

AB 540 & UNDOCUMENTED STUDENTS

AB 540 and Residency Status

Assembly Bill 540 (<https://undocugators.sfsu.edu/AB540/>) is a law passed in 2001 by the California legislature and recently amended with Assembly Bill 2000 in 2015. The laws were written for students who are either undocumented or U.S. Citizens/Permanent Residents but are considered non-residents for tuition purposes. If these students meet specific requirements, such as attending a California public institution of higher learning, they are able to pay resident fees instead of non-resident fees.

AB 540/AB 2000/SB 68 Eligibility Criteria

General Information

The California State University (CSU) Nonresident Tuition Exemption is available for certain nonresident students (including U.S. citizens, permanent residents, and undocumented individuals) who have attended, graduated, or achieved the equivalent from a California school. These students may be exempted from paying nonresident tuition but must remain classified as “nonresidents” for residence classification and financial aid eligibility purposes. The exemption originated with the passage of Assembly Bill 540, Assembly Bill 2000, and Senate Bill 68.

Eligibility

The CSU Nonresident Tuition Exemption is open to CSU students enrolled as undergraduate or graduate students who are:

- U.S. Citizens
- Permanent Residents
- Undocumented Students
- T and U Visa Holders Only

Must Meet the Exemption Requirements (Attendance and Graduation Requirements)

- Attendance requirement (must meet one)
- Attended a high school (public or private) in California for three or more years, OR
- Attained credits earned in California from a California high school equivalent to three or more years of full-time high school course work and
- attended a combination of elementary, middle, and/or high schools in California for a total of three or more years.
- Attended or attained credits at a combination of California high school, California adult school*, and California community college for the equivalent of (3) years or more.

**A year's equivalence of attendance at a California community college is either a minimum of 24-semester units of credit or 54 quarter units. Only two (2) years of full-time attendance in credit courses at the California community colleges will count towards the three (3) or more years of attendance. Full-time attendance at a California adult school is a minimum of 420 hours of attendance for each school year.*

Graduation/Degree Requirement (must meet one)

- The student must have graduated from a California high school or attained the equivalent from a California high school prior to the start

of the term (for example, passing the GED or California High School Proficiency exam) or

- Completed or will complete (before the first term of enrollment at the CSU) an associate's degree from a California community college; or
- Completed or will complete (before the first term of enrollment at the CSU) the minimum requirements at a California community college for transfer to the California State University. The student must file an affidavit with the college or university stating that he or she has filed an application to legalize his or her immigration status; or
- file an application as soon as they are eligible to do so.
- The student must file an exemption request, including a signed affidavit with the campus 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 the law.

Additional Information

- 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.
- Nonresident students meeting the criteria will be exempted from the payment of nonresident tuition, but they will not be classified as California residents. They continue to be “nonresidents.”
- The California Dream Act extends Cal Grant A and B Entitlement awards, Cal Grant C awards, Chaffee grants, and institutional financial aid to students that meet these criteria, as well as the applicable criteria for eligibility for specific types of financial aid.
- AB540 does not provide federal student financial aid eligibility for undocumented students. These students remain ineligible for federal financial aid.
- Undocumented students who are eligible for AB540 will remain ineligible for federal financial aid.

It is important to note that students who take adult school or community college courses while concurrently enrolled in a CSU to qualify for the AB540/ SB68 exemption will continue to be charged out-of-state tuition as nonresidents until the exemption requirements are fulfilled. In addition, students who already earned a high school diploma or the equivalent from another state may not take courses to obtain a California high school diploma or the equivalent in order to be granted the exemption.

- File a Non-Resident Tuition Exemption Affidavit (<http://financialaid.sfsu.edu/sites/default/files/imported/ab540/AB540AB2000Affidavit.pdf>) with the school. In the case of students without legal immigration status, they must state that they have filed or will file an application to legalize their immigration status as soon as they are eligible to do so.

Steps for Submitting your AB 540 Affidavit for Undergraduates and Graduates

- Submit your completed Non-Resident Tuition Exemption Affidavit (<http://financialaid.sfsu.edu/sites/default/files/imported/ab540/AB540AB2000Affidavit.pdf>) and official high school transcripts or documentation to the Office of Undergraduate Admissions.
- If you are an SF State undergraduate student now applying to a graduate program at SF State, you must re-submit your affidavit to the Division of Graduate Studies.
- AB 540 student status will not be official until final high school transcripts & the affidavit are submitted and processed. Non-resident

fees (<http://future.sfsu.edu/tuition-aid/>) will be charged until AB 540 status is approved.

- You will receive a letter or email from the Admissions Office verifying your status as an AB 540 student (usually just prior to the beginning of classes)

California Dream Act

- Complete the CA Dream Act Application (<https://dream.csac.ca.gov/>) or the FAFSA (<https://fafsa.ed.gov/>) application by the March 2 priority deadline. Please confirm your eligibility so that you can submit the correct application for federal and/or state financial aid.
- Begin looking for scholarships right away at www.sfsu.edu/~finaid/scholarships/ and <https://immigrantsrising.org/resource/list-of-scholarships-and-fellowships/>. (<http://www.e4fc.org/scholarshiplist.html>) Apply for as many scholarships as you can, with spring being the most opportune time to search for the next academic year.
- For more information, check out our AB 540 Financial Aid page (<http://www.sfsu.edu/~finaid/ab540/>).

For more information, visit [drc.sfsu.edu](https://drc.sfsu.edu/home/) (<https://drc.sfsu.edu/home/>)