

# DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

University requirements for establishing residency for tuition purposes are independent from requirements for establishing residency for other purposes, such as for tax purposes, or other state or institutional residency. These regulations were promulgated not to determine whether a student is a resident or nonresident of California, but rather to determine whether a student qualifies to pay university fees at the in-state or out-of-state rate. A resident for tuition purposes is someone who meets the requirements set forth in the Uniform Student Residency Requirements. These laws governing residency for tuition purposes at the California State University are California Education Code sections 68000-68086, 68120- 68133, and 89705-89707.5, and California Code of Regulations, Title 5, Subchapter 5, Article 4, sections 41900- 41915. This material can be viewed by accessing the California State University’s Office of General Counsel website (<https://www2.calstate.edu/csusystem/administration/general-counsel/>).

Each campus’s Admissions Office is responsible for determining the residency status of that campus’s new and returning students based, as applicable, on the student’s Application for Admission, Residency Questionnaire, and, as necessary, other information the student furnishes. A student who fails to provide sufficient information to establish resident status will be classified a nonresident.

## Residency Requirements

### Initial Determination: Legal Capacity, Physical Presence and Intent

To be classified as a resident for tuition purposes, a student must show they have been a legal California resident for more than one year immediately prior to the Residence Determination Date for the term of the application is made. Depending on the age, immigration status or visa type, a student may not have the legal capacity to establish California residency.

Generally, establishing California residency for tuition purposes requires a combination of physical presence and intent to remain indefinitely in the State of California. An adult who, at least 366 days prior to the residency determination date for the term in which resident status is sought, can demonstrate that both physical presence in the state combined with evidence of intent to remain in California indefinitely, may establish California residency for tuition purposes. A student under the age of 19 by the residency determination date derives residency from the parent(s) with whom the student resides or most recently resided. In addition, non-citizens establish residency in the same manner as citizens, unless precluded by the Immigration and Nationality Act from establishing domicile in the United States.

Evidence demonstrating intent to remain in the State of California indefinitely may vary from case to case, but will include, and is not necessarily limited to, the absence of residential ties to any other state, California voter registration and history of actually voting in California elections, maintaining California vehicle registration and driver’s license, maintaining active California bank accounts, filing California income tax returns and listing a California address on federal tax returns, owning residential property or occupying or renting a residence where permanent

belongings are kept, maintaining active memberships in California professional or social organizations, and maintaining a permanent military address and home of record in California.

## Exceptions

Exceptions to the general residency requirements are contained in California Education Code sections 68070-68086 and California Code of Regulations, Title 5, Subchapter 5, Article 4, sections 41906- 41906.6, 41910. Whether an exception applies to a particular student can only be determined after the submission of an application for admission and, as necessary, additional supporting documentation. Because neither the campus nor the Chancellor’s Office staff may give legal advice, applicants are strongly urged to review the material for themselves and consult with a legal advisor.

## Residency Determination Dates

Residency determination dates are set each term. They are:

### Quarter Term Campuses

Quarter	Date
Fall	September 20
Winter	January 5
Spring	April 1
Summer	July 1

### Semester Term Campuses

Semester	Date
Fall	September 20
Spring	January 25
Summer	June 1

## Residency Determination Dates for CalState TEACH

CalState TEACH operates on a trimester system. The residency determination dates for CalState TEACH are as follows:

Semester	Date
Fall	September 20
Spring	January 5
Summer	June 1

## Reclassification - Financial Independence (only applies to continuing students)

A student classified as a nonresident for a prior term may seek reclassification in any subsequent term; however, reclassification requires that, in addition to satisfying the requirements of physical presence and intent to remain indefinitely in the state, the student must also satisfy the requirement of **financial independence**. A student seeking reclassification is required to complete a Residency Questionnaire that includes questions concerning financial independence. For additional information on intent, physical presence and financial independence requirements, refer to the (<https://www2.calstate.edu/apply/california-residency-for-tuition-purposes/>) California Residency for Tuition Purposes Website (<https://www2.calstate.edu/apply/california-residency-for-tuition-purposes/>).

## Residency Appeals

A student classified as a nonresident may appeal a final campus decision within 30 days of notification by the campus. Appeals will be accepted only if at least one of the following criteria applies:

- a. The decision was based on:
  - i. a significant error of fact by the campus;
  - ii. a significant procedural error by the campus; or
  - iii. an incorrect application of the law which, if corrected would require that the student be reclassified as a California resident; and/or
- b. Significant new information, not previously known or available to the student, became available after the date of the campus decision classifying the student as a nonresident and based on the new information, the classification as a nonresident is incorrect.

Instructions to submit an appeal and additional information can be found at the California Residency for Tuition Purposes Website (<https://www2.calstate.edu/apply/california-residency-for-tuition-purposes/>).

Appeals via email, fax and U.S. mail will not be accepted. A student with a documented disability who is requesting an accommodation to submit an appeal through the CSU website (<http://www.calstate.edu/>) should contact Student Affairs and Enrollment Management at [residencyappeals@calstate.edu](mailto:residencyappeals@calstate.edu).

The Chancellor's Office will either decide the appeal or send the matter back to the campus for further review.

A student incorrectly classified as a resident or incorrectly granted an exception from nonresident tuition is subject to reclassification as a nonresident or withdrawal of the exception and subject to payment of nonresident tuition in arrears. If incorrect classification results from false or concealed facts, the student may also be subject to discipline pursuant to Section 41301 of Title 5 of the California Code of Regulations. A student previously classified as a resident or previously granted an exception is required to immediately notify the Admissions Office if the student has reason to believe that the student no longer qualifies as a resident or no longer meets the criteria for an exception.

Changes may have been made in the rate of nonresident tuition and in the statutes and regulations governing residency for tuition purposes in California between the time this information is published and the relevant residency determination date. Students are urged to review the statutes and regulations stated above.