

Instructions for the Completion of the City University Residency Form

The procedures described herein must be followed when completing the City University Residency Form. Required forms of proof and other relevant documentation must accompany this form in order that an accurate residency determination may be rendered. The “intent to remain a resident” portion of the form must be completed prior to a residency determination. Under no circumstances will this form be considered unless all applicable questions have been answered.

Students requesting residency status for tuition purposes should read the requirements necessary to qualify for New York State residency. In any case a student must be a U.S. citizen, permanent resident or in a non-immigrant status that qualifies for the resident rate.

1. Qualifying For The Senior College Resident Tuition Rate.

A senior college student may qualify for the resident tuition rate if he/she continuously maintained his/her principal place of abode in the State of New York for a period of at least twelve consecutive months immediately preceding the first day of classes. Students who have attended a New York City or State high school for the two semesters immediately prior to the first day of classes also qualify.

2. Required Documentation Which Must Accompany The Residency Form

The student must submit copies of required forms of proof of residency from the items “a” through “q” indicated below. The college must obtain:

- “a”, or “b”, or “c”, or “d”;

Or

- Two of the items “e” through “q” (Note: All the items must document proof of residency for the twelve month period immediately preceding the first day of classes. Documents covering the first and last months of the previous twelve month period are acceptable provided that they show the student living at the same address.

Items “a” through “q” are as follows:

- a) Lease, deed or rent registration form (used for rent stabilized apartments) signed by the landlord, which is either a public or private agency, and the student or parent of the student with the same surname. (Dates must cover the year in question).
- b) Budget/Benefit letter from New York City Public Assistance with the student’s New York address covering the 12-month period immediately preceding the first day of classes and including the student’s name.
- c) Benefits letter from Social Security with the student’s New York address covering the 12-month period immediately preceding the first day of semester and including the student’s name.
- d) Copies of the most recent complete Federal or New York State tax returns with the preprinted address label and the corresponding W-2 form.
- e) Copies of the most recent complete Federal or New York State tax returns without the preprinted address label and the corresponding W-2 form. Responses to Federal form 4506 and New York State form 4506 requesting federal and state tax information is acceptable if the Federal and State governments acknowledge that the party in question has in fact filed a tax return from the address noted.
- f) A valid New York State driver’s license showing the date of issuance one year prior to the first day of classes.

- g) Homeowner's or renter's insurance policy.
- h) Automobile registration.
- i) Automobile insurance certificate.
- j) New York State "non license" which is issued to non-drivers (for identification purposes) by the Department of Motor Vehicles or other official City, State or Federal agencies.
- k) Voter registration certificate or card.
- l) Telephone or utility bills or payments for services such as cable TV covering a period of one year.
- m) Monthly bank or credit card statements covering a period of one year (dollar amounts may be blacked out).
- n) Armed Forces identification card DD Form 2A (green).
- o) Attendance as a juror in New York State.
- p) Apartment lease signed by the landlord (who is an individual and is not a public or private agency) and the student. If the student's name does not appear on the lease, the "Alternate Lease Statement" may be substituted. The "Alternate Lease Statement" must be completed and notarized by both the person whose name appears on the lease/contract and the student. The person whose name appears on the lease/contract must also submit proof (i.e., lease, telephone, utility, or similar type bills) of residency at his/her current address for the previous 12 months.

In addition to the items indicated above, the college may, at its discretion, require the student to submit additional documentation if it believes that further proof is necessary in order that an accurate residency determination may be rendered.

3. Students Under The Age of 18

If the student has a legal guardian other than his/her parents, or his/her parents are separated or divorced, a copy of the legal guardianship papers or court order indicating legal custodianship must be submitted.

4. Intent To Continue Residing In The City, State And Country

Assessing one's intent to permanently reside in New York is a difficult task. In each case, whether the student is an immigrant alien, non-immigrant alien or U.S citizen from out-of-state, the totality of circumstances will be reviewed. The college may view intent in terms of a student's professed intention to permanently remain in New York, as well as his/her intention not to return to his/her prior domicile.

It must be stressed that the burden of proof as to a change of domicile rests with the student asserting it.

Where the evidence is equal on both sides of the issue, the determination of domicile should be made in favor of the formerly established domicile, inasmuch as there is a presumption that an established domicile continues.

5. Time Frame for College Determination and Appeal Process

The colleges should make every effort to complete all residency determinations by the first day of classes. If a student has submitted the required documentation, and a decision has not been made by the college by the first day of classes, the college should defer the difference between in-state and out-of-state tuition until the determination is made. If resident tuition is denied, and the student subsequently files an appeal under the procedures described further below, the student is responsible for paying out-of-state tuition while the appeal is pending.

The colleges will not review any residency determination unless the request for the review is made and all required documentation is submitted on or before the last day of finals in the semester for which resident tuition is being sought. **The colleges will not make residency determinations retroactively and will not issue refunds to students even in cases where they would have qualified for the resident rate if they had submitted timely documentation.** The colleges should inform students of their determinations in writing.

6. Determination of Resident Rate of Tuition for Non-Citizens (Foreign Students and Non-Immigrant Aliens)

A person who is not a citizen of the United States may qualify for the CUNY in-state (resident) tuition rate if that student is in an eligible immigration status and documents his or her status with acceptable proof. In determining whether a non-citizen qualifies, the assumption is made that the student meets the University's residency requirements. A student may be accorded resident status if he/she is in an eligible immigration status and submits valid evidence of his/her qualifying immigration status issued by the U.S. Department of Homeland Security - U.S. Citizenship and Immigration Services ("USCIS") to the Office of Undergraduate Admissions .

ELIGIBLE IMMIGRATION STATUSES

1. Lawful Permanent Residents (Resident Aliens)
2. Students with Certain Non-immigrant Statuses
Status Description
 - A Ambassadors, diplomats and certain other foreign officials and their families.
 - E Treaty trader/Treaty investor, spouse, and children.
 - G Certain government or international organization officials and their families.
 - H-1B Temporary worker in specialty occupation.
 - H-1C Temporary worker performing professional nursing services.
 - H-4 Spouse or children of alien classified as H-1B or H-1C.
 - I Representatives of foreign information media and their spouse and children.
 - K Fiancé(e) or Spouse of a U.S. citizen and dependent children.
 - L Intra-company transferee (such as managers who have worked abroad for a branch of a U.S. firm) and their spouse and children.
 - N Parents and children of an alien granted permanent residency as a special immigrant.
 - R Religious workers and their spouse and children.
 - S Crime witnesses and their spouse and children).
 - T Victims of alien trafficking.
 - U Crime Victims.
 - V Spouse and children of a permanent resident who have a relative petition or an adjustment of status application pending for more than 3 years.
3. Students Granted Asylum or Withholding of Deportation or Removal or Refugee Status
4. Students with Adjustment of Status Applications Pending
5. Students Who Have Applied For Or Have Been Granted Temporary Protected Status (TPS)
6. Students Granted Deferred Enforced Departure Status or Deferred Action Status
7. Students Who Are "Late Amnesty" Applicants
8. Students Who Are NACARA Applicants
9. Students Who Are Cuban Parolees
10. Students Who Are Other Types of Parolees
11. Students Who Have Applied for Asylum and Have Been Granted USCIS Employment Authorization

INELIGIBLE IMMIGRATION STATUSES

The following is a list of visa categories for non-immigrant aliens who **do not** qualify for the in-state or resident rate of tuition.

Status Description

- B Temporary visitors for business or pleasure
- C Visitors in transit
- D Crewmen
- F Academic students
- H-2 Temporary workers performing special services
- H-3 Trainees
- H-4 Families of H-2 and H-3 visa holders (Note: H-4 family of an H-1B or H-1C are eligible)
- J Exchange visitor (student, scholar, professor)
- M Vocational students
- O Persons with extraordinary abilities

- P Athletes, group entertainers, reciprocal exchange programs
- Q Participant in international cultural exchange programs
- TN Temporary workers under NAFTA Trade Agreement

7. Determination of Resident Rate of Tuition for Non-Residents of New York State, Including Undocumented and Out-of-Status Immigrants Chapter 327 of the New York State Laws of 2002, codified in Section 6206(7)(a) of the New York State Education Law, mandates that the payment of tuition by any student who is not a resident of New York State, other than those in lawful non-immigration statuses, shall be at a rate no greater than that imposed for students who are residents of the state, provided that they meet one of the following conditions:

First, they have attended an approved New York high school for two or more years, graduated, and applied to attend CUNY within five years of receiving the New York State diploma.

Second, they have attended an approved New York State Program for General Equivalency Diploma (GED) exam preparation, received the GED issued within New York State, and applied to attend CUNY within five years of receiving the New York State GED.

Third, they were enrolled in CUNY in the Fall 2001 semester or quarter and were authorized by CUNY to pay tuition at the resident rate. Thus, a student who attended CUNY in the Fall 2001 semester and paid the resident rate does not have to satisfy either condition 1 or 2 above.

It should be noted that any student meeting one of the three conditions set forth in the law does not need to prove residence in New York State. In addition, students without lawful immigration status must file an affidavit (notarized) with CUNY stating that they have filed an application to legalize their immigration status or will file such an application as soon as they are eligible to do so.

Any student who satisfies any of the three conditions above and is entitled to the resident rate will continue at that rate even if the student leaves and returns more than five years later or receives a degree and is returning for a second degree. **Any student who has been admitted to and is attending CUNY, who subsequently receives his GED, does not qualify for the resident rate under the conditions stated above. CUNY does not recognize a New York State GED from any student who has already received a high school diploma or its equivalent from elsewhere.**

8. Appeal Procedures

Any student who receives a negative residency determination must, along with this determination, receive a copy of the college's appeal procedures. If the student wishes to appeal a negative residency determination, he/she must notify the Office of Undergraduate Admissions within ten days of notification that he/she has been determined to be a non-resident. At that time, the student may submit a statement to the Office of Undergraduate Admissions indicating why he/she disagrees with the college's decision. Upon the submission of an appeal, the student will be provided with a copy, stamped "received" and the date, or some other dated proof of the college's receipt of the appeal. The Office of Undergraduate Admissions will submit the residency form, copies of all documentation provided by the student and any statement made by the student, along with the college's determination, to the University's Office of the Senior Vice Chancellor for Legal Affairs and the General Counsel.

