

Rationale: Details specifically addressing Residence Reclassification were needed in AR to make it clear to students.

AR 4110 Residence Regulations

The following summarizes the California Residency requirements. Great care should be used in advising students about their residence classification.

1. A student is an adult when he/she reaches his/her 18th birthday; and may establish residency independent of any other person. The student must demonstrate the intent and act of establishing a residence. Similarly, a married minor is considered to be an adult.
2. A student is a "resident of California" when he/she has maintained physical presence and a legal residence in California for more than one year and a day prior to the beginning of the semester or term. Two California proofs of residency are required to prove intent. See Admissions and Records website (Residency) for a complete list of acceptable proof. The exception to this is when a member of the U.S. military is stationed outside of California but has maintained California as his/her home of record.
3. A student who is under 18 years of age is a minor and derives his/her residence from someone else according to the following rules:
 - a. The residence of a minor is the residence of a parent with whom the minor is living. If the minor is not living with either parent, then the residence of the parent with whom the minor last lived will be the residence of the minor.
 - b. If both parents are deceased (proof in the form of a death certificate may be required) and there is no court-appointed guardian, the minor may establish his/her own residency.
 - c. If the parents are permanently separated, the residence of the minor is the residence of the parent with whom he/she lives.
 - d. There are no provisions for changing the residence of a minor from that of his/her parent by relinquishment of a parent's right of control.
4. A student who is under 19 years of age (and has not, therefore, been an adult for one year) may combine his/her time as a resident adult with his/her time as a resident minor (derived from parents) to establish the one year necessary for "California resident" classification.
5. A minor student classified as a "California resident" (derived from parents) shall retain that classification even though his/her parents should move and claim residence in another state. He/she must, however, maintain continuous attendance until such time as he/she can qualify as an adult resident.
6. A person classified as a "California resident" on the effective date of these regulations shall maintain this classification until the attainment of the degree for which he/she is enrolled. Continuous attendance is required.
7. A member of the U.S. armed forces stationed in California is entitled to "California resident" status.

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8. A dependent of a member of the U.S. armed forces stationed in California is entitled to "California resident" status. If the member of the armed forces is thereafter transferred outside the continental United States, the dependent student will not lose his/her resident classification. Continuous attendance is required.

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9. An apprentice is entitled to "resident" classification, according to Labor Code 3077.

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10. An alien (or minor child of an alien) is entitled to "resident" classification if he/she (or the parent) is not precluded by law to establish residence in the United States for permanent residence and has maintained that residence in California for more than one year.

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11. A student who is a minor (under the age of 18) and who, immediately before enrolling at a California educational institution, has lived with and was under the continuous direct care and control for at least two years of any adult or adults (other than the parents) who had established residence in California at least one year and one day prior to the start of the semester/session (documentation is required). Students who are minors must complete a Care and Control Form available in the Admissions Office. Continuous attendance is required.

12. Other resident classification regulations and or exceptions may apply per Ed Codes listed below.

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Residency Reclassification

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1. The reclassification process only applies to continuing non-resident students (who are classified as an out of state student) between the ages of 19-23 whose parents reside in another state.

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2. Students that are claimed by parents on their income taxes in another state will be automatically denied California residency for tuition purposes as per the California Education Code, Part 41, Chapter 1, Article 3, Section 68044.

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Non Resident Tuition Exemption for Eligible AB 540 Students

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1. A student other than a nonimmigrant alien, who meets all of the following requirements shall be exempt from paying non-resident tuition. Student information obtained in the implementation of this section is confidential.

- a. Attendance in a California high school for three or more full academic years and
- b. Graduation from a California high school or attainment of the equivalent thereof (e.g. passed the GED in California or the California High School Proficiency Exam and
- c. In the case of a person without lawful immigration status, the filing of an affidavit stating the student has filed an application to legalize her/her immigration status or will file an application as soon as he/she is eligible to do so.

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2. This exemption is available to all U.S. citizens, permanent residents of the U.S., and aliens who are not non-immigrants (including those who are undocumented), who meet all other eligibility criteria.

3. Students who are non-immigrants (for example, those who hold a valid F (student) visa, B (visitor) visa, or J, H, L, A, E visas, etc) are not eligible for this exemption per paragraph 15, subsection (a), Section 1101 of Title 8 of the U.S. Code.

Education Code Part 41, commencing w/Section 68000, 68040, 68044, 68062, 68017, 68018, 68023, 68020, 68050, 68014, 68016, 76140

Title 5, Sections 54000, 54002, 54010, 54020, 54022, 54300

Reviewed and/or Updated: 4/29/03, [5/15/12](#), [3/26/13](#)

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