



California Residency for Tuition Purposes

Admissions and Records Office 1530 West 17th Street, Santa Ana, California 92706 (714) 564-6005

Residency regulations are extremely complex. The information contained in this document is summarized from the Education Code of California. The Admissions and Records Office will attempt to assist you, **but the burden of proof rests with the student.**

General Provisions

Every person, by law, has a legal residence and there can only be one legal residence. In California, those persons who possess the legal ability to establish residency must be physically present (lived in California) AND demonstrate their INTENT to remain in California. The residency determination date is one year and one day before the term begins. Since intent is a subjective state of mind, it must be demonstrated through objective measures.

Examples of conduct inconsistent with a claim of California residency is voting in another state, being a petitioner of a divorce in another state, declaring non-residence for California income tax purposes, out of state address, or attending an out of state college/university while paying in-state tuition.

If you hold an Employment Authorization Card or a VISA including, but not limited to, any one of the following visas: B-1/B-2, C, D-1/D-2, F-1/F-2, H-2/H-3, J-1/J-2, M-1/M-2, O-2, P-1/P-2/P-3/P-4, Q, TN/TD, you must present your documentation for the Admissions and Records Office for review to determine residency status.

Generally, unmarried students under the age of 19 inherit the residency of the parent or the *legal* guardian with whom they reside. Since students 19 years of age and older have had the requisite one year to establish residency, they must prove their own residency. They cannot use the residency of the parent or the *legal* guardian.

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

To request a residency review:

1. Complete the Residency Reclassification Questionnaire.
2. If you are not a United States Citizen, provide a copy of your Permanent Resident Card or Visa & I-94 issued prior to the determination date.
3. Provide copies at least two different documents in your name listed below to demonstrate evidence of your physical presence and intent. All items must be dated at least one year and one day as of the Residence Determination Date (RDD). Documents less than a year old or more than two years old may be helpful but do not inherently provide a claim for California residency.
4. The following documents are acceptable ways to prove presence and intent to be a California resident. *Please be aware that every case for residency is different based on the individual's situation; therefore, the Admissions and Records Office has the right to request additional documentation.*

Please provide at least two different documents from the list below. Make certain they are dated at least one day and one year prior to the start of the semester:

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| <p>A. Federal Tax Return Transcript (obtainable free via www.irs.gov) and filing a personal California State Income Tax Return (CA 540) with a W-2 form. (A W-2 alone is not sufficient evidence of income taxes paid).</p> <p>B. Employment certification in the form of a formal letter on company letterhead from the employer or two pay stubs (one recent and one from one year ago.)</p> <p>C. Ownership of residential property OR continuous occupancy of rented or leased property in California. (The rental or lease agreement must list your name as either a renter/lessee or occupant.)</p> <p>D. Proof of California Voter Registration.</p> <p>E. Possession of a valid California Drivers License OR California Identification Card.</p> <p>F. Possession current California Vehicle Registration (a Certificate of Title is not sufficient evidence of vehicle registration). (Need to show one year of possession before the determination date.)</p> <p>G. Establishing and maintaining active bank accounts for one year (savings or checking) drawn on a California Branch and with a California address associated with the account. (Must present one current bank statement and one from one year ago.)</p> <p>H. Being the petitioner of a lawsuit or divorce in California.</p> <p>J. Possession of a California Professional License.</p> |
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Remember: *California law stipulates the burden of proof rests with the student, and merely living in California for a year does not support a claim of residency for tuition purposes.* Please, submit as many documents as you have



SANTA ANA COLLEGE

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Student Name _____ SAC Student ID # _____
Last First Middle

- 7. Have you voted in a state outside of California? No Yes If yes, what year _____
- 8. Have you filed income tax in a state other than California? No Yes If yes, what year _____
- 9. Have you petitioned for divorce in a state other than California? No Yes If yes, what year _____
- 10. Have you **paid in-state tuition** at a college/university outside of California? No Yes If yes, what year _____
- 11. If () you, () your spouse, or () parent/guardian have been on active military duty within the last two years, answer questions 11A and 11B.
- 11A. If discharged in the last two years, when was the discharge date? _____
- 11B. What state is the Home of Record on the last Leave and Earnings Statement or the DD214? _____

STUDENT FINANCIAL INDEPENDENCE STATUS

California Education Code Section 68044n as amended by Chapter 102 of the 1981 Statutes requires that financial independence is to be considered when a non-resident student is seeking reclassification as a resident. If you are an adult student and your parents are not California residents, you must demonstrate financial independence, along with physical presence and intent. Please answer the following questions:

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

Please note: If you are claiming financial independence, you will be required to provide copies of your CA 540 showing withholding amounts and a letter from your current employer stating your start date and work location.

Certification – To Be Read and Signed by All Students Completing this Form:

I certify under penalty of perjury or after being duly sworn, that the foregoing answers and all other information submitted by me in connection with this form are true, complete, and accurate.

Signed At: _____
City and County Student Signature Date