AP 5015 RESIDENCE DETERMINATION

References:
Education Code Sections 68000 et seq. and 68130.5;
Title 5 Sections 54000 et seq.

Residence Classification
Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Office of Admissions and Records.
- Students must be notified of residence determination within 14 calendar days of submission of application.

Right to Appeal
Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the Office of Admissions and Records, may make written appeal to the Dean of Enrollment Management within 30 calendar days of notification of final decision by the District regarding classification.

Appeal Procedure
The appeal is to be submitted to the Office of Admissions and Records which must forward it to the Dean of Enrollment Management within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Dean of Enrollment Management shall review all the records and have the right to request additional information from either the student or the Office of Admissions and Records.

Within 30 calendar days of receipt, the Dean of Enrollment Management shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification
A student previously classified as a non-resident may submit a petition to the Office of Admissions and Records to be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college district. (Education Code Section 68044)

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Dean of Enrollment Management will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

**Non-Citizens**

The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and he/she meets the California residency requirements, the student can be classified as a resident.

A student who is without lawful immigration status may be classified as a resident if he/she meets the following requirements:
• high school attendance in California for three or more years;
• graduation from a California high school or attainment of the equivalent thereof;
• registration for classes not earlier than the fall semester or quarter of 2001-2002;
• the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Dean of Enrollment Management. Students may appeal the decision.

Office of Primary Responsibility: Office of Admissions and Records

Date Approved: December 8, 2009
(Replaces part of current College of Marin Procedure 4.0003 DP.1)