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I. TERMS and DEFINITIONS

Academic Year – July 1, 2022 through June 30, 2023 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 as a Dependent Student subject to the provisions in Sec. III.B.1. The term “Child” or “dependent” for purposes of federal veterans’ benefits is governed by federal law.

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 2022-23 Academic Year and who does not otherwise qualify as an Independent Student as specified in “Sec. III.B.2” must be dependent on eligible Parents who are required to qualify for a Residency Classification concurrently with the Dependent Student. Students who are dependent on an adult other than a parent may be eligible for “Sec. III.D.5. Two-Year Care and Control”

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 are self-supporting starting at least one calendar year prior to the relevant RDD. Refer to “Appendix A: 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 – A Student who is eligible to demonstrate satisfaction of the Residency Requirements without regard to Parents as described in “Sec. III.II.B.2.” A Student who is dependent on an adult other than Parents and who has not satisfied these requirements is not considered to be an Independent Student.

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 noncitizens authorized to live permanently in the U.S.

Legal Guardian – a Legal Guardian for a minor child as appointed by a child-dependency court. A Probate guardianship, Power of Attorney, or Caregiver’s Authorization Affidavit does not confer legal guardianship for purposes of a Residency Classification.

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 accessed 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 Nonresident classification provided to Students who have demonstrated that they are not subject to payment of NRST in accordance with Regents Policy 3105. Refer to “Sec. III. E.”

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 noncitizens 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 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 for purposes of UC tuition 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 – For purposes of California law, defined as Air Force, Army, Coast Guard, Marine Corp, Navy, and the reserve components of each of those forces, the California National Guard, the California State Guard, and the California Naval Militia. (Cal. Ed. Code 68075). For purposes of Federal law, defined by HEOA, 20 U.S.C. 1015d. Refer to “Veterans - Military Provisions”

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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 (“Guidelines” or “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) are Nonresident by default and must submit a Statement of Legal Residence (“SLR”) before initial enrollment at a UC campus in order to be classified as Resident. No Residency Determinations are made outside of the SLR process. The campus Residence Deputy evaluates the SLR and supporting documentation and issues a Residency Classification of Resident, NRST Exempt, or Nonresident. All issued Residency Classifications including Nonresident are final. Failure to submit the SLR or all requested documentation by the relevant campus deadline will result in a Residency Classification based on the information provided to-date which may include Nonresident and which is not eligible for appeal review.

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 loses eligibility by virtue of the Student’s acts (or a Parent’s act, 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, which is not eligible for appeal. 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 campus 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 UC Legal, Office of the General Counsel. All information provided in response to a Student’s or Parent’s inquiry is responsive to a question as-asked and is not intended to guarantee a Student will qualify for UC Residency. 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;
- 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 ("Guidelines" or "RPG") is established by The Regents under Regents Policy 3105. 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. Changes may be made to the Guidelines at any time; accordingly, Students should review the Guidelines 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.

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## RESIDENCY POLICY

### A. RESIDENCY REQUIREMENTS AND CLASSIFICATIONS

A classification as Resident, NRST Exempt, or Nonresident for purposes of determining assessment of Tuition, NRST, 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 on Parents, which requires that both Students and Parents must 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 immediately prior to the RDD, and fulfilled the physical presence and intent requirements; or, demonstrate eligibility for a Special Circumstances Resident Classification which includes eligible immigration status.

**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**

   Students are considered to be Dependent Students, with both Students and Parents concurrently fulfilling the Residency Requirements, or Students must qualify as Independent as described below, or qualify for a Special Circumstances, Exemption or Waiver provision.

2. **Independent Students**

   A Student deemed to be Independent based on satisfaction of one of the below listed requirements may satisfy the Residency Requirements on their own without Parents, except for (k).

   a. Graduate Student, regardless of age
   b. Born on or before December 31, 1998, as of the 2022-23 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 starting at least one-year prior to the relevant RDD (see “Financial Independence”) or has received an Independent Student determination by the UC campus financial aid office;
   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. This provision requires confirmation of parents’ eligible residency prior to relocating.
   l. Qualified as Independent based on approved FAFSA Dependency Override
3. Graduate Students

Graduate students are considered as Independent regardless as to age and will be evaluated without regard to Parents or source of financial support. They must fulfill (1) one-year of continuous physical presence immediately before the RDD, and (2) acquire all governmental evidence of intent by the relevant deadline; refer to Sec. III. C. Graduate students who are employed in California and who have not established legal ties through the acquisition of governmental evidence of intent by the deadlines will be classified as Nonresident.

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

All Students and Parents 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 immediately before the relevant RDD. Physical presence in California solely for educational purposes does not constitute the establishment of California residence, regardless of length of stay. 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

All Students and Parents must establish required legal ties to California through acquisition of applicable governmental evidence of intent by the relevant deadlines and failure to fulfill all four requirements is disqualifying. 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: “2022-23 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 Student is dependent on a nonresident parent including for purposes of FAFSA applications and income tax returns, and returning to the prior residence during periods of noninstruction.

Required Governmental Evidence of Intent (subject to applicable deadlines)

- 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;
- Valid voter registration in California, if legally eligible to register;
- State of California car registration for all motor vehicles owned by Students and/or Parents;
- 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; state and federal tax transcripts may be requested;

Other Required California Evidence of Intent

- California-based place of employment, as applicable;
- Physical residence where permanent possessions are kept;
- Presence of spouse, registered domestic partner, and children, as applicable;
- Continuous physical presence in California during academic breaks, as applicable;
- 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
Established eligibility for and receipt of State of California public benefits, as applicable;
Establishment of a State of California professional license using California domicile address, as 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, student is dependent on an out-of-state parent in a 2-parent family (excludes divorced, legally separated), 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, filing California state tax returns claiming Nonresident status, claiming foreign tax credits on the basis of Tax 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.

2022-23 Academic Year Deadlines to Acquire Governmental Evidence of Intent *

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<td>Spring Semester 2023</td>
<td>01/17/2023</td>
<td>05/13/22 - end of Spring Semester 2022</td>
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</table>

* Future Academic Residence Determination Dates and Deadlines are available in APPENDIX E.

**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 Contingent 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 Contingent Resident Classification; refer to "Military Provisions"

3. **California Ward of the Court or Foster Youth** – Student who resides in California as of the Resident Determination Date for the relevant term 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. **Non-Resident Dependent of a California Resident (Condit Bill)** – A Student who has a Parent who both satisfies the Residency Requirements and either claims the Student as a tax dependent or continually contributed court-ordered child support for the Student during the one year immediately before the Residence Determination Date shall be eligible for a limited-duration Residence Classification for one academic year. A Parent who relocated to California must have severed any and all ties to their former residence; refer to "Sec. III. 1/2". The Student may thereafter be eligible for a Resident Classification if the Parent continues to satisfy the Residency Requirements and the Student has demonstrated timely fulfillment of the Residency Requirements. This provision requires that Students submit a new SLR at the end of their Condit academic year per campus policy. Students who fail to concurrently fulfill the requirements will be reclassified as Nonresident which is not eligible for appeal review. Students who have lived in California for more than one year after turning 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 immediately before the RDD. Refer to “Sec. IV.B.8” Based on the age 19 requirement, the Student must have started residing with the Qualifying Individual prior to age 17.

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. Contact your campus financial aid office for assistance with the Native American Opportunity Plan, effective with the 2022 fall term.

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. **Refugee, VAWA, T Visa, U Visa** – A Student with valid USCIS Refugee, VAWA, “T” visa, or “U” visa immigration status is eligible for a limited duration Resident Classification for one year and may thereafter be eligible to receive a Resident Classification based on timely satisfaction of applicable Residency Requirements.

10. **University / LLC Employees** – A full-time employee of the University assigned as a condition of employment to work outside the State of California or a full-time employee of an LLC holding a contract 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 academic term in which the employee no longer has a qualifying employment relationship. *(LLC: includes Lawrence Berkeley National Laboratory (LBNL); Lawrence Livermore National Laboratory (LLNL); Los Alamos National Laboratory (LANL). “Child” is defined as a Dependent Student.)*

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. “Child” is defined as a Dependent Student.

### E. STUDENTS EXEMPT FROM PAYMENT OF NRST

1. **AB 540 Nonresident NRST Exemption** – 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 when using Chapter 30/33/31/35 benefits. 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** - A Student who has separately qualified for a Resident Classification for UC tuition purposes and who has been awarded a CalVet Waiver, is exempt from paying Tuition and Mandatory Systemwide Fees when the Student’s annual income, plus the value of parental support, does not exceed the program’s annual income limit. Eligibility for the CalVet Waiver does not make a Student ineligible to meet the Financial Independence requirement. Refer to [Regents 3105, Sec. II.2.](#); see the [CalVet College Fee Waiver](#) website for program requirements.

3. **Alan Pattee 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 is an eligible survivor or was killed while on active duty shall be exempted from Tuition and Mandatory Systemwide Fees and mandatory campus-based fees.

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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 Students and Parents 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 California tax returns as nonresident status or claiming state and federal tax exclusions or credits on the basis of claiming foreign physical presence and/or tax Domicile is disqualifying.
- 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 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 Parents, or if the Student does not live with either Parent, that of the Parent with whom the Minor Student last resided with. Parents must satisfy the applicable Residency Requirements and the Student must fulfill the applicable requirements upon reaching majority as an adult Student independently of Parents.

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 (FAFSA) provisions; contact the campus financial aid office for assistance.

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 and must fulfill the Residency Requirements as an adult independently of Parents.

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 starting at least 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 been under the continuous direct care and control of a Qualifying Individual(s) for a period of not less than two-years prior to reaching age 19 is eligible for a Resident Classification when the Student and the Qualifying Individual(s) 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 or federal 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 reaching 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 Parents. 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.”

10. **Legal Guardianship, Power of Attorney** - For Residency Classification purposes, eligible legal guardianships must be determined by a child dependency court, not a probate court or the child welfare delinquency system (W&I Code 300). A minor student who is, or an adult student who was, in an eligible Legal Guardianship is considered as Independent and may be eligible for a Resident Classification subject to fulfillment of physical presence and intent. The campus residence deputy will review the court documents to make a determination. A power of attorney and other documents signed by a parent granting permission to an adult to act on behalf of the parent are not legal guardianships.

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V. RESIDENCY APPEALS

1. Residency Appeal Requirements

Students may appeal a campus Nonresident determination **only** if one of the following applies:

1) The Nonresident determination is based on a significant error of fact, procedure, or incorrect application of policy, or

2) Significant new information became available which was not previously known, and based on the new information, the Nonresident Classification is incorrect.

The Statement of Legal Residence process resides at the student’s campus. The Residency Appeal process is limited to a review of the campus evaluation and does not extend to waiving UC policy or granting exemptions. Disagreement with UC policy is not a basis to file an appeal.

2. PLEASE READ – IMPORTANT INFORMATION

- **Questions**: Contact your campus with questions about the campus application and process.
- **Phone Calls / Appointments**: Appeal applications and policy questions are accepted via email at residency.appeal@ucop.edu.
- **Parent / Third Party Authorization**: Students must provide written authorization for disclosure to parents and third parties, refer to The Family Educational Rights and Privacy Act (FERPA).
- **Appeal Documents**: please read the INSTRUCTIONS on the appeal application as incomplete appeal applications will be rejected.
- **Foreign Language Documents**: foreign language documents must include translations performed by a certified translation service to include a notarized certification by the translator or legalized by Apostille.

3. Appeal Procedure

An appeal application must be filed within 30 days of the date of the Nonresident notice. Late applications require approval by the campus residence deputy. Appeal applications require the following documents:

- A completed, signed, and dated **Application to Appeal a Nonresident Classification**, and
- A copy of the campus Nonresident notice (the email notifying you why you are nonresident), and
- Documents supporting your basis to appeal, refer to appeal application for instructions.

Submit your appeal by email to residency.appeal@ucop.edu

4. Appeal Acceptance and Confirmation

- **Notification of Incomplete Appeal Application**: incomplete appeals will be rejected and returned.
- **Confirmation of Receipt of Appeal Application**: An automated confirmation email will be sent in response to your email appeal submission. The Office of General Counsel processes appeals for all UC campuses, please allow 10-12 weeks from the date of submission for a decision to be issued.

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1 The **Application to Appeal a Nonresident Classification** is a fillable PDF form; not all browsers support PDF fillable forms, please use Chrome or other browsers as applicable, saving the completed application as a PDF file and not as a fillable form.
APPENDICES

APPENDIX A: Financial Independence

1. Requirements

As a state supported institution, the University confers on California students the benefit of attending the University at lower cost than students who attend from outside the state. The intent of the financial independence provision is based on social policy considerations consistent with the mission of the University to accommodate undergraduate students who are not supported by their parents. Students who have attended and graduated from a California high school should refer to the AB 540 provision. Students who are classified as Independent by financial aid should contact their residence deputy for assistance.

A Dependent Student who wishes to qualify as an Independent Student on the basis of financial independence under Sec. III.B.2.j. must fulfill the following requirements to demonstrate the Student has been fully self-supporting beginning at least one-year prior to the applicable Residence Determination Date and continuing.

The Student must be fully self-supporting using funds sourced from their wages, savings from earnings, financial aid, eligible college savings plans, and eligible irrevocable trust accounts as described below, to include gifts from parents or third parties not to exceed $2,300 per academic year. Students using earnings from employment by a parent or relative or by a business owned by a parent or relative do not qualify for this provision. Funds used for self-support from jointly-owned bank accounts, undocumented income, ineligible trust accounts, and investment income sourced from gifted principal is disqualifying. That a student has sufficient funds to be self-supporting does not necessarily qualify for this provision.

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 proof of housing payments), 12 months of checking, savings, and credit card statements, and financial documentation for loans, trusts accounts, college accounts, and other documents as may be requested. The Student must not have accepted or used financial assistance from any individual to pay for living expenses including tuition accrued during the one-year period being evaluated with the exception of the above allowable gifts not to exceed $2,300 per academic year. State of California benefits are allowable. Housing that is owned by a parent or relative, co-signed, or otherwise subsidized by another individual to include purchasing a house in the student’s name is considered as financial support. The Student cannot be claimed as a dependent or 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 within 60 days after the Student’s 18th birthday. Funds from eligible UTMA, UGMA, and 529 Plans that remain in custodial ownership more than 60 days after the Student reaches the age of majority are not eligible to qualify for Financial Independence.
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 must have been established naming the Minor Student as sole beneficiary and are limited to accounts funded from the following sources and are subject to the following restrictions:

• Minor Settlements
• Special Needs Trust ³
• Inheritance
• Life insurance proceeds
• Coogan Trust Account

Trust accounts funded through sources not listed are not eligible for this provision. There is no Minor Student age limitation on the establishment of eligible Irrevocable Trust Accounts, however, the 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 within 60 days after the Student’s 18th birthday, with the exception of Special Needs Trust. A Minor Settlement paid as an annuity is eligible so long as the payments are received under the sole control and ownership of the Student as of reaching the age of majority. That a Parent or third party owns, manages, or otherwise has access through shared control of eligible funds used for self-support is considered disqualifying for this provision. 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 limited to $2,300 per academic year; amounts exceeding this 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 parents, relatives, and employers of parents and relatives. 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.

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³ 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.
APPENDIX B: Veterans – Military Provisions

Tuition provisions for current and former members of the U.S. Armed Forces are governed by Regents Policy 3105, and conform to state and federal law, as applicable. Students should contact their UC campus veterans coordinator for assistance.

U.S. Armed Forces for purposes of UC Regents Policy and Cal. Ed. Code 68074/68075 is defined as Air Force, Army, Coast Guard, Marine Corp, Navy, and the reserve components of each of those forces, the California National Guard, the California State Guard, and the California Naval Militia.

U.S. Armed Forces as defined for purposes of Federal Law and HEOA, VACAA, and VR&E benefits is governed by federal law; refer to the U.S. Department of Veterans Affairs. The HEOA 20 U.S.C 1015d definition of eligibility has been amended to reflect “member of a qualifying Federal service” which includes (1) member of the armed forces, and (2) member of the Foreign Service, effective 7/1/2024, pursuant to federal law.

For the 2022-23 Academic Year, all Resident Classifications and Nonresident NRST Exemptions under these provisions are limited to eligible members of the U.S. Armed Forces as defined and excludes all other federal personnel.

<table>
<thead>
<tr>
<th>VETERANS - MILITARY PROVISIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATEGORY: Student/Parent as of RDD</td>
</tr>
<tr>
<td>UC REGENTS POLICY ¹ Cal. Ed. Code as applicable</td>
</tr>
<tr>
<td>FEDERAL LAW² HEOA, VACAA, VR&amp;E as applicable</td>
</tr>
<tr>
<td>1. Member of the U.S. Armed Forces</td>
</tr>
<tr>
<td><strong>Eligibility Requirements:</strong></td>
</tr>
<tr>
<td>Member of the U.S. Armed Forces stationed in California (Cal. Ed. Code § 68074, 68075)</td>
</tr>
<tr>
<td><strong>Disqualification:</strong></td>
</tr>
<tr>
<td>Assigned for educational purposes</td>
</tr>
<tr>
<td><strong>Status = Resident</strong></td>
</tr>
<tr>
<td>Entitled to Resident Classification</td>
</tr>
<tr>
<td><strong>Duration:</strong></td>
</tr>
<tr>
<td>As long as the Student is continuously enrolled</td>
</tr>
<tr>
<td><strong>Change of status:</strong></td>
</tr>
<tr>
<td>Student retains classification as long as continuously enrolled.</td>
</tr>
<tr>
<td><strong>HEOA Eligibility Requirements:</strong></td>
</tr>
<tr>
<td>Member of the U.S. Armed Forces as defined by HEOA 20 U.S.C. 1015d,</td>
</tr>
<tr>
<td>• who is on active duty for a period of more than 30 days, and</td>
</tr>
<tr>
<td>• whose Domicile or Permanent Duty Station (PDS) is in California.</td>
</tr>
<tr>
<td><strong>Status = Nonresident (NRST) Exempt</strong></td>
</tr>
<tr>
<td>University shall not charge tuition at a rate greater than the rate charged for Resident Classification.</td>
</tr>
<tr>
<td><strong>Duration:</strong></td>
</tr>
<tr>
<td>Student retains classification as long as continuously enrolled.</td>
</tr>
</tbody>
</table>

¹ Regents Policy 3105 - U.S. Armed Forces – as defined by Cal. Ed. Code 68075, 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 Guard, and the California Naval Militia.

² Federal law - HEOA 20 U.S.C. 1015d – Sec. 135 amended 12/27/2021; provision applies to a member of a qualifying Federal service which is defined as a member of the US Armed Forces or a member of the Foreign Service effective with enrollment after 7/1/2024, and excludes all other civilian federal employees.
### VETERANS - MILITARY PROVISIONS

<table>
<thead>
<tr>
<th>CATEGORY:</th>
<th>UC REGENTS POLICY ⁴</th>
<th>FEDERAL LAW ⁵</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student/Parent as of RDD</td>
<td>Cal. Ed. Code as applicable</td>
<td>HEOA, VACAA, VR&amp;E as applicable</td>
</tr>
</tbody>
</table>

| 2. Child ⁶ or Spouse of Member of the U.S. Armed Forces | Eligibility Requirements:  
Student who is a dependent child, or spouse of a member of the U.S. Armed Forces stationed in California  
(Cal. Ed. Code § 68074) | HEOA Eligibility Requirements:  
• Spouse or dependent child of member of U.S. Armed Forces as defined by HEOA 20 U.S. C. 1015d,  
• on active duty for a period of more than 30 days,  
and  
• Member’s Domicile or Permanent Duty Station (PDS) is in California. |
|-----------|----------------------|----------------|
| Status = Resident | Entitled to Resident Classification | Status = Nonresident (NRST) Exempt  
University shall not charge tuition at a rate greater than the rate charged for Resident Classification. |
| Duration: | As long as the Student is continuously enrolled. | Duration:  
• As long as the Student is continuously enrolled. |
| Change of status of Parent: | Student retains classification so long as continuously enrolled. | VACAA Eligibility Requirements:  
• Spouse or dependent child of an active-duty member of the U.S. Armed Forces  
• using Chapter 30, 31, 33, or 35 benefits  
• lives in California  
(38 U.S.C. § 3679(c)(2)(B)(ii)(II)) |
|-----------|----------------------|----------------|
| Status = Nonresident Exemption | University shall not charge tuition at a rate greater than the rate charged for Resident Classification.  
(38 U.S.C. § 3679(c)(1)) | Duration:  
Student retains classification as long as continuously enrolled.  
(38 U.S.C. § 3679(c)(3);  
Cal. Ed. Code § 68075.5(c)) |

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⁶ “Child” for purposes of military benefits is governed by federal law, which includes natural, adopted, stepchild, ward, and foster children. (H.R. 7105; Sec. 1011; Sec. 3319(c).
### VETERANS - MILITARY PROVISIONS

<table>
<thead>
<tr>
<th>CATEGORY: Student/Parent as of RDD</th>
<th>UC REGENTS POLICY</th>
<th>FEDERAL LAW</th>
</tr>
</thead>
</table>
| 3. Former Member of U.S. Armed Forces, or Dependent or Spouse of Former Member | Eligibility Requirements:  
- Former member of U.S. Armed Forces,  
- stationed in California  
- for more than one year immediately prior to being discharged from the U.S. Armed Forces  
(Cal. Ed. Code § 68075.5) | VACAA Eligibility Requirements:  
- 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 (38 U.S.C. § 3679(c)(2)(B)(i))  
or  
- Former member of U.S. Armed Forces or the dependent or spouse of former member of U.S. Armed Forces,  
- using Chapter 30, 33, or 35 benefits  
- lives in California  
and  
- has been discharged or released from active duty military service (of not less than 90 days) (38 U.S.C. § 3679(c)(1));  
(Cal. Ed. Code § 68075.5(c)) |

**Status = Nonresident (NRST) Exempt**  
Eligible for NRST Exemption from paying nonresident supplemental tuition

**Duration:**  
An NRST Exempt classification for one academic year so long as the Student files an affidavit stating intent to fulfill the UC residency requirements. The Exemption must be used within two years of discharge.

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7 **VACAA - Chapter 30/33/35:** The 36-month expiration date is eliminated effective 8/1/2021 (HR 7105 – 01/05/2021).

8 **VR&E – Chapter 31:** Vocational Rehabilitation and Employment [https://www.va.gov/careers-employment/vocational-rehabilitation/](https://www.va.gov/careers-employment/vocational-rehabilitation/)
APPENDIX C: Immigration Information

1. Eligible Visas

Refer to the following chart for visa eligibility for a UC Resident Classification. A person’s visa status is that of their most recent I-94 entry or visa and I-94 renewal. Students must provide an eligible visa and corresponding valid I-94 with the Statement of Legal Residence application, to include subsequent renewals and change of status documents as applicable. Dependent Students must provide documentation for both the principal and dependent visa holders. Married students on dependent visas must provide documentation for the principal visa holder.

A change in status from an eligible visa to an ineligible visa will result in reclassification to Nonresident effective with the next academic term. The burden is on the student to monitor and report their immigration status and to provide all documents to their campus in a timely manner. Failure to report a change in status may result in retroactive assessment of NRST.

<table>
<thead>
<tr>
<th>VISA TYPE</th>
<th>Eligible for Resident</th>
<th>CATEGORY OF VISA</th>
<th>INITIAL PERIOD OF ADMISSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>A visas: 1 to 3</td>
<td>Yes</td>
<td>Diplomatic Visa: official, dependents, eligible staff Physical presence only</td>
<td>Duration of assignment.</td>
</tr>
<tr>
<td>B-1 / B-2</td>
<td>No</td>
<td>Temporary visitor for business / pleasure, medical</td>
<td>One year – extensions granted for no more than six months’ time</td>
</tr>
<tr>
<td>Visa waiver Program</td>
<td>No</td>
<td>Visitor</td>
<td>No visa required.</td>
</tr>
<tr>
<td>C-1, C-2, C-3 / C-4</td>
<td>No</td>
<td>Noncitizen in transit / Transit without visa</td>
<td>Twenty-nine days.</td>
</tr>
<tr>
<td>D-1, D-2</td>
<td>No</td>
<td>Crewmen (ship or aircraft crew)</td>
<td>Twenty-nine days</td>
</tr>
<tr>
<td>E-1</td>
<td>Yes</td>
<td>Principal Treaty trader, and spouse and Child</td>
<td>Two years w/unlimited extensions granted in increments not over two yrs.</td>
</tr>
<tr>
<td>E-2</td>
<td>Yes</td>
<td>Principal Treaty investor, spouse and Child</td>
<td>Two years w/unlimited extensions granted in increments not over two years</td>
</tr>
<tr>
<td>E-2C</td>
<td>Yes</td>
<td>Long-term foreign investors in the CNMI (Commonwealth of Northern Mariana Islands)</td>
<td>Allows foreign, long-term investors to remain lawfully present in the CNMI through December 2014</td>
</tr>
<tr>
<td>E-3</td>
<td>Yes</td>
<td>Specialty Occupation Workers, Nationals of the Commonwealth of Australia. Dependents may study in the U.S. but need work authorization for employment.</td>
<td>Two years maximum with unlimited extensions granted in increments not to exceed two years.</td>
</tr>
<tr>
<td>F-1</td>
<td>No</td>
<td>Academic Students, Students in language programs</td>
<td>Duration of status (D/S in the passport).</td>
</tr>
<tr>
<td>F-2</td>
<td>No</td>
<td>Spouse and Child of F-1 Student.</td>
<td>Duration of status of F-1</td>
</tr>
<tr>
<td>G visas: 1-4</td>
<td>Yes</td>
<td>Diplomatic Visas: employees of international organizations and qualified dependents, staff. Physical presence only.</td>
<td>3-years; two 2-year renewals</td>
</tr>
<tr>
<td>H-1B</td>
<td>Yes</td>
<td>H-1B Principal H-4 spouse and H-4 Child of H-1B Principal eligible</td>
<td>Six-year maximum</td>
</tr>
<tr>
<td>H-4 of H-1B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H-2A</td>
<td>No</td>
<td>Temporary worker performing agricultural services. H-4 spouse/Child of H2A Principal not eligible</td>
<td>Three-year maximum</td>
</tr>
<tr>
<td>H-2B</td>
<td>No</td>
<td>Temporary worker, skilled and unskilled H-4 spouse/Child of H-2B Principal not eligible</td>
<td>One year initially, three-year maximum</td>
</tr>
<tr>
<td>H-3</td>
<td>No</td>
<td>Noncitizen trainee H-4 spouse/Child of H-3 Principal not eligible</td>
<td>As authorized in petition, not to exceed two years</td>
</tr>
<tr>
<td>H-4 of H-3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VISA TYPE</td>
<td>Eligible for Resident</td>
<td>CATEGORY OF VISA</td>
<td>INITIAL PERIOD OF ADMISSION</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------</td>
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<td>----------------------------</td>
</tr>
<tr>
<td>H-4</td>
<td>Refer to Principal H visa for dependent eligibility</td>
<td>Temporary parole into the U.S. for urgent humanitarian reasons or significant public benefit</td>
<td>Duration of emergency or 1 year</td>
</tr>
<tr>
<td>Humanitarian Parole</td>
<td>Yes</td>
<td>Representative of foreign media, spouse and child</td>
<td>Duration of authorized Employment</td>
</tr>
<tr>
<td>“I” visa</td>
<td>No</td>
<td>Exchange visitor, International Student</td>
<td>Duration of approved program</td>
</tr>
<tr>
<td>J-1 (Student)</td>
<td>No</td>
<td>Spouse and Child of J-1 exchange visitor, Student</td>
<td>Duration of status of J-1</td>
</tr>
<tr>
<td>J-2</td>
<td>No</td>
<td>Noncitizen fiancée or fiancé of U.S. citizen, minor child</td>
<td>90 days</td>
</tr>
<tr>
<td>K visas: 1 to 2</td>
<td>Yes</td>
<td>Spouse of U.S. citizen who is the beneficiary of I-130 petition filed in U.S. (LIFE Act)</td>
<td>Duration of approved program</td>
</tr>
<tr>
<td>K-3</td>
<td>Yes</td>
<td>Child of noncitizen entitled to K-3 classification (LIFE Act)</td>
<td>Duration of status of K-3</td>
</tr>
<tr>
<td>K-4</td>
<td>Yes</td>
<td>Principal: Intracompany transferee</td>
<td>7-year maximum</td>
</tr>
<tr>
<td>L-1A</td>
<td>Yes</td>
<td>L-2 dependent spouse/child of L-1A</td>
<td>Duration of approved program</td>
</tr>
<tr>
<td>L-2</td>
<td>Yes</td>
<td>Principal: Intracompany transferee</td>
<td>Duration of approved program</td>
</tr>
<tr>
<td>L-1B</td>
<td>Yes</td>
<td>L-2 dependent spouse/child of L-1B</td>
<td>5-year maximum</td>
</tr>
<tr>
<td>L-1C</td>
<td>Yes</td>
<td>L-2 dependent spouse/child of L-1C</td>
<td>Duration of status of L-1C</td>
</tr>
<tr>
<td>M-1</td>
<td>No</td>
<td>Student of vocational or nonacademic institution, not in language training program</td>
<td>Duration of studies as indicated</td>
</tr>
<tr>
<td>N-8</td>
<td>Yes</td>
<td>Parent of special immigrant Child (Classified SK-3)</td>
<td>Duration of status</td>
</tr>
<tr>
<td>N-9</td>
<td>Yes</td>
<td>Child of special immigrant (classified N-8, SK-1, SK-2, SK-3)</td>
<td>Duration of status</td>
</tr>
<tr>
<td>NATO 1-7 visas</td>
<td>Yes</td>
<td>Diplomatic Visas: representatives of NATO member country. Physical presence; no intent</td>
<td>Subject to consular approval (not USCIS) and State Dept. recognition of status.</td>
</tr>
<tr>
<td>O-1</td>
<td>Yes</td>
<td>O-1 Principal; Noncitizen with extraordinary ability in the sciences, arts, education, business or athletics</td>
<td>3 years; extensions 1-year increments</td>
</tr>
<tr>
<td>O-3 of O-1</td>
<td>Yes</td>
<td>O-3 Spouse and Child of O-1 eligible</td>
<td>Duration of approved program</td>
</tr>
<tr>
<td>O-2</td>
<td>No</td>
<td>Individuals accompanying and assisting an O-1 O-3 Spouse and Child of Principal O-2 not eligible</td>
<td>Same as O-1</td>
</tr>
<tr>
<td>O-3 of O-2</td>
<td>No</td>
<td>Individual or team athletes</td>
<td>Duration of status</td>
</tr>
<tr>
<td>P-1</td>
<td>Yes</td>
<td>Religous occupation</td>
<td>5 years; one 5-year extension for P-athlete</td>
</tr>
<tr>
<td>P visas: 2 to 4</td>
<td>No</td>
<td>Artists, entertainers, dependents</td>
<td>Duration of status</td>
</tr>
<tr>
<td>Q visas: 1 to 3</td>
<td>No</td>
<td>International programs</td>
<td>Duration of status</td>
</tr>
<tr>
<td>R-1</td>
<td>Yes</td>
<td>Religious occupation</td>
<td>Not to exceed 5 years</td>
</tr>
<tr>
<td>R-2</td>
<td>No</td>
<td>R-2 Spouse/child of R-1</td>
<td>Duration of approved program</td>
</tr>
<tr>
<td>S visas: 5 to 6</td>
<td>No</td>
<td>Noncitizens supplying critical information</td>
<td>Duration of status</td>
</tr>
<tr>
<td>T visas: 1 to 6</td>
<td>Yes</td>
<td>Victim of a severe form of trafficking in persons</td>
<td>4 years</td>
</tr>
<tr>
<td>TN</td>
<td>No</td>
<td>NAFTA Professional visa (status) for citizens of Canada and Mexico, and dependent visa (status)</td>
<td>Until visa (status) expires or assignment terminated</td>
</tr>
<tr>
<td>U visas: 1 to 5</td>
<td>Yes</td>
<td>Victim of Certain Criminal Activity</td>
<td>Duration of status</td>
</tr>
<tr>
<td>V visas: 1 to 3</td>
<td>Yes</td>
<td>Inactive per USCIS</td>
<td>Duration of status</td>
</tr>
</tbody>
</table>
2. Calculating Physical Presence

All immigration information provided herein is for informational purposes only and subject to change based on state and federal law and is not a guarantee of a Resident Classification. The campus residence deputies can assist students with identifying their circumstances and required documents, noting students and parents should seek professional guidance as needed.

Students and Parents must demonstrate at least one-year of continuous physical presence immediately prior to the RDD while in an eligible immigration status, and which continues for duration of enrollment. Students named as Principal Applicant on their immigration documents governing entry to the U.S. are evaluated without regard to parents. Due to the complexity of USCIS policy and process, required documents may be subject to change as a result of updates to USCIS law.

**Visa with Valid I-94:** Students and Parents present under an eligible visa may begin accruing physical presence as of the date of the visa and corresponding I-94 visa. One year of physical presence is calculated from the date of actual arrival in California.

**Pending Immigrant Petition and I-485 Adjustment of Status:** A Student whose Parent has an Immigrant Petition (I-140, I-130, I-360, I-526, or other petition) approval notice and an I-485 filing receipt may begin accruing physical presence as of the date of the I-485 receipt date. Students and parents who were physically present under an eligible visa prior to filing the Petition and I-485 may calculate from the earlier date of the visa. One year of continuous physical presence is calculated from the date of actual arrival in California.

**Eligible Visa with Valid I-94, Cancellation of Removal:** with an official document verifying Student has been granted cancellation of removal or withholding of removal. Acceptable documentation includes a valid EAD.

**Miscellaneous USCIS forms:**
- I-485 Application to Register Permanent Residence or Adjust Status – also known as “green card application”
- I-130 Petition for Noncitizen Relative – family-based petition for immigration
- I-526 Immigrant Petition by Noncitizen Investor – filed by EB-5 investor for immigration.
- EAD Card - a valid Employment Authorization Document (EAD) which includes immigration category code
- Visa and I-94 – A valid visa grants entry; the corresponding I-94 determines the duration of stay based on type of visa; the I-94 travel record provides actual entry and exit travel history.

3. Non-visa Immigration Status: Refer to the provisions below for Asylum, DACA, Refugee, TPS, VAWA, and other classifications. A student who has sought to become a permanent resident (green card) and whose circumstances somehow differ from the provisions described herein may submit immigration documentation to the campus Residence Deputy for evaluation.

**b. Asylee** - Asylum Pending status is eligible for a UC Resident Classification and may be eligible for the AB540 Nonresident Exemption. Required documents are an I-589 receipt dated at least 366 days prior to the relevant Residence Determination Date and an EAD card, if issued. (Effective 2/8/2022, an Asylum applicant can apply for an EAD card 150 days after filing an I-589.)

Asylum Granted status is eligible for a UC Resident Classification and may be eligible for the AB 540 Nonresident Exemption. Required documents include a confirmatory USCIS letter and Form I-94, or a copy of the court order granting asylum; an EAD card if issued, not required. The Asylum granted documents will include spouse and dependent children as applicable.

**Requirements for Asylee Resident Classification:** Fulfillment of UC Physical Presence and Intent requirements are applicable. Students named as Principal applicant for asylum will be evaluated without regard to Parents. Refer to Sec. III. E. 1. For the AB 540 for Nonresident Exemption.
c. **Deferred Action for Childhood Arrivals (DACA)** – DACA is eligible for a Resident Classification and may be eligible for the AB 540 Nonresident Exemption. DACA status is granted for 2-year intervals, subject to renewal.

**Requirements for DACA Resident Classification:** Form I-821D approval notice. Fulfillment of UC Physical Presence and Intent requirements are applicable. Refer to Sec. III. E. 1. For the AB 540 for Nonresident Exemption.

d. **Refugee** - Refugee status is eligible for a Special Circumstances Resident Classification for one year and thereafter may be eligible to receive a Resident Classification subject to timely satisfaction of the UC Physical Presence and Intent requirements; refer to Sec. III. D. 10.

**Requirements for Refugee Resident Classification:** 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) or (a)(4), or a Permanent Resident (green card) indicating Refugee status.

e. **Temporary Protected Status (TPS)** – TPS is eligible for a Resident Classification and may be eligible for the AB 540 Nonresident Exemption. Foreign countries are designated by the State Department as TPS.

**Requirements for TPS Resident Classification:** An approved Form I-821 and EAD card if issued. Fulfillment of the UC physical presence and intent requirements are applicable. Refer to above TPS website regarding duration of TPS status and blanket extensions of EAD cards.

f. **Violence Against Women Act (VAWA)** - VAWA immigration status is eligible for a Special Circumstances Resident Classification for one year and thereafter may be eligible to receive a Resident Classification subject to timely satisfaction of the physical presence and intent requirements; refer to Sec. III. D. 10.

**Requirements for VAWA Resident Classification:** Form I-360, receipt notice and an EAD category (c)(31) if issued.

g. **Withholding of Removal** - Withholding of Removal has status similar to an Asylee is eligible for a UC Resident Classification and may be eligible for the AB540 Nonresident Exemption.

**Requirements for Withholding of Removal:** 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** - Two categories of Parole are eligible for a UC Resident Classification subject to fulfillment of UC physical presence and Intent requirements.

**Advance Parole:** I-512 Advance Parole for Pending I-485 Adjust Status applicants are eligible for a Resident Classification subject to physical presence and intent (I-131 approval notice or EAD card w/ I-512 Advance Parole).

**Humanitarian Parole:** Eligible for a UC Resident Classification subject to physical presence and intent. 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.

4. **Noncitizen Minor** - A Student who is a Noncitizen 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.

5. **Citizen or Permanent Resident with Undocumented Parent** - A Student who is a U.S. citizen or Permanent Resident (minor or adult), whose parent is undocumented or out of status, and 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 their eligibility for this provision, so long as their parent does not act inconsistently with a claim of continued California residence.
6. **Child Status Protection Act (CSPA)** - The [Child Status Protection Act](https://www.publiclaw.gov/laws/child-status-protection-act) allows the dependent unmarried child of a Principal visa holder to retain eligibility for the parent’s I-485 application for legal permanent residence. Continuing UC Students previously classified as Resident, and who changed status to an F-1 visa due to aging-out of a dependent visa, and who qualify for federal CSPA are eligible to be reclassified as Nonresident NRST Exempt for the remainder of their continuous UC enrollment.

**Requirements for CSPA Nonresident NRST Exemption:** The Student’s Parent (principal visa) must provide (1) a valid approval notice for an I-140, I-130, I-360, I-526, or other Immigrant Petition dated prior to the Student’s 21st birthday (aging-out), and (2) the student’s F-1 visa and I-94. The Student’s parent must continue to fulfill the UC residency requirements concurrently during the Student’s CSPA Nonresident Exempt status. *The burden is on the student to notify their campus residence deputy of their eligibility for this provision and to provide the required documents. Failure to notify may result in reclassification as Nonresident and the assessment of NRST.*

Students who age-out of a dependent visa and change status to an ineligible visa and who do not qualify for the CSPA provision will be reclassified as Nonresident effective with the next academic term in accordance with state and federal law.

7. **Permanent Resident**

   a. **Permanent Resident Status (Green Card - Valid 10 years)** - Permanent resident status does not expire when the green card expires. UC policy requires that a student or parent provide a valid green card or an I-90 renewal filing receipt, which may include extensions. In the event of USCIS document delays, the residence deputy will evaluate the available documents before issuing a determination. An LPR will not lose status unless there is a final administrative order of exclusion, deportation, or removal.

   b. **Conditional Permanent Resident (Green Card - Valid 2 years)** - A Conditional Permanent Resident receives a 2-year green card which expires and cannot be renewed. UC policy requires a valid green card or a copy of the I-751 or I-829 filing receipt which extends status for 18 months, or as indicated.
      - 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.

**GENERAL**

All noncitizens 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.

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APPENDIX D: AB 540 Nonresident Exemption - Requirements

California High School Graduate, Adult School, Community College (Cal. Ed. Code § 68130.5)

This is a Nonresident Classification with an Exemption from Nonresident Supplemental Tuition (NRST). Undergraduate, graduate, and professional Students are eligible.

Students who do not qualify for a Resident Classification may be eligible for this provision if they have completed a combination of three years of coursework, attendance, and credentialing at a California high school, adult school, and/or community college while physically present in California (refer to the chart below for examples of qualifying coursework, attendance, and credentialing); refer to the chart on the following page for examples of qualifying education.

The Student must be a citizen, permanent resident (green card), or has no immigration status (noncitizen, no green card, no visa). A California high school diploma or GED obtained after graduating from an out-of-state high school or GED is not eligible. Students cannot concurrently fulfill these requirements while enrolled at a UC campus.

Required documents: Completed AB 540 Affidavit, official high school transcripts, community college transcripts, adult school transcript or letter from adult school official, as applicable.

Students must meet all 4 requirements listed below:

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 defined as 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 from (a), (b), or (c):
   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 noncitizen as defined by federal immigration law (visas excluded); AND

4. Student must complete an AB 540 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.
### Examples of Coursework and Attendance to Qualify for AB 540

<table>
<thead>
<tr>
<th>California School</th>
<th>Time and Coursework Completed While in California</th>
<th>Credential: Degree or Units Attained</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School</td>
<td>3-years coursework and 3 years attendance</td>
<td>High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE)</td>
</tr>
<tr>
<td>High school and Community college</td>
<td>2-years high school coursework and attendance, and 1-year community college coursework and attendance (2 semesters/ 24 units)</td>
<td>High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE)</td>
</tr>
<tr>
<td>High school and Community college</td>
<td>1-year high school coursework and attendance, and 2-years community college coursework and attendance (4 semesters/ 48 units)</td>
<td>High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE), or AA degree, or Minimum transfer requirements to CSU/UC</td>
</tr>
<tr>
<td>High school and adult school*</td>
<td>1-year high school coursework and attendance, and, 2-years adult school (420 hrs. per year), or 2-years high school coursework and attendance, and, 1-year adult school (420 hrs. per year), or Any combination thereof to total 3 years of combined high school and adult school</td>
<td>High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE)</td>
</tr>
<tr>
<td>High school and adult school* and community college</td>
<td>½ year high school coursework and attendance, and ½ year adult school (210 hours), and 2-years community college coursework and attendance (4 semesters/ 48 units)</td>
<td>High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE), or AA degree, or Minimum transfer requirements to CSU/UC</td>
</tr>
<tr>
<td>High School and Elementary or middle school</td>
<td>3-years high school coursework completed on an accelerated basis during less than 3-years attendance and Sufficient elementary or middle school attendance to equal 3 years total K-12 attendance</td>
<td>High school diploma, or General Equivalency Diploma (GED), or California High School Proficiency Examination (CHSPE)</td>
</tr>
</tbody>
</table>

* “California Adult School” is defined as established by a county office of education, a unified school district or high school district, the Department of Corrections and Rehabilitation, or the Campuses of the California Community Colleges, and generally includes all noncredit attendance.

*****
APPENDIX E: Supplemental Terms

Adjustment of Status – The process of obtaining permanent resident status (also known as applying for a Green Card) while present in 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 dependent Child turns 21 and loses dependent immigration benefits from the principal visa holder.

Asylee – A noncitizen 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 a noncitizen’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 a noncitizen is determined to be a Child for purposes of immigration classification.

Conditional Resident – A noncitizen 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 Noncitizen – A noncitizen 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 noncitizen 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** – A noncitizen (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.

**Noncitizen** – A person who is not a citizen or national of the United States. Formerly known as “Alien”

**Nonimmigrant Noncitizen** – 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** – A noncitizen appearing to be inadmissible to the inspecting officer who is allowed into the United States temporarily for urgent humanitarian reasons, or when the noncitizen’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 (PDS) 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 Noncitizen** – The noncitizen who applies for immigrant status and from whom another noncitizen 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 a noncitizen 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 E visas, enjoy diplomatic privileges. For purposes of a UC Resident Classification, an E visa requires fulfillment of physical presence and intent.

**Terminal Leave (Military):** a final leave consisting of accumulated unused leave granted to a member of the armed forces just prior to separation or discharge from service. All out processing from active-duty service would have to be completed prior to the start of terminal leave. Once the member enters terminal leave he or she is essentially out of the service but still collecting a paycheck and other entitlements. The period of terminal leave is not counted against the Student for purposes of qualifying for a Resident Classification or NRST Waiver.

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

(continued on next page)
## Academic Year Deadlines to Acquire Governmental Evidence of Intent

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Residence Determination Date</th>
<th>Deadline to Acquire Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2021-22 Academic Year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fall Quarter</td>
<td>9/23/2021</td>
<td>12/18/2020</td>
</tr>
<tr>
<td>Winter Quarter</td>
<td>1/03/2022</td>
<td>3/19/2021</td>
</tr>
<tr>
<td>Spring Quarter</td>
<td>3/28/2022</td>
<td>6/11/2021</td>
</tr>
<tr>
<td>Semester (Berkeley, Merced)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fall Semester</td>
<td>8/25/2021</td>
<td>12/18/2020</td>
</tr>
<tr>
<td>Spring Semester</td>
<td>1/18/2022</td>
<td>5/14/2021</td>
</tr>
<tr>
<td><strong>2022-23 Academic Year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fall Quarter</td>
<td>9/22/2022</td>
<td>12/10/2021</td>
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<tr>
<td>Winter Quarter</td>
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<tr>
<td>Spring Quarter</td>
<td>4/03/2023</td>
<td>6/10/2022</td>
</tr>
<tr>
<td>Semester (Berkeley, Merced)</td>
<td></td>
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</tr>
<tr>
<td>Fall Semester</td>
<td>8/24/2022</td>
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<td>Spring Semester</td>
<td>1/17/2023</td>
<td>5/13/2022</td>
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<tr>
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<td>9/28/2023</td>
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<td>3/24/2023</td>
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<tr>
<td>Fall Semester</td>
<td>8/23/2023</td>
<td>12/16/2022</td>
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