

# RESIDENCE DETERMINATION

A student who does not qualify as a resident for tuition purposes according to the policies and procedures described herein, must pay nonresident tuition at the rate per unit in effect for the term in which the student has enrolled in courses. It is the student's responsibility to read and adhere to the following rules and procedures for residence determination as set forth in the applicable laws and regulations.

A student seeking reclassification from nonresident to resident status must complete a Residency Request Form and attach legible copies of documents in support of the claim for resident status. *The questionnaire and all supporting documentation must be submitted to the Admissions and Records Office through the online document submission link as early as possible to avoid delays in processing. (The residence determination date for a given semester or session is the day before the first day of the semester or session opening date.)* Additional information may be required during the residency review. The burden of proof is on the student to prove that California residence has been established for tuition purposes.

Students classified incorrectly as residents or incorrectly granted an exception from nonresident tuition are subject to reclassification as nonresidents and payment of nonresident tuition in arrears. Applications for a change in classification with respect to a previous term are not accepted.

The Request for Residency Reclassification form, list of appropriate documents, and the link to submit documents to Admissions & Records are available at <https://pasadena.edu/admissions-and-aid/admissions-and-records/fees-and-tuition/california-residency-requirements.php>

## General Summary of Residency Rules

Students are cautioned that the following statement of the rules regarding residence determination for tuition purposes is not a complete discussion of the law, but a summary of the principal rules and their exceptions. Students should also note that changes may have been made in policies, statutes and regulations between the time this information is published and the applicable residence determination date. For the text of relevant laws and regulations, refer to the California Education Code Civil Code Section 25.1 and to California Code of Regulations, Title 5.

The State of California requires the following before an eligible student may be classified a resident for tuition purposes:

1. any applicant who has lived in California for less than two years must be required to show documentation of physical presence and actions of intent as defined herein;
2. evidence of one year's physical presence in California prior to the residence determination date;
3. evidence (in the words of the state, "objective manifestations") of one year's intent to make California the home ("permanent residence") for other than a temporary purpose prior to the residence determination date; and
4. evidence of financial independence from any person who is not a resident of California.

A student classified as a nonresident cannot be reclassified as a resident merely because he or she has maintained continuous attendance for one year at a California institution while paying nonresident tuition. The student must meet all three criteria of presence, intent and financial independence.

For an adult student (e.g., a student 18 years of age or older) the evidence produced in support of the claim for California residence must apply directly to the student. That is, the name of the student must appear on the documents submitted. Documentation pertaining to parents, other relatives, or friends is not sufficient. If the student's residence is legally derived from (and thus is the same as) that of another person (see below), the evidence produced must apply to that other person.

## Spouses

A person's residence is not derived from that of his or her spouse; each person must establish residence separately.

## Minors

The residence of a minor is determined in accordance with the following:

1. The residence of the natural or legally adoptive parent with whom an unmarried minor lives is the residence of that minor, regardless of the length of time the minor has resided with that parent. This rule applies equally to the minor child of permanently separated parents.
2. A married minor may establish his or her own residence. A minor who was married but thereafter divorced, retains the capacity to establish his or her own residence. A minor whose marriage has been annulled must be treated as an unmarried minor since for all intents and purposes a marriage has not occurred.
3. If the minor lives alone, he or she takes the residence status of the parent with whom he or she last lived.
4. If both parents are deceased and there is no court-appointed guardian, the minor may establish residence as though he or she were an adult.
5. The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.
6. A student who has been an adult for less than a full year (e.g., one under 19 years of age) may under certain circumstances combine the immediate pre-majority derived California residence with the immediate post-majority California residence to satisfy the one year necessary for resident classification.

## Meeting the Criteria of Presence and Intent

The burden is on the student to demonstrate clearly both physical presence in California and intent to establish permanent California residence. Presence and intent may be manifested in many ways - no one factor is controlling - but all those ways fall into two main categories.

1. An individual who is **19 years of age or over**, and who can provide sufficient evidence that he or she has maintained a home in California continuously for the two years prior to the residence determination date, and has not been a student during the two years, is presumed to have met the presence and intent criteria, unless the individual has

taken any action inconsistent with the claim of intent as described below.

An individual who is under **19 years of age** is presumed to have met the presence and intent criteria if both the individual and his or her parents can show that they have resided in California continuously for the two years prior to the residence determination date, unless the student has taken any action inconsistent with the claim of intent as described below.

Evidence of two continuous years residence of a home in California can take the same form as evidence of presence and intent as described below. However, the documents presented must show continuity over the two-year period.

2. Students who are not in the “two-year” category described above must present evidence of one year’s presence and intent. A list of acceptable items is available on the Admissions and Records website. Some examples of such items include: California state income tax form, voter registration, driver’s license, or automobile registration; active resident membership in a California professional, service, or social organization; and utility deposit or installation receipts. The more of these items presented, and the higher their relative weight, the stronger the case for classification as a California resident becomes. All documents presented must be valid, readable, dated at least one year before the residence determination date, and properly identified with respect to student name and address. Actions inconsistent with a claim of intent to remain a permanent California resident will be counted against that claim. Such actions include, but are not limited to, doing the following in a state other than California: registering to vote, entering into a legal agreement, attending an educational institution as a resident of the other state or maintaining a driver’s license or automobile registration in another state.

In some cases, financial independence may also be considered in the evaluation of intent as indicated below.

## Meeting the Criterion of Financial Independence

In addition to meeting the presence and intent criteria as outlined above, the student seeking reclassification from nonresident to resident status must show financial independence from any person who is not a resident of California according to guidelines set forth by the State of California. In order to establish financial independence, a student seeking reclassification must show the extent to which he or she has met the following criteria for the current and each of the immediately preceding three calendar years:

1. That the student has not been claimed as an exemption for state and federal tax purposes by his or her nonresident parents;
2. That the student has not received more than \$750 from his or her nonresident parents; and
3. That the student has not lived in the home of his or her nonresident parents for more than six weeks in any given year.

Inability to prove all the financial independence criteria for the entire period will not necessarily result in classification as a nonresident for tuition purposes if the showing of one year’s presence and intent is sufficiently strong. However, a student who is unable to satisfy all three financial independence criteria for the current and immediately

preceding calendar years will be classified as a nonresident, since financial independence is of greater significance for those years. Financial independence for the second and third calendar years immediately preceding the year in which reclassification is requested will be considered together with all other relevant factors in determining intent, with no special weight attached to the financial independence factor.

Evidence of financial independence may be presented in the form of (1) affidavits signed by student and parent indicating the extent to which the three criteria listed above have been met, and (2) copies of the federal and state income tax returns filed by student and/or parent for the current and any applicable preceding calendar years.

## Exceptions

There are several exceptions to the laws regarding residency. If it appears that any of these exceptions might be applicable, the student should discuss the matter with the Director of Admissions and Records or designee. In any case where an exception is claimed, proper documentation of the basis for that claim must be presented. Some of the exceptions follow:

- A. A minor student remaining in California, whose parent has established residence outside California within one year prior to the residence determination date and had legal California residence for at least one year before leaving, is entitled to resident classification until the student has attained the age of majority and has resided in the state the minimum time necessary to become a resident, so long as, once enrolled, the student maintains continuous attendance at an institution.
- B. A student under 19 years of age on the residence determination date who has been entirely self-supporting for more than one year immediately preceding that date and who can meet the regular adult presence and intent criteria outlined above is entitled to resident classification until the student has resided in the state the minimum time necessary to become a regular adult resident.
- C. A minor student is entitled to resident classification if, immediately prior to enrolling at an institution, the student has lived with and has been under the continuous direct care and control of any adult or adults, other than a parent, for a period of not less than two years, provided that the adult or adults having such control have had legal California residence during the year immediately prior to the residence determination date. This exception continues until the student has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- D. A student who is an adult non-U.S. citizen is entitled to resident classification if the student has been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the United States, provided that the student has met all the legal requirements for California residence for more than one year after such admission and prior to the residence determination date. In other words, the one-year period for showing presence and intent cannot begin until the date lawful admission for permanent residence is established. (Holders of valid A, E, G, H-1, H-4, I, K, L, N, NATO, O-1, O-3, R, T, U or V visas should contact the Office of Admissions and Records regarding their residence status.)

- E. A student who is a minor non-U.S. citizen is entitled to resident classification if both the student and his or her parent have been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the United States, provided that the parent has met all the legal requirements for California residence for more than one year after such admission and prior to the residence determination date. (Holders of valid A, E, G, H-1, H-4, I, K, L, O-1, R and V visas see note under "D" above.)
- F. A student who was admitted to the United States as a refugee, asylee or parolee and produces proper documentation of that status and who produces appropriate evidence of having met the presence and intent criteria described above may be entitled to resident classification.
- G. A student who is a full-time employee of a California public institution of higher learning or whose parent or spouse is such a full-time employee may at the discretion of the institution which the student proposes to attend be entitled to resident classification until the student has resided in the state the minimum time necessary to become a resident.
- H. A student who left California due to a job transfer made at the request of the employer of the student or the employer of the student's spouse, or in the case of a student who resided with and was a dependent of his or her parent, made at the request of the parent's employer; who was absent from California for less than four years; and who would qualify as a resident if the period of absence was disregarded may be entitled to resident classification.
- I. Other exceptions pertain to certain members of the armed forces and their dependents, apprentices (as defined in Labor Code Section 3074-3077), certain agricultural laborers, and certain employees of California public schools. More detailed information about these categories is available in the Admissions and Records Office. Students seeking additional information concerning residence requirements for tuition purposes should contact the Admissions Office, room L113, or the Director of Admissions and Records or designee.

an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

Students who are nonimmigrants (for example, those who hold valid F [student] visas, B [visitor] visas, J [exchange visitor visas], etc.) are not eligible for this exemption.

The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required under law.

Students eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.

For procedures on requesting the exemption from nonresident tuition at Pasadena City College, please contact the Admissions and Records Office or go online to PCC's website and search for AB540.

### **(SB 150)**

Any special part-time student, other than a nonimmigrant visa holder, who meets all of the following requirements, shall be exempt from paying nonresident tuition at Pasadena City College.

1. The student must be residing in California.
2. The student must be attending a high school (public or private) in California.
3. The student must be enrolled as a special part-time student in 11.99 or fewer units per semester.
4. The student must be recommended by the principal of the school they are currently attending and have parental permissions to attend a community college.
5. This exemption does not apply to special full-time students.
6. This exemption does not apply to most nonimmigrant visa holders. The exemption can be applied to those with nonimmigrant visa types of other than "T" and "U."

A student receiving a nonresident tuition exemption under SB 150 does not receive resident status. The district shall not claim apportionment funding under this Provision.

### **(SB 141)**

1. Any student who is a U.S. citizen and who resides in a foreign country, who meets all of the following requirements, shall be exempt from nonresident tuition:
  2. Demonstrates a financial need for the exemption.
  3. Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal immigration and Nationality Act.
  4. Moved abroad as a result of the deportation or voluntary departure.
  5. Lived in California immediately before moving abroad.
  6. Attended a public or private secondary school in California for three or more years.
  7. Upon enrollment, the student will be in their first academic year as a matriculated student in California public higher education.

## **California Nonresident Tuition Exemption (AB 540)**

Any student, other than a nonimmigrant visa holder, who meets all of the following requirements, shall be exempt from paying nonresident tuition at the California Community Colleges, the California State University and the University of California (all public colleges and universities in California):

1. The student must have attended a high school (public or private) in California for three or more years. Additional ways to meeting the three years of high school have been created by subsequent legislation and are available through the Admissions & Records Office.
2. The student must have graduated from a California high school or attained the equivalent prior to the start of the term to which the exemption will apply (for example, passing the GED or California High School Proficiency exam).
3. A student who is without lawful immigration status must file an affidavit with the college or university stating that he or she has filed

8. Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
9. Documentation shall be provided by the student required by statute as specified in the Education Code section 76140(a)(5).

A student receiving a nonresident tuition exemption under SB 141 does not receive resident status. The district is authorized to claim apportionment funding under this Provision.

## Military Exemption

- A. A nonresident member of the Armed Forces of the United States stationed in California on active duty (except those assigned for education purposes to state-supported institutions of higher education) and their eligible dependents are exempt from paying nonresident tuition until they are no longer stationed in California or discharged from their military service.
- B. A nonresident member of the Armed Forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged shall be exempt from paying nonresident tuition for up to one year (The one-year exemption shall be used by the student within two years of being discharged) if he or she files an affidavit stating that he or she intends to establish residency in California as soon as possible.
- C. A student or prospective student and their eligible dependents who are using, or are intending to use, Chapter 31 and 33 benefits may be exempt from paying nonresident tuition while enrolled as a student.

Former members of the Armed Forces of the United States who received a dishonorable or bad conduct discharge are not eligible for an exemption.

## International Students – (F-1 Visa Status Students)

The policy of the Board of Trustees of the Pasadena Area Community College District is that provision of an adequate program for international students on campus makes a significant contribution to the education of students at the college and the promotion of international understanding in the community and throughout the world.

Under federal law of the United States, Pasadena City College is authorized to enroll non-immigrant students on F-1 student visas for the first two years of an accredited Baccalaureate Degree program. Admission is subject to the requirements stated below and to the approval of the Director of International Students. An international student interested in applying can access the college website (<https://www.pasadena.edu/international> (<https://www.pasadena.edu/international/>)).

All transcripts (submitted with an English translation if the original is in another language), English language test results and other required documents must be on file in the International Student Center by the application deadline dates (please see the IS website for deadlines).

All F-1 visa students are subject to nonresident tuition as set by the Pasadena City College - Board of Trustees. Current tuition rates may be obtained from the Office of Admissions and Records, or the College

website (<https://pasadena.edu/academics/international-students/apply-tuition-and-fees.php>). F-1 visa student must carry illness and accident insurance purchased through Pasadena City College.

### A. Admissions Requirements for F-1 Visa Status

#### 1. General – All Applicants

- a. An applicant must have English language ability adequate to enable the student to profit from instruction at the college level. Adequacy of English proficiency is determined by a minimum score on the Test of English as a Foreign Language (TOEFL), administered worldwide by the Educational Testing Service, Box 899, Princeton, New Jersey 08540; STEP Eiken Test, International English Language Testing System (IELTS) test; Duolingo English Test, or other English proficiency test that is accepted by the International Student Center. Minimum English scores vary by each test and can be accessed through the College website (<https://www.pasadena.edu/International/apply> (<https://www.pasadena.edu/International/apply/>)).
- b. An applicant must offer evidence of academic achievement equivalent to an American high school education.
- c. An applicant must present evidence of financial resources to cover costs during the period of attendance at the college. Estimated costs include: nonresident tuition fee; enrollment and other fees, health and accident insurance, living expenses. These cost estimates are available through College website (<https://www.pasadena.edu/international/apply> (<https://www.pasadena.edu/international/apply/>)). Students should anticipate increases each year. Fees are due at time of registration. The above figures do not include the Summer or Winter sessions.

#### 2. Limitations and Exceptions

- a. An international student attending another collegiate institution in the United States must obtain a SEVIS Record release from the other collegiate institution before starting classes at Pasadena City College.
- b. An international student who is under a visa type other than F-1 and who wishes to adjust their visa status into F-1 are eligible for admissions to the College as long as they meet the admission requirements for a Change of Status student (<https://www.pasadena.edu/international/apply> (<https://www.pasadena.edu/international/apply/>)). Such applicants must apply to the College as a Change of Status student and once admitted, submit a Change of Status application through the United States Citizenship and Immigration Services (USCIS). Once approved by USCIS, students can officially start classes at Pasadena City College.

### B. Additional Information

#### 1. Orientation

An on-campus orientation is provided in the Fall, Spring, and Summer terms.

#### 2. Employment

On campus work is allowed under the U.S. Code of Federal Regulations governing F-1 visas. A maximum of 20 hours of work are allowed per Fall and Spring semesters, or if the first term of admission for the international student is Summer. For off-campus employment, approval by the International Student

Center or the United States Citizenship and Immigration Services (USCIS) is required, depending on off-campus employment type.

3. Housing

International students must arrange for their own housing.

4. Maximum Period of Enrollment

An international student is expected to complete a program in the most expeditious manner possible, generally in four to six semesters.

5. Regulations

An international student should become familiar with the United States Department of Homeland Security regulations, as well as College regulations on student conduct and enrollment, and must comply with those regulations. A student who drops below full-time enrollment during a regular term (Fall and Spring), or Summer, If Summer is their first term of admission, or fails to maintain normal progress towards his/her academic goal, are subject to dismissal from the College and/or termination of their F-1 visa status. F-1 visa status terminations are reported to the United States Department of Homeland Security.

## International Students – Other Than F-1 Visa

Some students with visas other than F-1 and who do not wish to adjust their status into an F-1 visa may be eligible for admission subject to approval from the Director of Admissions and Records. If admitted, such students will be subject to nonresident tuition and may be limited in their enrollment dependent on their visa type. Individuals holding F-2 visas may be admitted but are limited to 11.99 units. Individuals holding B-1/ B-2 visas are not admitted to the College and are advised to apply as an F-1 visa student or submit a Change of Status application from B-1/B-2 to F-1. Questions related to this should be directed to the International Student Center.