

Undocumented Immigrants

An undocumented immigrant is a person who has no documents evidencing that he or she has applied to the Bureau of Citizenship and Immigration Services (BCIS) to legalize his or her status in this country. Undocumented immigrants **cannot** establish residency. In order to become capable of establishing residency, steps to obtain a change of status from the INS to a status that permits establishing residency must be taken.

Documented Immigrants

Those students considered eligible to establish California residency are permanent residents, lawful temporary residents, amnesty, refugees, asylees, and the following non-immigrant visa types: A, E, G, H1B, H1C, H4, I, K, L, N8, N9, NATO 1-7, O1, O3, Q2, Q3, R, S5, S6, T1-4, and V. The one-year duration period begins after the application for adjustment of status has been filed.

Students with C, D, F, H2, H3, J, M, NAFTA, O2, P, Q1, and TN/TD, U, WB/WT and OUT-OF-STATUS visas are precluded from establishing residency and **cannot** be classified as residents.

Students with B visas issued after April 11, 2002 are precluded from registering for ALL Sierra College courses until further notice from BCIS. They may audit a course.

Non-resident Tuition Waiver Assembly Bill 540

If you attended a California high school, continuation high school, charter high school, or California Department of Education approved K-12 independent education or home school for three years and graduated from a California high school or attained the equivalent of a high school diploma (GED or high school proficiency) **and** are a United States citizen or will complete an application with BCIS to legalize your status, you may be exempt from non-resident tuition.

The information in this brochure is in no way a complete explanation of the residency laws and regulations. As mentioned before, some cases require more extensive investigation and will be handled on a case-by-case basis. The burden of proof to clearly demonstrate both physical presence and intent is the responsibility of the student.

California Residency Information



California Residency and Community Colleges

All students must be classified as either "resident" or "nonresident" for tuition purposes. Students who are applying for admission, or currently enrolled students requesting residency reclassification, are required to provide supplemental information and supporting documentation or evidence to determine his/her residence classification.

Residency is determined by the union of physical presence and evidence of intent to make California the permanent home for one year as of the residency determination date. The residency determination date is the day immediately preceding the opening day of a semester or session.

A legal resident of California must provide verification of the following:*

- 1) Physical presence for one year prior to the residency determination date.
- 2) Evidence of intent includes but is not limited to:
 - a. Filing California State income tax as a resident (Form 540).
 - b. Maintaining California as the legal state of residence on leave and earning statement and W-2 form while in military.
 - c. Possessing a Resident California Vehicle Registration.
 - d. Possessing a California Driver License or I.D. (VCS 12502/12505 require a resident to obtain a California Driver's License within 10 days from date residence is established). For purposes of the DMV, residence is established when after a move to California, a person rents, leases, or buys property in the state.

- e. Registering to vote, and voting in California.
 - f. Petitioning for a divorce as a resident of California.
 - g. Licensing from California for professional practice.
- 3) Conduct consistent with a claim for California residency includes but is not limited to:
 - a. Maintaining out-of-state driver's license or vehicle registration.
 - b. Filing the California non-resident tax form.
 - c. Maintaining voter registration in another state.
 - d. Attending an out-of-state institution as a resident of that state.
 - e. Petitioning for divorce in another state.
 - f. Paying resident tax to another state.

* Students who have immigrant or non-immigrant status may also be required to submit verification of their application date or adjustment of status from the Immigration and Naturalization Service.

Under 19 Years of Age

Unmarried minors derive their residency status from the parent with whom they are residing. If the minor is not living with either parent, residency is derived from the parent with whom he or she last lived. The student may be classified as a resident if the parent meets the residency requirements as outlined in this brochure.

There are some exceptions to the rule for minors and these exceptions are determined on a case-by-case basis.

Personnel of the United States Military

Active military personnel, regardless of the length of stay in California, shall be classified as residents and are exempt from non-resident tuition.

Requirements: Verification of active status with military identification every term of re-enrollment. Submit copies of your military I.D., and military orders showing stationed in California.

Discharged or retired Military may be required to submit copies of their DD214 and LES, depending on date of separation.

Dependents of the United States Military

A student who is a natural or adopted child, step-child or spouse of an active duty military member stationed in California shall be given resident classification as long as the military member is on active duty in California.

Requirements:

- 1) Student must be a dependent for federal income tax purposes.
- 2) Student must submit military I.D. card.
- 3) Student must submit active duty member's orders showing stationed in California.

