax Return Transcript directly from www.irs.gov showing a California address **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).
- A California issued driver's license or ID card (issued at least 1 year and 1 day prior to start of the term).

Option 2:

If you do not have both a Federal Tax Return Transcript showing a California address and California state taxes with a valid California driver's license or ID, *you must provide 3 forms of proof:*

1. You need one (1) item from **group A**;
2. You need one (1) item from **group B; and**
3. A third item from either **group A or B**

Group A:

- California driver's license or ID card
- Filing a lawsuit or divorce in California as a resident
- California Voter registration card
- California license for professional practice
- California Vehicle registration
- **TWO (2)** Paystubs with California address one recent and **ONE (1)** prior to the residency determination date
- Payment of non-resident tuition at an out-of-state institution, if attending within the past two years

Group B:

- Ownership of residential property as primary residence
- Continuous occupancy of rented or leased property in California
- Provide **TWO (2)** complete bank statements (Savings or Checking) drawn on a California Bank Branch. The statement must also show a customer address within the state of California dated prior to the residency determination date and most recent
- Federal Tax Return Transcript showing California address **AND** CA 540 State Income Tax return

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.

IVC Student ID #: _____ Date of Birth: _____ Daytime/Cell Phone: _____

Student's Name: _____
Last First Middle

Address: _____ City: _____ State: _____ Zip: _____

Requesting a change for:

Term Year

Legal Status: To establish California residency you must be a U.S. citizen, permanent resident, an applicant for permanent resident status, or possess a visa that does not preclude you from establishing domicile in the U.S.

Check the one that applies:

U. S. Citizen

Refugee/Asylee

Date Issued: _____

Permanent Resident Number: _____

Issue Date: _____

Exp. Date: _____

Type of Current Visa: _____

Issue Date: _____

Exp. Date: _____

Physical Presence and Intent: Physical presence is proved by being physically and continuously present in California for one year and a day prior to the start of the semester.

Physical presence within California solely for educational purposes does not allow a student to establish residence, regardless of the length of time present in the state [EC 68043 | T5 54022(c)].

1. What state do you claim as your permanent home: _____

2. When did your current stay in California begin: _____

If you are unmarried and under the age of 19, answer questions 3 through 6 for your parent(s) or legal guardian.

If you are 19 or older, skip to question 7 and answer all the remaining questions for yourself.

3. Name of parent or legal guardian: _____ Relationship: _____

4. State regarded by this person as their permanent home: _____

5. How long has this person continuously lived in California: Month _____ Day _____ Year _____

6. What is your parent/legal guardian's citizenship status?

U. S. Citizen

Refugee/Asylee

Date Issued: _____

Permanent Resident Number: _____ Issue Date: _____

Exp. Date: _____

Type of Current Visa: _____ Issue Date: _____ Exp. Date: _____

IVC Student ID #: _____

7. List all addresses covering the past two (2) years:

_____	_____	_____
Street Address	City	State
_____	_____	_____
Street Address	City	State

8. If you, your spouse, or parent/guardian have been active military duty within the last three (3) years, answer questions 9A and 9B.

9. A If discharged in the last three (3) years, when was the discharge date? _____

9. B What state is the Home of Record on the last Leave and Earnings Statement or the DD214?: _____

HIGH SCHOOL INFORMATION

- | | | |
|---|----|-----|
| 10. Have you attended a California high school for three (3) or more years? | No | Yes |
| 11. Did you receive your high school diploma or GED from 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. (CA Ed Code 68044, title 5 54020, 54032)

- | | | |
|---|-----------|------------|
| 12. Were you claimed as a dependent for tax purposes in the last three years? | No | Yes |
| 13. Have or will your parents or guardian claim you as a dependent for tax purposes this calendar year? | No | Yes |
| 14. Have or will you receive \$750 or more in financial assistance from your parents or guardian this calendar year? | No | Yes |
| 15. Have or will you receive \$750 or more in financial assistance from your parents or guardian in the last three years? | No | Yes |
| 16. Have or will you live with your parents or guardian for more than six weeks this calendar year? | No | Yes |
| 17. Did you live with your parents or guardian for more than six weeks at any time within the last three years? | No | Yes |
| 18. 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.

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