

UC RESIDENCE POLICY AND GUIDELINES

2019-20 ACADEMIC YEAR



The Regents of the University of California

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I. TERMS and DEFINITIONS

Academic Year – July 1, 2019 through June 30, 2020 for purposes of admission and financial aid.

For purposes of determining a Residency Classification, Academic Year starts on the relevant Residence Determination Date (“RDD”) as set per campus policy. (Refer to [“Residence Determination Dates”](#))

Adult – A person who is 18 years of age or older.

Child – A natural or adopted son or daughter. The term “child” does not include stepchild unless expressly noted. A Child is considered a Dependent Student subject to the provisions in [Sec. III.B. 1.](#)

Contingent Resident Classification – A Resident Classification for purposes of UC tuition that is contingent on factors other than Residency Requirements as specified in Regents Policy 3105. Refer to [“Sec. III.D.”](#)

Dependent Student – an undergraduate Student under age 24 as of Dec. 31 of the 2019-20 Academic Year who does not qualify as an Independent Student. Parents are required to qualify for a Residency Classification concurrently with the Dependent Student. Refer to [“Dependent Students.”](#)

Domicile – a person’s permanent place of dwelling with the intent to remain, where there is a legal relationship between the person and a locality. A person can have only one “domicile” also referred to as “residence” for purposes of UC tuition. A Student and/or Parent who move to California and who fail to sever all ties to any former domicile, including the continued maintenance of the prior domicile, will not meet the University’s requirements for Residency for purposes of tuition.

Enrollment – The date the Student has signed up for classes or the date the Student’s fees are paid, whichever occurs first.

Financial Independence – Undergraduate Students under age 24 who have demonstrated they have been self-supporting for at least one calendar year ending on the relevant RDD. Refer to [“Financial Independence”](#)

Graduate Student – Includes graduate academic Students, graduate professional degree Students, and Students enrolled in a teacher credential program regardless of age.

Green Card – see “Permanent Resident Card”

Independent Student – Students who have demonstrated satisfaction of the Residency Requirements without regard to a Parent. Refer to [“Independent Students”](#)

Institution – Any University of California campus, any California State University campus, any California Community College, or the California Maritime Academy.

Lawful Permanent Resident – Lawful Permanent Resident (“LPR”), also known as a “Permanent Resident” or “Green Card” holder are non-citizens authorized to live permanently in the U.S.

Legal Guardian – a Legal Guardian as appointed by a child-dependency court. Power of Attorney does not confer legal guardianship.

Mandatory Systemwide Fees – Uniform fees assessed to all registered Students; fees under this definition include Tuition, Student Services Fee, and any other mandatory fees that may be adopted.

Minor – For purposes of a Residency Classification, any person who is under 18 years of age. For purposes of USCIS immigration, any dependent child under age 21.

Nonresident Supplemental Tuition (“NRST”) – The university-wide mandatory charge assessed across all campuses of the University against each Student who has not qualified for a Resident Classification or a NRST Exempt Classification.

NRST Exempt Classification – A classification provided to Students who have demonstrated that they are not subject to payment of NRST in accordance with Regents Policy 3105.

One Year – For purposes of calculating Residency Determinations, one year equals 366 days.

Parent – The natural or adoptive parent with whom a Student resides or last resided. The term “parent” does not include step-parent unless expressly noted. (An adoptive Parent resulting from an adult adoption does not qualify as a Parent for purposes of UC tuition.)

Permanent Resident Card – USCIS Form I-551 or “Green Card” issued to aliens granted permanent residence. Conditional is valid for 2 years, permanent is valid for 10 years.

Petition for Resident Classification – A continuing Student’s request to change Residency Classification from Nonresident to Resident or NRST Exempt for tuition purposes.

Public Post-Secondary Institution – In California, any University of California campus, any California State University campus, any California community college or the California Maritime Academy.

Qualifying Individual – An adult other than a Parent or court-appointed Legal Guardian who stands in *loco parentis*, whose presence and intent contribute to a Student’s Resident or NRST-exempt Classification. Refer to [“Sec. III.D. 5. Two-Year Care and Control”](#)

Residence – Refer to “Domicile.”

Residence Determination Date (“RDD”) – For quarter-based campuses at the University of California, the day instruction begins at the last campus to open for the term. For semester-based campuses and schools, the day instruction begins at the Berkeley campus. Refer to [“Residence Determination Dates”](#)

Residency Classification – A classification that determines whether a Student is charged Nonresident Supplemental Tuition (NRST). Residency Classifications include: Resident, NRST Exempt, and Nonresident.

Resident Classification – The Residency Classification associated with being a Resident and that results in no assessment of Nonresident Supplemental Tuition (NRST).

Residency Requirements – The standards of physical presence and intent needed to establish a Residency Classification pursuant to Regents Policy 3105, which includes eligible immigration status.

Self-Supporting – The ability to support oneself financially without receipt of any support or assistance from others pursuant to UC policy requirements. Refer to [“Financial Independence”](#)

Special Circumstances Resident Classification - A Resident Classification granted to Students who are eligible for and who demonstrate satisfaction of all applicable requirements for the relevant Special Circumstances Resident Classification. Refer to [“Sec. III.D.”](#)

Statement of Intent to Register (“SIR”) – the form or online form where a Student indicates an intent to register by accepting or declining an offer of admission to a UC campus.

Statement of Legal Residence (“SLR”) - a form all new Students submit (usually online) to the campus residence deputy in the Office of the Registrar. This form is submitted after committing to a campus by filing your Statement of Intent to Register (SIR).

Student – A person applying for admission, admitted to, or enrolled in an institution of higher education.

Tuition – A university-wide mandatory charge assessed against each Student (Resident and Nonresident) uniformly across all campuses of the University.

U.S. Armed Forces – means Air Force, Army, Coast Guard, Marine Corp, Navy, and the reserve components of each of those forces, the California National Guard, the California State Military Reserve, and the California Naval Militia. (Cal. Ed. Code 68075) Refer to [“Veterans - Military Provisions”](#) for benefits.

II. PRINCIPLES GOVERNING RESIDENCY DETERMINATIONS

The Regents of the University of California confers the benefit of “resident tuition” to Students who have fulfilled the Residency Requirements established by Regents Policy 3105 as set forth in the *UC Residence Policy and Guidelines* (“RPG”) herein.

Residency for purposes of UC tuition is specific to the University of California and separate from the California Community Colleges and California State University systems and may be different from residency for purposes of UC admission and other state rules or regulations governing residency for other purposes.

New Incoming and Transfer Students (includes UC Campus Transfers) will have their residency evaluated and may be asked to submit a Statement of Legal Residence (“SLR”) before initial enrollment at a UC campus. The campus Residence Deputy evaluates the SLR and supporting documentation and issues a Residency Classification of Resident, NRST Exempt, or Nonresident. Failure to submit the SLR and all requested documentation by the relevant deadline will result in a Residency Classification based on the information provided to-date to which may include Nonresident. All issued Residency Classifications including Nonresident are final.

Returning Students: Students returning after a leave of absence of one term or more must submit an SLR as determined per campus policy. A Student who fails to submit an SLR by the relevant deadline will not be entitled to retroactive reimbursement of NRST assessments.

Change in Residency Status: A Student who has received a Resident or NRST Exempt Classification and becomes a Nonresident by virtue of the Student’s acts (or the Parent’s acts, when applicable) is required to notify the campus Residence Deputy within 30 days of the effective date of the change in circumstance. The campus will update the Student’s Residency Classification effective with the next academic term. Failure to notify the campus timely may result in the retroactive assessment of NRST.

Petition for Reclassification: A Student who receives a Nonresident Classification will retain that status unless the Student files a Petition for Reclassification by the relevant deadline and then qualifies for a Resident or NRST Exempt Classification. A Student who fails to file a Petition for Reclassification is not entitled to retroactive reimbursement of NRST assessments.

Inquiries regarding UC residency for purposes of tuition should be directed to a campus Residence Deputy in the campus Registrar’s Office or to a Residency Analyst in the Office of the General Counsel of The Regents of the University of California, Office of the President. No other office, entity, or individual is authorized to provide Residency information on behalf of the University of California.

PENALTY OF PERJURY: All statements and documents submitted to the University of California to support a Residency Classification for purposes of UC tuition are submitted under penalty of perjury under the laws of the State of California. The Student, and Parents or Qualifying Individual when applicable, are required to declare under oath, declaration or affidavit, that all statements and supporting documents are true and correct. Where a Residency Classification is found to be obtained based on concealed facts or untruthful statements, the University may:

- Bill the Student for all Tuition, NRST, and fees that would have been charged;
- Hold a Student’s registration until full payment of amount due is received;
- Hold release of Student records until full payment of amount due is received;
- Notify appropriate regulatory agencies;
- Initiate discipline under Policy on Student Conduct and Discipline (“PACAOS 100”); and
- Pursue civil, criminal, or other remedies that may be appropriate.

The SLR must be signed, handwritten or electronically, by the Student under penalty of perjury. A Student must sign the SLR even if the Student has yet to reach the age of majority; pursuant to State of California law, a Minor may be prosecuted for perjury.

Compliance and Delegation - The UC Residence Policy and Guidelines (“RPG”) is established by The Regents under Regents Policy 3105, approved May 24, 2018, effective with the 2019-20 Academic Year. The President, or designee, in consultation with the General Counsel, or designee, is authorized to adopt and amend implementing guidelines consistent with Regents Policy 3105. Accordingly, Students should review the RPG prior to applying for a Residency Classification to ensure compliance with the most recent requirements for the relevant academic term.

No Right of Action - This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the University of California or its Board of Regents, individual Regents, officers, employee, or agents.

III. RESIDENCY POLICY

A. RESIDENCY REQUIREMENTS AND CLASSIFICATIONS

A classification as Resident, NRST Exempt, or Nonresident for purposes of determining assessment of Tuition and Mandatory Systemwide Fees as determined by the Student's circumstances (undergraduate, graduate, and professional).

For discussion purposes, all Students are presumed to be Dependent Students, which requires that Parents of Dependent Students must also satisfy all applicable Residency Requirements, until the Student has been determined to qualify as an Independent Student as set forth below.

Resident Classification. To receive a Resident Classification for purposes of UC tuition, the Student must be in an eligible immigration status, have established a primary and permanent Domicile in California for at least one year prior to the RDD, and fulfilled the physical presence and intent requirements; or, demonstrate eligibility for a Special Circumstances Resident Classification.

NRST Exempt Classification. To receive an NRST Exempt Classification, a Student must be eligible for and have fulfilled all applicable requirements for the relevant NRST Exempt Classification. As NRST Exempt, the Student is considered to be a Nonresident and exempt from the assessment of NRST.

Nonresident Classification. The Student has been determined to be ineligible for a Resident, NRST Exempt, or Special Circumstances Resident Classification based on the Student's circumstances.

B. WHO MUST SATISFY THE RESIDENCY REQUIREMENTS

1. Dependent Students

An undergraduate Student who has not reached age 24 as of December 31 of the 2019-20 Academic Year is generally considered to be a Dependent Student. Dependent Students and Parents must concurrently satisfy the Residency Requirements, or

2. Independent Students

A Student who is deemed to be an Independent Student based on satisfaction of one of the below listed requirements may satisfy the Residency Requirements without regard to a Parent.

- a. Graduate Student, regardless of age
- b. Born on or before December 31, 1995, as of the 2019-20 Academic Year
- c. Married or Registered Domestic Partner as of the RDD, regardless of age
- d. Serving in the U.S. Armed Forces
- e. Veteran of the U.S. Armed Forces
- f. Has a *legal* dependent other than a spouse or registered domestic partner
- g. Is or was a ward of the court, foster youth, or both Parents are deceased
- h. Declared by a court to be an Emancipated Minor
- i. Has been determined to be an unaccompanied youth who was homeless pursuant to federal financial aid rules
- j. Has demonstrated fulfillment of the UC Self-Supporting Financial Independence criteria during the one-year period ending on the relevant RDD (see "[Financial Independence](#)");
- k. Student was a Minor who reached the age of majority while in California, while Parents were Residents for UC tuition purposes, and the Parents left the state to establish residence elsewhere, and the Student continued to reside in California after the Parents departure. Student is required to have fulfilled the applicable Residency Requirements independently of the Parents upon reaching the age of majority.

C. ELEMENTS OF RESIDENCE

Residence can be established only by the union of physical presence and intent. Physical presence alone is insufficient; intent alone is insufficient.

1. Physical Presence

The Student and Parent must provide objective evidence of a permanent Domicile and physical presence in California on a continuous basis for a period of at least one year ending on the relevant RDD. Students or Parents whose absences exceed 6 weeks in total during this qualification period will be deemed to not have fulfilled this requirement (refer to "[Absences](#)"); and

2. Intent

The Student and Parent must establish legal ties to California through acquisition all applicable governmental evidence of intent by the relevant deadlines, as well as establishment of other California evidence of intent, that together constitute a compelling case that California is their permanent Domicile where they intend to remain. Further, any and all ties to the past place of residence must have been severed at least one year prior to the RDD for the relevant term. Refer to: "[2019-20 Academic Year Deadlines to Acquire Governmental Evidence of Intent](#)".

A Student or Parent who takes steps to establish residence in California but whose activities and circumstances suggest temporary or indeterminate residence will be considered as Nonresidents for purposes of UC tuition. Such activities and circumstances include, but are not limited to, maintaining ties to and the continued maintenance of the prior residence, the continued presence of immediate family members in the prior residence, and returning to the prior residence during periods of noninstruction.

Governmental Evidence of Intent

- State of California Driver License *or* State of California Identification Card for nondrivers *and* the relinquishment of driver licenses or ID cards issued by other states;
- State of California car registration for all motor vehicles owned by Student and/or Parent;
- State of California tax return filed as "resident" status effective with date of declared California residency; tax returns amended after the submission of a Statement of Legal Residence, Petition for Reclassification, or issuance of a Nonresident Classification will not be accepted for the RDD term being evaluated;
- Valid voter registration in California, if eligible to register;
- Established eligibility for and receipt of State of California public benefits, if applicable;
- Establishment of a State of California professional license using California domicile address, if applicable.

Other California Evidence of Intent

- California-based place of employment;
- Physical residence where permanent possessions are kept;
- Presence of spouse, registered domestic partner, and children, if applicable;
- Continuous physical presence in California during academic breaks;
- California residence as the address of record on all legal matters such as tax returns, bank accounts, employment, benefits, and insurance;
- Established eligibility for loans, scholarships, grants-in-aid, or other assistance requiring California residence as basis for eligibility, if applicable

Conduct that is disqualifying for purposes of UC residency includes:

- Leaving the state during periods of non-instruction for extended periods, presence only during periods of instruction, returning to prior residence, and out of state employment;
- Maintaining the prior place of residence, including the continued out-of-state residence of immediate family members, and failing to sever all ties to the former residence;

- Attending an out-of-state school as a resident of the state in which the school is located;
- Paying taxes in another state or country as a resident of that state or country including claiming foreign tax credits on the basis of Domicile or physical presence in that state or country;
- Maintaining an out-of-state driver’s license or identification card;
- Maintaining voter registration in another state;
- Obtaining a loan or financial assistance requiring residence in another state;
- Holding a permanent resident visa for another country.

2019-20 Academic Year Deadlines to Acquire Governmental Evidence of Intent

<u>2019-20 Academic Year</u>	<u>Residence Determination Date</u>	<u>Grace-period Deadline to Acquire:</u>
Fall Quarter 2019	09/26/2019	12/15/18 - end of Fall Quarter 2018
Winter Quarter 2020	01/06/2020	03/23/19 - end of Winter Quarter 2019
Spring Quarter 2020	03/30/2020	06/15/19 - end of Spring Quarter 2019
<u>Semester: (Berkeley, Merced)</u>		
Fall Semester 2019	08/28/2019	12/14/18 - end of Fall Semester 2018
Spring Semester 2020	01/21/2020	05/10/19 - end of Spring Semester 2019

D. SPECIAL CIRCUMSTANCES RESIDENT CLASSIFICATION

1. **Student Member of the U.S. Armed Forces** – Student stationed in California, except if assigned for educational purposes, is eligible for a Resident Classification; refer to [“Military Provisions”](#)
2. **Student Dependent of a Member of the U.S. Armed Forces** – Student Dependent of a member stationed in California is eligible for a Resident Classification; refer to [“Military Provisions”](#)
3. **California Ward of the Court or Foster Youth** – a Student who resides in California and who is or was a dependent or ward of the court through the California Child Welfare System is eligible for a Resident Classification. Relevant documentation is required.
4. **Dependent of a California Resident Parent (Condit Bill)** - an out-of-state Student whose non-custodial natural or adoptive Parent qualifies for a Resident Classification is eligible for a limited duration Resident Classification for one year. The Student may thereafter be eligible to receive a Resident Classification if the Student has concurrently fulfilled the Residency Requirements during the one-year period and the Parent maintains the Resident Classification. Required documentation includes child custody/support decree, birth certificate, and other documents as may be requested. Failure to concurrently fulfill the requirements will result in reclassification as a Nonresident for subsequent terms. Students who have been physically present in California more than one-year after age 18 are not eligible for this provision.
5. **Two-Year Care and Control** – A Student who has been under the continuous direct-care and control of a Qualifying Individual other than a Parent for at least two years prior to reaching age 19 is eligible for a Resident Classification when both the Student and Qualifying Individual fulfill the applicable Residency Requirements for at least one year ending on the RDD. Refer to [“Sec. IV.B.8”](#)
6. **California Public School Teacher** – A Student who is employed by a California school district in a full-time position requiring certification qualifications is eligible for a Resident Classification while enrolled in coursework to meet credential requirements.
7. **Graduate of Bureau of Indian Affairs School** – A Student who is a graduate of a California school operated by the Federal Bureau of Indian Affairs (BIA) is eligible for a Resident Classification.

8. **Amateur Student Athlete Training at an U.S. Olympic Training Center** – An amateur Student athlete training at a United States Olympic Training Center in California is eligible for a Resident Classification for one year. Such a Student may thereafter be eligible to receive a Resident Classification if the Student demonstrates timely satisfaction of Residency Requirements. A U.S. Olympic Training Center official must provide the Student with a letter confirming eligibility.
9. **“T” or “U” Visa** – A Student who holds a “T” or “U” visa and who would otherwise meet the requirements of AB 540 shall be exempt from paying NRST until eligible to establish a Resident Classification. Refer to [“AB 540 Requirements”](#)
10. **University / LANL Employees** – A full-time employee of the University assigned to work outside the State of California or a full-time employee of an LLC contracted to manage a University laboratory, as well as the dependent spouse, registered domestic partner, or Child of such an employee, shall be eligible for a Contingent Resident Classification (step-children are not eligible). The Contingent Resident Classification shall expire at the end of any term in which the employee no longer has a qualifying employment relationship. *(Los Alamos National Laboratory, New Mexico; the University of California Washington, DC Center)*
11. **Dependent of Member of Academic Senate** – A Student who is the spouse, registered domestic partner, or unmarried dependent Child of a member of the University faculty who is a member of the Academic Senate shall be eligible for a Resident Classification.

E. STUDENTS EXEMPT FROM PAYMENT OF NRST

1. **AB 540** – A Student who qualifies under the provisions of Cal Ed Code §68130.5 is eligible for an NRST Exempt Classification. Refer to [“AB 540 Requirements”](#)
2. **Former Member of the U.S. Armed Forces** – the Student is eligible for an NRST Exempt Classification. Please refer to the [“Military Provisions”](#)
3. **Veterans HEOA and VACAA** – Please refer to the [“Military Provisions”](#) for a summary of federal veterans benefits pursuant to the U.S. Veterans Access, Choice, and Accountability Act (VACAA) and the U.S. Higher Education Opportunity Act (HEOA).

F. TUITION / MANDATORY SYSTEMWIDE FEE POLICY

1. **Recipient of Congressional Medal of Honor** – a recipient of the Congressional Medal of Honor, including the recipient’s Child, is eligible for an exemption from Tuition and Mandatory Systemwide Fees. This benefit is independent of a Residency Classification.
2. **CalVet College Fee Waiver** Cal. Ed. Code § 66025.3(a)(2)(A) - A California resident (for tuition purposes) Student who is the dependent spouse (who has not re-married), registered domestic partner (who has not married or registered with another partner), or Child (natural or adopted) of a veteran who was killed or disabled while in service, or who died as the result of a service-related disability, is exempt from paying NRST and Mandatory Systemwide Fees when the Student’s annual household income is at or below the poverty level. Eligibility for the Cal Vet waiver does not make a Student ineligible to meet the Financial Independence requirement. Forms are available at the local Veterans Affairs office.
3. **Alan Patee Scholarship** (Student Survivor of Law Enforcement or Fire Suppression Personnel) – an undergraduate Student who is the surviving spouse, registered domestic partner, or Child of a California resident who was killed while on active duty shall be exempted from Tuition and Mandatory Systemwide Fees.

IV. ADDITIONAL PROVISIONS

A. ABSENCES

1. Absences Prior to Fulfilling the Physical Presence Requirement

Absences totaling more than six weeks during the one-year qualification period are presumed to be inconsistent with an intent to reside permanently in California. A Student or Parent who leaves California during non-instruction periods, including the summer months, is presumed to be in California solely for educational purposes.

A Student or Parent who comes to California, obtains governmental and other evidence of intent, then leaves California will not have fulfilled the intent/physical presence requirements.

2. Temporary Absence after Fulfilling the Physical Presence Requirement

If a Student or Parent is absent from the state and subsequently returns, the Residence Deputy will determine whether the absence was temporary in nature and consistent with an intent to remain permanently Domiciled in the state. Qualifying temporary absences are defined as of limited duration, evidenced by a start and end date, and are purpose-based to include a temporary employment assignment, medical treatment, and qualifying educational programs, all of which require objective documentation. Students and Parents have the burden of providing objective evidence of maintaining California Domicile during all absences from the state.

A Student enrolled in a University of California Education Abroad Program or an equivalent non-UC study abroad program may count the period of attendance toward the establishment of legal residence for purposes of a Residency Classification. Confirmation of program attendance is required.

A Student or Parent who takes steps to establish Domicile in California and then returns to the former residence or fails to sever ties to the former residence, will not meet the University's intent requirement.

Steps that a Student and/or the Student's Parent should take to retain a California Domicile during a qualified temporary absence include, and is not limited to:

- Maintain a Domicile in California
- Continue to use the California Domicile address as the address of record on all legal matters such as tax returns, bank accounts, employment, benefits, and insurance matters
- Return to California for leaves and vacations
- Satisfy California resident income tax obligations as "resident" filing status of California. Filing tax returns claiming tax exclusions or credits on the basis of claiming foreign physical presence and/or Domicile is inconsistent with a claim of residency for UC tuition.
- Maintain California voter registration (voting by absentee ballot)
- Maintain a California driver license and vehicle registration for all owned vehicles
- Maintain active bank accounts using California residence as address of record
- Store personal belongings in California

If a Student or the Student's Parent relinquishes California residency after moving from the state, one year of physical presence and intent must be re-established upon return.

B. RULES RELATED TO MINORS

1. **General Rule** - The residence of a Minor Student is considered to be the residence of the custodial Parent, or if the Student does not live with either Parent, that of the Parent with whom the Minor Student last resided with. The Parent must satisfy the applicable Residency Requirements and the Student must fulfill the applicable requirements upon reaching majority.
2. **Parents' Permanent Separation or Divorce** - If a Minor Student's Parents are separated, divorced or never married, the residence of the custodial Parent will be considered the residence of the Minor Student. A Minor Student will receive a derivative Resident Classification from a California-resident Parent only if the Minor

Student resides with the Parent prior to reaching age 18 and the Parent has fulfilled all applicable Residency Requirements. The Minor Student must provide objective evidence of residing with the Parent prior to the 18th birthday along with proof of Parent-Child relationship.

3. **Deceased Parent(s)** - A Minor Student whose parents are deceased is an Independent Student eligible for a Resident Classification subject to fulfillment of applicable Residency Requirements. A Minor Student who has one deceased Parent may be eligible for an Independent Student classification through financial aid provisions.
4. **Adoption** - A Minor Student who is adopted is a Dependent Student for purposes of qualifying for a Resident Classification. Refer to "[Dependent Students](#)". Adult adoption is not eligible for purposes of qualifying for a UC Residency Classification.
5. **Parent Moves to California While Student Is a Minor** - A Minor Student whose custodial Parent moves to California derives the Parent's California residence only if the Minor Student moves to California with the custodial Parent. If the Minor Student does not move to California with the Parent before reaching the age of majority, the Student will not derive the benefit of the Parent's California residency.
6. **Parent of Minor Who Moves from California** - A Minor Student whose Parent moves from California to establish residence elsewhere will be entitled to a Resident Classification if the Minor Student remains in California and enrolls full time in a post-secondary institution within one year of the date that the Parent establishes a new residence. The Student's Resident Classification will continue as long as the Student maintains continuous full-time attendance at the post-secondary institution. Financial Independence will not be required. Requirements:
 - The Parent must have qualified as a California resident for tuition purposes immediately prior to departure.
 - The Parent must have established a residence elsewhere during the Student's minority and within one year immediately prior to the Student's University enrollment.
 - With the exception of short absences, the Student must have remained in California on a continuous basis prior to admission to a UC campus.
 - The Student must maintain continuous full-time enrollment at a post-secondary institution. If Student has enrolled in more than one post-secondary institution, all such attendances must amount to continuous and full-time enrollment.
7. **Self-Supporting Minor** - A Minor Student who has been self-supporting and physically present in California for more than one year (366 days) immediately prior to the Residence Determination Date, with the intention of establishing residence, is eligible for a Resident Classification so long as the Student continues to be self-sufficient. Unless the Student qualifies as an Independent Student, satisfaction of the University's "[Financial Independence](#)" provision is required.
8. **Two-Year Care and Control** - A Student who has not reached age 19 as of the RDD may be eligible for a Resident Classification if the Student has been living with a Qualifying Individual for a period of not less than two-years and the Student and the Qualifying Individual meet the following requirements:
 - The Student must have lived with a Qualifying Individual for at least two years immediately prior to enrollment in a post-secondary institution.
 - The Student must have been under the continuous direct care and control of the Qualifying Individual and not received any outside financial support other than State of California benefits during the two years.
 - The Qualifying Individual must have fulfilled the Residency Requirements for the one year period ending on the RDD and the Student must fulfill all applicable Residency Requirements independently of the Qualifying Individual upon reach the age of majority
 - The Student must be a U.S. citizen, permanent resident, or in an eligible immigration status to establish residence in the U.S. as of age 18.

- The Student must maintain continuous enrollment at a California public post-secondary institution, to include attendance at multiple institutions.
 - The Student must live with the Qualifying Individual(s) and at no other addresses.
9. **Emancipation of Minor (Court Order)** - For Residency Classification purposes, a Minor emancipated by court order is considered an Independent Student and may satisfy the Residency Requirements without regard to a Parent. A copy of court documentation is required. An Emancipated Minor is subject to fulfillment of the Physical Presence and Intent requirements. *Refer to "[Independent Students](#)"*

V. APPEALS

1. Requirements to Appeal of Nonresident Classification

The UC Office of General Counsel processes appeal applications for all UC campuses. A Student may only appeal a campus Nonresident Classification if one or more of the following circumstances applies:

- a. The Nonresident Classification decision was based on an error made by UC, including (a) a significant error of fact, or (b) a significant procedural error, or (c) an incorrect application of policy,

OR

- b. The Student received significant new information that (a) became available after the issue date of the campus Nonresident Classification, and (b) despite the exercise of reasonable diligence, the information was not previously known by or available to the Student,

which, if corrected, the Nonresident Classification is incorrect. *Failure to respond to the campus or to provide requested information by the campus deadline is not a basis for appeal.*

2. Appeal Procedure

The Student must file the appeal within 30 days of the Nonresident notice issue date. Late appeals will be denied for further review unless the campus Residence Deputy requests waiver of the 30 day requirement on the Student's behalf.

- Completed, signed, and dated [Application to Appeal a Nonresident Classification](#), **and**
- Campus Nonresident Classification notice, **and**
- Supporting documentation as described in (1) above.

Submit the Appeal by email (preferred) or fax to:

Email: residency.appeal@ucop.edu

Fax: 510-987-9757, Attn.: Residence Analyst

3. Please Read - Important Information

- Inquiries: regarding a Nonresident Classification should be directed to the campus prior to filing an appeal.
- Phone Calls / Appointments: Appeal applications will not be reviewed or adjudicated by phone or in person. The Student will be contacted for additional information as is necessary.
- Parent / Third Party Authorization: The Student must provide written authorization for UC to contact a parent or third party regarding the Student's appeal application.
- NRST assessment: The University will not waive or defer NRST pending the outcome of an appeal.
- UC Policy / financial hardship: Disagreement with UC policy or financial hardship is not a basis for appeal.
- Foreign Language Documents: all foreign language documents must include translations performed by a certified translation service to include a notarized certification by the translator or legalized by Apostille.
- Financial Documents: including banking and loan statements must be the complete official statements as issued by the financial institution in English. Translations, screen prints, account summaries, and spreadsheet downloads are not accepted.
- File Formats: appeals filed by email must be in PDF format, documents in the correct viewing orientation, and all document pages in the correct order. Please use zip files as necessary (*do not use Google zip files*). Appeals submitted by fax will be received in PDF format. Please ensure all documents are organized as noted above for PDF format. **Appeals that are incomplete, illegible, in other than PDF format, and with documents in disarray will be returned to the Student for correction and resubmission.**

APPENDICES

APPENDIX A: Financial Independence

1. Requirements

A Dependent Student who wishes to qualify as an Independent Student under [Sec. III.B.2.j](#) must fulfill the following requirements to demonstrate the Student has been fully self-supporting for the one-year period ending on the applicable RDD.

The Student must have used only his/her own wages, savings from earnings, financial aid, eligible college savings plans, and eligible irrevocable trust accounts as described below. Student earnings from employment by a parent or relative or by a business owned by a parent or relative does not qualify for Financial Independence. Funds from jointly-owned bank accounts and undocumented income are not eligible.

Required documentation includes the Student's state and federal tax returns, tax transcripts, supporting W-2 and 1099 forms, one-year income and expense budget, proof of housing (rental contracts and housing payments), 12 months of checking, savings, and credit card statements, and financial documentation for loans, trusts, college accounts, and other documents as may be requested. The Student must not have accepted or used any financial assistance from any individual to pay for living expenses including tuition accrued during the one-year period being evaluated. State of California benefits are allowable. Co-signed housing is considered as financial support. Student cannot be claimed as a dependent tax credit by another individual on state or federal tax returns.

For purposes of this section an "eligible" source of financial support means a source that is consistent with the Student being determined to be "financially independent."

2. Sources of Financial Support

UTMA, UGMA, and 529 Plans:

Eligible UTMA, UGMA, and 529 Plans must have been established and funded naming the Student as sole beneficiary prior to the Student's 14th birthday. Account contributions made after the Student's 14th birthday are not eligible to qualify for Financial Independence. Earnings on principal funded prior to age 14 are eligible; account statements are required.

Account ownership cannot revert to the custodian/trustee and when the Student reaches the age of majority, the account must be solely-owned by the Student, naming the Student as principal and beneficiary, or the funds must have been transferred into the Student's financial account under the Student's sole ownership and control. Funds from eligible UTMA, UGMA, and 529 Plans that remain in custodial ownership after the Student reaches the age of majority are not eligible to qualify for Financial Independence. Account funds that can be withdrawn or used by the custodian, trustee, parent, or individual other than the Student are not eligible for this provision.

Irrevocable Trust Accounts:

Eligible Irrevocable Trust Accounts naming the Minor Student as sole beneficiary are limited to accounts funded from the following sources and are subject to the following restrictions:

- Minor Settlements
- Special Needs Trust ¹
- Inheritance
- Life insurance proceeds
- Coogan Trust Account

There is no Minor Student age limitation on the establishment of eligible Irrevocable Trust Accounts, however, the

¹ *Eligible Special Needs Trusts:* First party SNTs are classified as either (d)(4)(A) SNTs which are established under 42 USC 1396p(d)(4)(A) or Pooled SNTs established under 42 USC 1396p(d)(4)(C). Third party SNTs must be established as irrevocable, solely for the benefit of the person with disabilities.

Minor Student must be the sole beneficiary on the account when established, the funds cannot be used by the Custodian/Trustee other than as stipulated by court order for the sole benefit of the Minor Student, and the funds cannot revert to the Custodian/Trustee. When the Minor Student reaches the age of majority, the Student must assume sole ownership and control of the account, with the exception of a Special Needs Trust. Official account documentation is required, including but not limited to court, settlement, and account documents as determined by the campus. First Party Special Needs Trust Accounts are eligible and Third Party Special Needs Trust accounts established as an irrevocable trust are eligible.

The Residence Deputy will determine whether the conditions of the trust meet the University requirements for Financial Independence. Further, the Residence Deputy may request evidence to verify that the Student is using the income from the trust or account for support.

Loans and Gifts – Loans or gifts from parents or individuals are considered as financial assistance and are not eligible when evaluating Financial Independence. This includes co-signed loans, loans made to parents or other parties where the Student receives the funds either directly or indirectly, including PLUS loans. Noninstitutional loans are ineligible, including but not limited to loans from parent’s or relative’s employers. Prepayments of tuition or other living expense accruals for the one-year qualification period is disqualifying for Financial Independence.

Other Non-Institutional Support – Receiving free or reduced (below-market) rent, room and board, or other services and necessities from any relative or individual is considered as “bartering” which is a form of financial assistance. A Student who receives monetary payment for work performed including self-employment must provide documentation to include appropriate Form W-2, Form 1099, and federal and state tax returns, and IRS and FTB tax transcripts. A Student whose employment includes housing as a fringe benefit must provide corresponding employment and tax documentation which is subject to evaluation by the campus. Funds from life insurance proceeds, inheritance, and settlements received after reaching the age of majority (not related to minor trusts) require the relevant supporting documentation. The Residence Deputy will determine if these funds meet the University requirements for Financial Independence.

APPENDIX B: Veterans – Military Provisions

VETERANS - MILITARY PROVISIONS		
CATEGORY: as of the RDD, the Student/Parent is:	CALIFORNIA LAW ² and UC Regents Policies	FEDERAL LAW: HEOA; VACAA, VR&E as applicable
1. Member of the U.S. Armed Forces	<p><u>Eligibility Requirements:</u> Member of the U.S. Armed Forces stationed in California</p> <p><u>Disqualification:</u> Assigned for educational purposes to a state-supported institution of higher education. <i>(Cal. Ed. Code § 68075(a))</i></p> <p><u>Status:</u> Entitled to Resident Classification only for the purpose of determining the amount of tuition and fees. <i>(Cal. Ed. Code § 68075(a))</i></p> <p><u>Duration:</u> So long as the Student maintains eligibility requirements. <i>(Cal. Ed. Code § 68075(a))</i></p> <p><u>Change of status:</u> If, while in attendance, Student transfers on military orders to a place outside this state where the member continues to serve in the U.S. Armed Forces, the Student shall not lose Resident Classification so long as the Student remains continuously enrolled at that institution. <i>(Cal. Ed. Code § 68074(b))</i></p>	<p><u>HEOA Eligibility Requirements:</u> Member of the U.S. Armed Forces,</p> <ul style="list-style-type: none"> • who is on active duty for a period of more than 30 days, <p><i>and</i></p> <ul style="list-style-type: none"> • whose Domicile or Permanent Duty Station (PDS) is in California. <i>(HEOC, §114; 20 U.S.C. 1015d(a))</i> <p><u>Status:</u> University shall not charge tuition at a rate that is greater than the rate charged for California residents. <i>(20 U.S.C. §1015d(a))</i></p> <p><u>Duration:</u> While continuously enrolled at the University, notwithstanding a subsequent change in the Permanent Duty Station of the member to a location outside of California. <i>(20 U.S.C. § 1015d(b))</i></p>

² **U.S. Armed Forces** – means Air Force, Army, Coast Guard, Marine Corp, Navy, and the reserve components of each of those forces, the California National Guard, the California State Military Reserve, and the California Naval Militia. *(Cal. Ed. Code 68075)*

VETERANS - MILITARY PROVISIONS		
CATEGORY: as of the RDD, the Student/Parent is:	CALIFORNIA LAW ² and UC Regents Policies	FEDERAL LAW: HEOA; VACAA, VR&E as applicable
<p>2. Child or Spouse of a Member of the U.S. Armed Forces</p>	<p><u>Eligibility Requirements:</u> Undergraduate Student, who is a dependent child, stepchild, or spouse of a member of the U.S. Armed Forces, who is stationed in California</p> <p><u>Status:</u> Entitled to Resident Classification only for the purpose of determining the amount of tuition and fees. <i>(Cal. Ed. Code § 68074(a))</i></p> <p><u>Duration:</u> So long as the Student remains continuously enrolled at UC. <i>(Cal. Ed. Code § 68074(b))</i></p> <p><u>Change of status of Parent:</u> If, while Student is in attendance, member transfers on military orders to a place outside this state where the member continues to serve in the U.S. Armed Forces,</p> <p><i>or</i></p> <p>Is thereafter retired as an active member of the U.S. Armed Forces, Student dependent shall not lose Resident Classification so long as s/he remains continuously enrolled at that institution. <i>(Cal. Ed. Code § 68074(b))</i></p>	<p><u>HEOA Eligibility Requirements:</u></p> <ul style="list-style-type: none"> • Spouse or dependent child • of member of U.S. Armed Forces, • on active duty for a period of more than 30 days, <i>and</i> • Member’s Domicile or Permanent Duty Station (PDS) is in California. <i>(20 U.S.C. § 1015d(a))</i> <p><u>Status:</u> University shall not charge tuition at a rate that is greater than the rate charged for California residents. <i>(20 U.S.C. § 1015d(a))</i></p> <p><u>Duration:</u></p> <ul style="list-style-type: none"> • While the Student is continuously enrolled. • Notwithstanding a subsequent change in the permanent duty station of the member to a location outside of California. <i>(20 U.S.C. § 1015d(b))</i> <p><u>VACAA Eligibility Requirements:</u></p> <ul style="list-style-type: none"> • Spouse or dependent child of an active-duty member of the U.S. Armed Forces • using Chapter 30, 31 or 33 benefits • lives in California <i>(38 U.S.C. § 3679(c)(2)(B)(ii)(II))</i> <p><u>Status:</u> University shall not charge tuition at a rate that is greater than the rate charged for California residents. <i>(38 U.S.C. § 3679(c)(1))</i></p> <p><u>Duration:</u> While the Student is continuously enrolled. <i>(38 U.S.C. § 3679(c)(3); Cal. Ed. Code § 68075.5(c))</i></p>

VETERANS - MILITARY PROVISIONS		
CATEGORY: as of the RDD, the Student/Parent is:	CALIFORNIA LAW ² and UC Regents Policies	FEDERAL LAW: HEOA; VACAA, VR&E as applicable
<p>3. Former Member of the U.S. Armed Forces</p>	<p><u>Eligibility Requirements:</u></p> <ul style="list-style-type: none"> Former member of the U.S. Armed Forces, stationed in California for more than one year immediately prior to being discharged from the U.S. Armed Forces (<i>Cal. Ed. Code § 68075.5</i>) <p><u>Status:</u> NRST Exempt from paying nonresident supplemental tuition (<i>Cal. Ed. Code § 68075.5</i>)</p> <p><u>Duration:</u> For the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident. Exemption must be used within two years of discharge. (<i>Cal. Ed. Code § 68075.5</i>)</p>	<p><u>VACAA Eligibility Requirements:</u></p> <ul style="list-style-type: none"> Dependent or spouse of member of U.S. Armed Forces who died, on or after Sept. 11, 2001, in line of duty while serving on active-duty (<i>38 U.S.C. § 3679(c)(2)(B)(i)</i>) <p>or</p> <ul style="list-style-type: none"> Former member of U.S. Armed Forces or the dependent or spouse of former member of U.S. Armed Forces, using Chapter 30 or 33 benefits lives in California <p>and</p> <ul style="list-style-type: none"> has been discharged or released from active duty military service (of not less than 90 days) 36 months prior to the date of enrollment.³ (<i>38 U.S.C. § 3679(c)(1)</i>); (<i>Cal.; Ed. Code § 68075.5(c)</i>) <p><u>Status:</u> University shall not charge tuition at a rate that is greater than the rate charged for California residents. (<i>38 U.S.C. § 3679(c)(2)(B)(ii)(I)</i>); (<i>Cal. Ed. Code § 68075.5(c)</i>)</p> <p><u>Duration:</u> So long as the Student remains continuously enrolled at UC. (<i>38 U.S.C. § 3679(c)(3)</i>); (<i>Cal.Ed.Code § 68075.5(c)</i>)</p> <p><u>VR&E Chapter 31</u> ⁴</p> <ul style="list-style-type: none"> Servicemember or Veteran using Chapter 31 benefits: <p>University shall not charge tuition at a rate that is greater than the rate charged for California residents. (<i>38 U.S.C. § 3679(c) effective 3.1.2019</i>)</p>

³ VACAA - Chapter 30/33: Enrollment at an institute of higher learning during the enrollment requirement window prior to transferring to UC with no breaks in enrollment qualifies for this benefit.

⁴ VR&E – Chapter 31: Vocational Rehabilitation and Employment <https://www.va.gov/careers-employment/vocational-rehabilitation/>

APPENDIX C: Immigration Information

1. Eligible Nonimmigrant Visas

The following chart indicates which nonimmigrant visas are eligible to qualify for a Resident Classification pursuant to fulfillment of all applicable UC Residency Requirements. Lawful presence in the U.S., including in California, does not automatically confer eligibility for a UC Resident Classification. The Student, and Parent if applicable, must be lawfully present on an eligible valid nonimmigrant visa pursuant to UC policy requirements for the duration of attendance at a UC campus.

NONIMMIGRANT VISA ELIGIBILITY FOR RESIDENT CLASSIFICATION			
VISA TYPE	Eligible for Resident Classification	CATEGORY OF NONIMMIGRANT	INITIAL PERIOD OF ADMISSION
A-1 A-2 A-3	Yes	Diplomatic Visa: foreign official and qualified dependents, staff. (fulfillment of Physical Presence only; no intent)	Duration of service.
B-1	No	Temporary visitor for business	One year – extensions granted for no more than six months' time
B-2	No	Temporary visitor for pleasure, medical treatment	One year – extensions can be granted.
Visa waiver Program	No	Visitor	No visa required.
C-1, C-2, C-3	No	Alien in transit	Twenty-nine days.
C-4	No	Transit without visa (TWOV)	Next available flight.
D-1, D-2	No	Crewmen (ship or aircraft crew)	Twenty-nine days
E-1	Yes	Principal Treaty trader, and spouse and Child	Two years w/unlimited extensions granted in increments not over two yrs.
E-2	Yes	Principal Treaty investor, spouse and Child	Two years w/unlimited extensions granted in increments not over two years
E-2C	Yes	Long-term foreign investors in the CNMI (Commonwealth of Northern Mariana Islands)	Allows foreign, long-term investors to remain lawfully present in the CNMI through December 2014 while they resolve their immigration status.
E-3	Yes	Specialty Occupation Workers, Nationals of the Commonwealth of Australia. Dependents may study in the U.S. but need work authorization for employment.	Two years maximum with unlimited extensions granted in increments not to exceed two years.
F-1	No	Academic Students and Students in language-training programs	Duration of status (D/S in the passport).
F-2	No	Spouse and Child of F-1 Student.	Duration of status of F-1
G-1 G-2 G-3 G-4	Yes	Diplomatic Visas: employees of international organizations and qualified dependents, staff. (Fulfillment of Physical Presence only; no intent)	3-years; two 2-year renewals
H-1B H-4 of H-1B	Yes	H-1B Principal H-4 spouse and H-4 Child of H-1B Principal are eligible	Six-year maximum
H-2A H-4 of H2-A	No	Temporary worker performing agricultural services. H-4 spouse/Child of H2A Principal not eligible	Three-year maximum
H-2B H-4 of H-2B	No	Temporary worker, skilled and unskilled H-4 spouse/Child of H-2B Principal not eligible	One year initially, three-year maximum
H-3 H-4 of H-3	No	Alien trainee H-4 spouse/Child of H-3 Principal not eligible	As authorized in petition, not to exceed two years

NONIMMIGRANT VISA ELIGIBILITY FOR RESIDENT CLASSIFICATION

VISA TYPE	Eligible for Resident Classification	CATEGORY OF NONIMMIGRANT	INITIAL PERIOD OF ADMISSION
H-4		Refer to Principal H visa for dependent eligibility	
Humanitarian Parole	Yes	Temporary parole into the U.S. for urgent humanitarian reasons or significant public benefit	Duration of emergency or one year maximum
I	Yes	Representative of foreign media, spouse and child	Duration of authorized Employment
J-1 (Student)	No	Exchange visitor, International Student	Duration of approved program
J-2	No	Spouse and Child of J-1 exchange visitor, Student	Duration of status of J-1
K-1	Yes	Alien fiancée or fiancé of U.S. citizen	90 days
K-2	Yes	Minor Child of alien fiancée or fiancé of U.S. citizen	90 days
K-3	Yes	Spouse of U.S. citizen who is the beneficiary of I-130 petition filed in U.S. (LIFE Act)	
K-4	Yes	Child of alien entitled to K-3 classification (LIFE Act)	
L-1A	Yes	Principal; Intracompany transferee (executive, managerial) and specialized personnel continuing employment with international firm or corporation	Seven-year maximum
L-1B	Yes	Principal; Intracompany transferee (specialized knowledge) continuing employment with international firm or corporation	Five-year maximum
L-2	Yes	Dependent Spouse and Child of Principal L-1A / L-1B intracompany transferee; Confirm Principal visa status.	Same as L-1
M-1	No	Student of vocational or nonacademic institution, not in language training program	Duration of studies as indicated on 120M (+ 30 days to depart U.S.) or one year, whichever less. Extension may be granted.
N-8	Yes	Parent of special immigrant Child (Classified SK-3)	
N-9	Yes	Child of a special immigrant (classified N-8, SK-1, SK-2, SK-3)	
NATO 1-7 visas	Yes	Diplomatic Visas: representatives of NATO member country. (Fulfillment of Physical Presence only; no intent)	Subject to consular approval (not USCIS) and State Dept. recognition of status.
O-1	Yes	O-1 Principal; Alien with extraordinary ability in the sciences, arts, education, business or athletics	Three years with extensions in one-year increments
O-2	No	Individuals accompanying and assisting an O-1	Same as O-1
O-3	No	O-3 Spouse and Child of Principal O-1 or Principal O-2	Same as O-1
P-1	Yes	Individual or team athletes	Five years with one five-year extension for P- athlete; all other P-1s admitted for one year with one-year extensions.
P-2	Yes	P-2 Principal; Artist or entertainer entering the U.S.	Same as P-1; may not be readmitted as P-2 unless remained outside U.S. for 3 months after date of most recent admission
P-4 (P-2)	No	P-4 spouse/Child of P-2 Principal not eligible.	
P-3	Yes	P-3 Principal: Artist or entertainer entering the U.S.	Same as P-1; may not be readmitted as P-3 unless outside U.S. for 3 months after date of most recent admission.
P-4 (P-3)	No	P4 spouse/Child of P-3 Principal not eligible.	
P-4	No	Spouse and Child of P-1, P-2 or P-3	Same as P-1
Q-1	No	International cultural exchange program	Not to exceed 15 months
Q-2	No	Irish Peace Process Cultural and Training Program (Walsh visa)	
Q-3	No	Spouse or Child of Q-2	
R-1	Yes	Religious occupation	Not to exceed 5 years
R-2	Yes	Spouse or Child of R-1	

NONIMMIGRANT VISA ELIGIBILITY FOR RESIDENT CLASSIFICATION			
VISA TYPE	Eligible for Resident Classification	CATEGORY OF NONIMMIGRANT	INITIAL PERIOD OF ADMISSION
S-5	No	Aliens supplying critical information relating to organized crime "informant"	
S-6	No	Aliens supplying critical information relating to terrorism "informant"	
T-1	Yes	Victim of a severe form of trafficking in persons	Four years
T-2	Yes	Spouse of T-1	Four years
T-3	Yes	Child of T-1	Four years
T-4	Yes	Parent of a T1 (if T-1 victim is under 21 years of age)	Four years
T-5	Yes	Unmarried sibling under age 18 of T-1 under 21 years of age	Four years
T-6	Yes	Adult or minor Child of a derivative beneficiary of a T1	Four years
TN TD	No	NAFTA Professional visa (status) for citizens of Canada and Mexico, and dependent visa (status)	Until visa (status) expiration date or once job is terminated; there is no grace period
U-1	Yes	Victim of Certain Criminal Activity	Four years
U-2	Yes	Spouse of U-1	Four years
U-3	Yes	Child of U-1	Four years
U-4	Yes	Parent of U-1 (if U-1 victim is under 21 years of age)	Four years
U-5	Yes	Unmarried sibling under age of 18 of U-1 under 21 years of age	Four years
V-1	Yes	Spouse of LPR with pending I-130 filed prior to 12/21/2000	Two years, with two-year extensions
V-2	Yes	Child of LPR with pending I-130 filed prior to 12/21/2000	Two years, with two-year extensions
V-3	Yes	Derivative Child of V-1 or V-2	Two years, with two-year extensions

2. Classifications of Aliens for Residence Purposes

An adult alien (21 years of age or older) is eligible to establish residence for tuition purposes if s/he is legally present in the United States and eligible to establish a Domicile. The following classifications entitle non-citizens to establish a Domicile in the United States:

- a. **Immigrant** - An alien who is in the process of applying for permanent residence or to adjust status may be able to begin counting 366 days of physical presence and intent if:
 - i. Student has a properly filed Form I-485, Application to Register Permanent Residence or Adjust Status. Student should provide an acknowledgement of receipt of Form I-485, the USCIS receipt notice indicating a proper fee was paid for filing Form I-485, a valid Employment Authorization Document (EAD) that reflects 8 CFR 274a.12(c)(9), **AND**
 - ii. Student is legally present in the United States and can provide an unexpired nonimmigrant visa and I-94 stamp, AND one of the following:
 - an approved Form I-140, Immigrant Petition for Alien Worker, which application lists the Student as an alien worker, or the Child or spouse of an alien worker; *or*
 - an approved Form I-130, Petition for Alien Relative, which application lists the Student as the Child or spouse of the alien relative; *or*
 - an approved Form I-526, Immigrant Petition by Alien Entrepreneur, for EB-5 visa holders; *or*
 - an official document verifying Student has been granted cancellation of removal or withholding of removal. Acceptable documentation includes a valid EAD that reflects 8 CFR 274.a.12(a)(10).

- b. Asylee** - An Asylee may be eligible to establish residence in California for tuition purposes if the person is legally present in the United States and has a properly filed Form I-589 Application for Asylum and for Withholding of Removal, pending approval with a receipt date that is at least 366 days prior to the Residence Determination Date for the term a resident classification is sought.

When asylum has been granted, the applicant receives a confirmatory USCIS letter and Form I-94, or a copy of the court order granting asylum. Either of the foregoing documents that confirm whether asylum has been granted should include spouse and minor Children, provided they were present in the U.S. and included in the asylum application. EAD category (a)(5).

Requirements for Asylee Resident Classification: Form I-589 receipt and valid EAD that reflects withholding of removal or pending asylum EAD categories (c)(8), (8 CFR 274a. 12(c)(8)) dated at least one-year prior to the relevant Residence Determination Date; one-year of continuous physical presence; and acquisition of all applicable governmental intent by the relevant deadlines. Satisfaction of Financial Independence when applicable.

- c. Deferred Action for Childhood Arrivals (DACA)** - DACA is an immigration status that may be granted for a period of two years, subject to renewal. Deferred action infers *lawful presence*, but does not confer *lawful status*. DACA grantees are eligible for work authorization. DACA students may also be eligible for the AB 540 provision.

Requirements for DACA Resident Classification: Form I-821D approval notice valid throughout the fulfillment of the one-year of continuous physical presence requirement, and acquisition of all applicable governmental intent by the relevant deadlines. Satisfaction of Financial Independence when applicable.

- d. Refugee** - Refugees may present a copy of a Form I-590, Registration for Classification as Refugee approval letter, or copy of Form I-730, Refugee/Asylee Relative Petition approval notice. EAD category (a)(3). Either document must have been approved at least 366 days prior to the Residence Determination Date for the term a resident classification is sought. Also required for verification is a copy of the Form I-94 the refugee receives when entering the U.S., with a refugee admission stamp - paroled as a refugee. EAD category (a)(4).

The spouse or Child of a qualifying refugee may be entitled to admission to the U.S. if s/he is accompanying or following to join the principal refugee. The principal refugee may apply on behalf of a spouse or Child for derivative status within two years of admission to the United States.

- e. Temporary Protected Status (TPS)** - A foreign country may be designated for TPS by the Secretary of Homeland Security for a specific period of time, which may be extended. During the designated period, individuals who are TPS beneficiaries or who are found preliminarily eligible for TPS are not removable from the U.S.; can obtain an EAD category (a)(12) or (c)(19) (for those eligible for TPS even before final approval); and may be granted travel authorization.

A TPS grantee may be able to begin counting 366 days to establish residence for tuition purposes if s/he can verify legal presence by providing an approved Form I-821, Application for Temporary Protected Status (initial registration only) and a valid EAD category (a)(12) or (c)(19). If the EAD has expired, the Residence Deputy will verify whether it has been automatically extended by the DHS and whether the Student has re-registered to TPS. Additional information on designated countries, eligibility, registration and expiration dates may be found at www.uscis.gov/tps.

TPS is a temporary benefit that does not lead to LPR status or give any other immigration status, although the individual can also apply for nonimmigrant status, permanent residence, or any other immigration benefit or protection for which s/he may be eligible.

- f. Violence Against Women Act (VAWA)** - A “battered immigrant” who has self-petitioned on Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant may be able to begin counting 366 days to establish residence for tuition purposes if legal presence can be verified through a copy of the Form I-360 receipt notice. When the VAWA self-petition has been approved, verification of the approval can be provided with a copy of the approved Form I-360 and an EAD category (c)(31). The qualified immigrant may then immediately file a Form I-485 - application to become a LPR.

- g. Withholding of Removal** - A person granted withholding of removal has status similar to an Asylee. USCIS withholds removal because of a threat to life or freedom in the home country. Students with this status are not eligible to adjust to LPR status. However, appropriate immigration authorities can extend one's "withholding" status indefinitely. To confirm legal presence, the Student must provide an I-94 stamped "Withholding of Removal (or Deportation), § 243 (h) or 241 (b)(3)" or a copy of a valid EAD category (a)(10).
- h. Notice of Hearing in Removal Proceedings** - Removal proceedings are initiated with a written Notice to Appear (NTA). As the holder of an NTA may be subject to removal, s/he does not qualify for a resident classification, unless s/he holds a valid EAD category (c)(8) (pending asylum application).
- i. Parolees** - A parolee is an alien appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that alien's entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist. Parolees include:

Deferred Inspection: authorized at the port of entry upon alien's arrival; may be conferred by an immigration inspector when one appears at a port with documentation, but, after preliminary examination, some question remains about the individual's admissibility which may best be answered at his/her point of destination.

Advance Parole: 1) Application and approval authorized by USCIS for travel outside of the U.S. and return to the U.S. for individuals whose Form I-485 Application to Register Permanent Residence or Adjust Status is in process. 2) May be issued to aliens residing within the U.S. in an other than LPR status who have an unexpected need to travel and return, and whose conditions of stay - DACA for example - do not otherwise allow for re-admission if they depart.

Humanitarian Parole: authorized at USCIS headquarters or overseas District Offices for "urgent humanitarian reasons" specified by law. Generally used in cases of medical emergency and comparable situations.

Significant Public Benefit Parole: authorized at USCIS headquarters Office of International Affairs. Generally used for aliens who enter the U.S. to take part in legal proceedings in which there is a benefit to a government agency. Such requests must be submitted by a law enforcement agency.

With the exception of advance parole for individuals with a pending Form I-485, the above parolee categories are not eligible for a resident classification, unless the individual holds additional immigration documentation that satisfies all applicable UC residency requirements.

- 3. Alien Minor** - An alien Student who is a Minor may be considered for a resident classification for tuition purposes if the parent with whom s/he resides has established residence in California for tuition purposes immediately prior to the Residence Determination Date. The Minor Student is not eligible for residence if the parent is undocumented, out of status, or holds a nonimmigrant visa that precludes establishing residence in the United States.
- 4. Citizen or Permanent Resident with Undocumented Parent** - Any California resident who is a U.S. citizen or permanent resident of the U.S. (minor or adult), whose parent is undocumented or out of status, but has otherwise been physically present in California with concurrent intent to remain in California for 366 days, will be eligible for a resident classification. A Student whose parent begins to acquire lawful presence will not lose his/her eligibility for this provision, so long as his/her parent does not act inconsistently with a claim of continued California residence.
- 5. Child Status Protection Act (CSPA)** - The Child Status Protection Act permits a derivative beneficiary "Child" to retain a resident classification after s/he has reached age 21. A Student who reaches age 21 (ages out), and therefore changes status to an F-1 or J-1 visa and holds only an approved I-130 or I-140 while awaiting a visa date, will not be able to file a Form I-485 unless he or she is covered under the Child Status Protection Act. Eligibility Criteria:
 - a. Must be the beneficiary of a pending or approved visa petition on or after August 6, 2002.
 - b. The beneficiary must not have had a final decision on an application for adjustment of status or an immigrant visa before August 6, 2002.
 - c. The beneficiary must "seek to acquire" – file a Form I-824 or Form I-485 or Form DS-230 – within 1 year of a visa becoming available under the Final Action Date.
 - d. The Student may submit official documentation confirming whether s/he is covered by the CSPA.

- 6. Calculating Physical Presence** - A lawful permanent resident (LPR), or one who has sought to become an LPR, may establish California residence for tuition purposes, subject to verification of USCIS documentation by the Residence Deputy.

An LPR must submit a copy of his/her Permanent Resident card (Green Card), which must have been issued at least 366 days prior to the RDD for the relevant term. The Student must have also satisfied all other applicable Residency Requirements.

A Student who has sought to become an LPR must submit an approved Form I-130, I-140, I-360, or I-526 with a notice date that is at least 366 days prior to the RDD for the relevant term a resident classification is sought. Additionally, the Student must submit a copy of a concurrently valid visa that is valid at least until the Student files a Form I-485 (Application to Register Permanent Residence or Adjust Status), along with a valid I-94. The Student must have also satisfied all other applicable Residency Requirements.

A Student who held an eligible nonimmigrant visa (the nonimmigrant visa must have been valid at least until the Form I-485 receipt notice date) for at least 366 days prior to the Residence Determination Date, and prior to filing a Form I-485, may retain a resident classification even if the Form I-485 receipt date will not yet meet the 366-day requirement, provided the Student has satisfied all applicable Residency Requirements while holding the eligible nonimmigrant visa and there are no gaps in status.

A Student who has sought to become a permanent resident and whose circumstances somehow differ from the instances described above may submit official immigration documentation to the campus Residence Deputy for consideration, so long as the Student's circumstances clearly and convincingly indicate that the Student has satisfied all applicable Residency Requirements.

7. Permanent Resident

a. Permanent Resident Status (Green Card - Valid 10 years) - Permanent resident status does not expire when the green card expires; however, the University requires that an individual with an expired green card provide verification that an application to renew has been filed. Verification of Green Card Renewal - Copy of Form I-90 renewal application receipt notice. The Residence Deputy will ensure the I-90 renewal application receipt notice has the same "A" number as the expired green card.

b. Conditional Permanent Resident (Green Card - Valid 2 years) - A conditional permanent resident receives a green card valid for two years. It cannot be renewed. To remain a permanent resident, a conditional permanent resident must file a petition to remove the condition during the 90 days before the card expires. Verification of Removal of Conditions:

- Marriage-based Conditional Green Card: Copy of Form I-751, Petition to Remove the Conditions of Residence.
- Entrepreneur-based Green Card: Form I-829, Petition by Entrepreneur to Remove Conditions.
- An LPR will not lose that status until there is a final administrative order of exclusion, deportation, or removal.

- 8. Additional Immigration Information** - An alien who marries a U.S. citizen or U.S. permanent resident is not eligible to establish residence for tuition purposes until the alien is present in an eligible immigration status. When an unmarried Child turns 21, s/he is no longer eligible for dependent immigration status. Prior to turning 21, the Student must file with the USCIS to change status or depart the United States. A change of status may affect a Resident Classification for tuition purposes, depending upon whether the Student has filed an I-485 Application to Register Permanent Residence or Adjust Status prior to aging out that protects the Student.

All aliens who are eligible for federal, state, and local benefits under federal immigration law (8 U.S.C. §1615 and § 1621) and who, under those laws, are eligible to establish residence in California, may establish California residence for tuition purposes, subject to fulfillment of physical presence and applicable intent requirements, and financial dependence when applicable.

APPENDIX D: AB 540 Requirements

California High School Graduate – AB 540 (Cal. Ed. Code § 68130.5)

A Student who meets the requirements below will receive a NRST Exempt Classification (Nonresident) until the Student fulfills the Residency Requirements. This provision applies to undergraduate, graduate, and professional Students.

1. Time and coursework requirements:

Total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time total attendance or attainment of credits at any of the following:

- a. California high schools
- b. California adult schools
Full-time attendance is a minimum of 420 hours per school year which may be completed on a part-time basis and includes non-credit courses at a California Community College.
- c. California Community Colleges
Full-time attendance is defined as a minimum of 12 credit units per semester (or quarter equivalent), not to exceed a total of two years total full-time attendance, which may be completed on a part-time basis.

OR

Three years of California high school coursework completed while in California and three years of total attendance in California elementary schools, California secondary schools, or any combination of the two;

AND

2. Degree or unit requirements – Student must meet one of the following requirements:

- a. Graduation from a California high school (or attainment of the equivalent):
 - i. A diploma from a California high school; or
 - ii. A High School Equivalency Certificate issued by the California State GED Office; or
 - iii. A Certificate of Proficiency resulting from a California High School Proficiency Examination (CHSPE).
- b. Attainment of an associate's degree from a California Community College while in California
- c. Fulfillment of minimum transfer requirements from a California community college to a UC or CSU campus while in California;

AND

3. Student must not be a nonimmigrant alien as defined by federal immigration law;

AND

4. Student must complete an affidavit stating that if the Student does not have a lawful immigration status, the Student has filed an application to obtain legal immigration status or will file such an application as soon as the Student is eligible to do so.

A California high school diploma or High School Equivalency Certificate (GED) obtained after graduating high school in another state or country is not eligible for this provision. The above requirements cannot be fulfilled concurrently while attending a UC campus. All coursework must be completed while physically present in California.

APPENDIX E: Supplemental Terms

Adjustment of Status – The process of obtaining permanent resident status in the United States without having to leave the United States.

Advance Parole – Authorizes travel outside the U.S. and return to the U.S. for individuals who have filed a Form I-485 Application to Register Permanent Residence or Adjust Status, or certain individuals who have an unexpected need to travel whose immigration status does not allow. May be applied for along with an Employment Authorization Document (EAD), or separately.

Aging Out – When a Student turns 21 and loses dependent immigration benefits from the principal visa holder.

Alien – A person who is not a citizen or national of the United States.

Asylee – An alien in the United States or at a port of entry who is unable or unwilling to return to his country of nationality due to a well-founded fear of persecution.

CAHSEE – California High School Exit Exam. This Exam does not meet graduation qualifications and cannot be used in place of a diploma, proficiency exam, or GED when determining AB 540 eligibility.

Cancellation of Removal – A benefit adjusting an alien's status from deportable to lawfully admitted for permanent residence.

Child Status Protection Act (CSPA) – A federal act that amends the Immigration and Nationality Act and changes how an alien is determined to be a Child for purposes of immigration classification.

Conditional Resident – An alien granted permanent resident status on a conditional basis for a period of 2 years. A conditional resident is required to petition for the removal of the condition within 90 days before the Green Card expires.

Deferred Action for Childhood Arrivals (DACA) – DACA is an immigration status that may be granted for a period of two years, subject to renewal. Deferred action infers lawful *presence* but does not confer lawful *status*. DACA grantees are eligible for work authorization (EAD cards).

DREAM Act (Development, Relief, and Education for Alien Minors) – The California DREAM Act comprising state laws AB 130 and AB 131, implemented January 1, 2012, extends eligibility for certain types of institutional and state aid to Students, including undocumented Students who qualify for benefits under California law AB 540, which exempts certain Students from being required to pay nonresident supplemental tuition.

Eligible Alien – A non-citizen whose immigration status allows the non-citizen to establish a Domicile in the United States.

Employment Authorization Document (EAD) – Authorizes an individual in certain nonimmigrant, pending permanent resident, and other nonresident immigration categories to work legally in the United States for the period of time the EAD is valid.

Enrollment (or Enrolls) – The date the Student has actually signed up for classes, or the date the Student's fees are paid, whichever occurs first. This date may vary depending on the campus where the Student enrolls and the Student's status (i.e., entering, continuing).

California Maritime Academy Enrollment - Enrollment in three trimesters for a period of approximately 11 months within a calendar year. In the four-year curriculum, classroom instruction consists of seven trimesters of approximately 17 weeks' duration, one trimester of approximately 10 weeks' duration, and one license preparation trimester of six weeks' duration. In addition, there are three sea- training trimesters of about 12 weeks' duration each. A full-time Student is enrolled for a minimum of 12 semester units in a 17-week trimester and eight semester units in the 10- week trimester.

Labor Certification – Issued by the Department of Labor (DOL), allows an employer to hire a foreign worker to work permanently in the United States, generally before the U.S. employer can submit an immigration petition to the USCIS. The employer must obtain an approved labor certification request from DOL's Employment and Training Administration (ETA).

Leave and Earnings Statement (“LES”) – the wage statement of a veteran or member of the U.S. Armed Forces. The LES state tax withholding is based on the veteran’s State of Legal Residence.

Legally Present – Legally present means that the alien maintains lawful *presence* in the United States as demonstrated by an official USCIS documentation. This is separate from lawful *status* which is conferred to citizens, permanent residents, and holders of nonimmigrant visas.

North American Free Trade Agreement (NAFTA) – A special, reciprocal trading relationship that provides nonimmigrant admission for a specific class of Canadian and Mexican businesspersons, their spouses and unmarried minor Children, who are temporary visitors to the United States. Under NAFTA, these visitors are not required to obtain nonimmigrant visas, labor certifications, or prior approval.

National of the United States – A citizen of the United States or a person who, although not a citizen of the United States, owes permanent allegiance to the United States. Citizens of Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, and the Territory of Guam are citizens of the United States. Citizens of American Samoa and Swains Island are U.S. nationals and should be treated the same as U.S. citizens when determining residence for tuition purposes.

Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau are considered “foreign nationals” and should not be treated as U.S. citizens or lawful permanent residents when considering residence for tuition purposes. However, those individuals may be considered nonimmigrants eligible for a Resident Classification, provided they have otherwise satisfied the applicable UC Residency Requirements and submitted a valid I-94.

NATO Official – An alien (nonimmigrant) temporarily present in the U.S. as a member of the U.S. Armed Forces, or as a civilian employed by the U.S. Armed Forces on assignment with a foreign government signatory to NATO (North Atlantic Treaty Organization). A spouse and unmarried minor or dependent Children are included.

Nonimmigrant Alien – A person admitted to the U.S. for a temporary period of time and for a specific purpose under a nonimmigrant visa.

Out of Status – A former visa holder who violates visa status by not following the visa requirement, staying longer than the expiration date of the visa and/or I-94, attaining age 21 or aging out without transitioning to a different visa status, or engaging in activities not permitted for the visa.

Parolee – An alien appearing to be inadmissible to the inspecting officer who is allowed into the United States temporarily for urgent humanitarian reasons, or when the alien’s entry is determined to be for significant public benefit. A parolee must leave when the conditions supporting his/her parole cease to exist.

Permanent Duty Station – The post of duty or official station to which a member of the U.S. Armed Forces is assigned or attached. A member assigned to a military base/installation in California would meet the requirements of having a permanent duty station (PCS) in California for purposes of determining eligibility under Higher Education Opportunity Act (HEOA) federal law. Under applicable state law, a military member stationed in California for educational purposes is not eligible for an exemption from nonresident tuition.

Principal Alien – The alien who applies for immigrant status and from whom another alien may derive lawful status under immigration law or regulations (usually spouses and minor Children).

Priority Date – Determines an individual’s ability to apply for an immigrant visa via Form I-485 when a visa number becomes available. In family immigration, immigrant visas available to “immediate relatives” of U.S. citizens are always available. However, for other petitioners, it is the date the petition was filed at a DHS office or submitted to an Embassy or Consulate abroad. In employment immigration, it may be the date the labor certification application (LCA) was received by the Department of Labor (DOL). If no LCA is required, the date the Form I-140 was received by USCIS.

Removal – Expulsion of an alien from the United States. This expulsion may be based on grounds of inadmissibility or deportability.

TECRO (Taipei Economic and Cultural Representative Office) – Established by the Republic of China (Taiwan) in countries that have diplomatic relations with the People’s Republic of China (PRC). In addition to promoting

trade and investment, TECRO also performs many of the same functions as a normal embassy or consulate general, such as issuing visas and passports. TECRO employees and dependents, who may hold A or E visas, enjoy diplomatic privileges.

TPS (Temporary Protected Status) – A legislative basis for allowing a group temporary refuge in the United States. Grants are initially made for periods of 6 to 18 months and may be extended. Removal proceedings are suspended while in Temporary Protected Status.

Undocumented Alien – a person who is present in the United States without lawful *status*. An undocumented alien may have lawful *presence* such as through Asylum and Refugee status.
