RESIDENCE DETERMINATION AND APPEAL PROCEDURE

The following information is provided to advise students of the steps that must be taken to establish and maintain California residency. This information is taken directly from T5 CCR 54000-54045.

Read this information before completing the attached Residence Reclassification Request Form.

RESIDENCE: That location with which a person is considered to have the most settled and permanent connection; it is also that place where that person intends to remain, and during absences intends to return. Residence results from the union of physical presence with objective evidence that the intent is to remain at that place for an indefinite period of time.

BURDEN OF PROOF: The burden of proof lies with the STUDENT to demonstrate clearly both physical presence in California and intent to establish a California residence.

1. **Physical Presence:** A person capable of establishing residence in California must be physically present in California for one year and one day prior to the residence determination date (1st day of the term) to be classified as a resident for that term.

2. **Intent:** The law and regulations require both physical presence and the intent of the student to make a home in California. Physical presence in the state solely for educational purposes does not constitute the establishment of California for residence regardless of the length of presence.

Supporting Documents

- Lease or rental agreements.
- California Voters registration.
- Licensing from California for professional practice.
- Possessing a California driver’s license.
- Being the petitioner for a divorce in California.
- Ownership of residential property.
- Maintaining a permanent military address of home of record as California.
- Bank statements.
- Continuous presence in California except for absences, which can be explained without conflicting with establishment of residence.
3. **Financial Independence:** A student who is classified as a non-resident, has established financial independence, may be classified as a resident if the student has met the requirements of CCR 54020 for one year prior to the residence determination date. In order to change from non-resident to resident, a student’s circumstances, the following affidavit forms are available.

   a. Student out of state/Parents/ legal guardian out of state
   b. Student out of state/Parents/ legal guardian in California
   c. Student out of state/Over 25 and/ or married
   d. Non citizen student/Change of visa/time in California

4. **Financial Dependence:** If the student is under 24 years of age and financially supported by a parent or Legal Court Appointed Guardian. Then the student would show the parents CA taxes with the student as a dependent and other proof in parents name.

5. **Military and Dependents:** Students who are active duty members of the Armed Forces of the United States are classified as residents while stationed in California. Military dependents are entitled to resident classification until they have resided in California the minimum time to become a resident (one year & one day). After the minimum time period, the student must show that their intent to become a resident is clearly established.

6. **Residence Determination:** The College shall notify each student of his/her residence classification not later than 14 days after the beginning of the term, or 14 days after the student’s application for admission, whichever is later.

7. **Non-Citizens:** Aliens precluded by the Immigration and Nationality Act from establishing residence, no matter the length of stay in California, are those with C, D, F, H2, H3, J, O2, P, Q, S, TC, TN, TD, TWOV and WT visas. Undocumented aliens and out of status aliens may not establish residence.

   Aliens eligible to establish residence include those with A, E, G, H1, H4, I, K, L1, L2, N, S, T1MT2, T3, T4, U, V, O1, O3, and R visas. Permanent residents (green card), those granted amnesty or refugee status, those in temporary protected status, and those in the family unity program may be permitted to establish residence. Check at the Admissions Office for requirements.

If you have any questions concerning your residence status please contact Barry Johnson at (408) 864-8722 or email johnsonbarry@fhda.edu. If you are unsure of your status or feel that you have been misclassified as a non-resident, you may bring your passport, visa and/or related paperwork to Admissions for review.
Foothill-De Anza Community College District  □ De Anza  □ Foothill

**Supplemental Residency Question Form**

**Residence Reclassification Request Form**

<table>
<thead>
<tr>
<th>Name</th>
<th>Student ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last</td>
<td>First</td>
</tr>
</tbody>
</table>

Present Address_________________________________________________________  Birth date   /   /   

City State Zip Code  Phone Number ( )

Term Requesting Reclassification_________  Term Year

Campus_____________________________________

The information requested is deemed relevant and necessary to properly determine your residence status for tuition purposes pursuant to Education Code Section 68062. Failure to answer all questions may cause you to be classified as a nonresident. You may submit other information that you believe will establish your California residence. A summary of the regulations is printed in the college catalog.

1. What state do you regard as your permanent home? ________________

2. If California, when did your present stay begin? ___________ / ___________ / ___________

3. List places you lived, dates and the parent with whom you resided before present stay in California began:

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
<th>STATE</th>
<th>PARENT</th>
</tr>
</thead>
</table>

4. Citizen status (check one):  
- ☐ U.S. Citizen  
- ☐ Immigrant I-551  
- ☐ “green card”  
- ☐ J Visa/M Visa  
- ☐ Refugee/Asylee/PIP  
- ☐ Other Visa  
- ☐ F Visa  
- ☐ None of the above  

Issue Date of I-551 or Visa: ___________ / ___________ / ___________

5. Are you claimed as a dependent on the military record of any member of the U.S. armed forces?  ☐ Yes  ☐ No  
If “yes,” explain relationship and answer No. 7 as it pertains to the service system

6. If you will be 19 years of age or older by the residence determination date (one year prior to the first day of the term), answer numbers 7 through 18 as they pertain to you. If you will be younger than 19 years of age by the residence determination date, answer this item giving the name and address and other requested information about the natural or adopted parent with whom you most recently resided, or if both parents are deceased, about your legal guardian: then complete numbers 7 through 18 as they pertain to the parent or guardian whose name you will provide below:

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
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</table>

State regarded by that person as permanent home ____________________________

Permanent address ____________________________

Present actual whereabouts ____________________________

How long (continuously) living in California, if at all ____________________________

7. Member or veteran of U.S. armed forces? ☐ Yes  ☐ No  
Date joined _____ / _____ / _____ From what state _________

Most recent permanent address on military records ____________________________

Where stationed and dates active duty, if any _____ / _____ / _____

8. Ever registered to vote? ☐ Yes  ☐ No  
State Date Registered Date Last Voted  
_______ / _____ / _____  _____ / _____ / _____  
_______ / _____ / _____  _____ / _____ / _____

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9. Do you possess a valid driver’s license?  Yes     No

<table>
<thead>
<tr>
<th>State</th>
<th>Date Issued</th>
<th>License Number</th>
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10. Current registration of all motor vehicles owned

<table>
<thead>
<tr>
<th>State</th>
<th>Month</th>
<th>Year</th>
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<tbody>
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11. Are all personal effects located in California?  ☐ Yes  ☐ No  If “No,” attach explanation.

12. List the state and year in which last three state income tax returns were filed on total income:

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<thead>
<tr>
<th>State</th>
<th>Year</th>
<th>State</th>
<th>Year</th>
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13. Purchase date(s) and location(s) of California real property owned:

<table>
<thead>
<tr>
<th>State</th>
<th>Year</th>
<th>State</th>
<th>Year</th>
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14. Purchase date(s) and location(s) of other real property owned:

<table>
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<tr>
<th>State</th>
<th>Year</th>
<th>State</th>
<th>Year</th>
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15. Source of financial support for the past year

16. Were you employed in California in the past year?  ☐ Yes  ☐ No

<table>
<thead>
<tr>
<th>Employer</th>
<th>From</th>
<th>To</th>
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17. Address shown on current W-2 form

18. Active California banking account(s)

<table>
<thead>
<tr>
<th>Bank</th>
<th>Date Opened</th>
<th>Bank</th>
<th>Date Opened</th>
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**Student Financial Independence Status**

Education Code Section 68044 requires that the financial independence of a nonresident student seeking reclassification as a resident be included in the factors to be considered in the determination of residence. Therefore, please answer all of the following questions.

1. Will your parent(s) claim you as a dependent exemption for state and federal tax purposes for the current calendar?  ☐ Yes  ☐ No

2. Were you claimed as an exemption for State and federal tax purposes by your parent(s) in any of the past three calendar years?  ☐ Yes  ☐ No

3. Have you received or will you receive more than $750 per year in financial assistance from your parent(s) in the current calendar year?  ☐ Yes  ☐ No

4. Did you receive more than $750 per year in financial assistance from your parent(s) in any of the three past calendar years?  ☐ Yes  ☐ No

5. Have you lived or will you live for more than six weeks with your parent(s) during the current calendar year?  ☐ Yes  ☐ No

6. Did you live for more than six weeks with your parent(s) during any of the three past calendar years?  ☐ Yes  ☐ No

7. Are your parents California residents?  ☐ Yes  ☐ No

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**Certification -- to be read and signed by all students completing this form**

I certify under penalty of perjury, or after first being duly sworn, that the foregoing statements and any other information submitted by me in connection with the determination of my residence are true, complete and accurate. I certify (swear) that so long as I am a student at this institution, I will advise the residence clerk if there is a change in any of the facts upon which the residence determination was made, such as the state of residence and military status of my parent(s) if I am a minor, or, if not, changes in any of the above for me or my spouse. I authorize release of any information submitted by me in connection with my application for admissions and determination of residence to any person, firm, corporation, association or government, whether federal, state, local, or foreign, but only as necessary to verify or explain the information, to obtain pertinent records, or in connection with perjury proceeding.

Signed at: ________________________________  ________________________________  ________________

City and County  Applicant’s Signature  Date