RESIDENCY

RESIDENCY IN BRIEF
The following table outlines the basic requirements a student must fulfill to qualify for the in-state tuition rate as a resident of the State or City of New York. As is set forth in the Manual, students may also qualify for the in-state tuition rate on other grounds, including having attended/graduated from a high school or having obtained a GED (since 2014, the Test Assessing Secondary Completion or “TASC” exam) in the State of New York.

RESIDENCY REQUIREMENTS FOR COMMUNITY COLLEGES:

<table>
<thead>
<tr>
<th>IF STUDENT:</th>
<th>THEN</th>
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<tbody>
<tr>
<td>Is a US Citizen; or a Permanent Resident; or has a Qualifying Immigration Status</td>
<td>AND</td>
</tr>
<tr>
<td>Has continuously resided in State of NY for 12 months immediately preceding the first day of classes</td>
<td>AND</td>
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<tr>
<td>Has continuously resided in New York City for the 6 months immediately preceding the first day of classes</td>
<td>OR</td>
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<tr>
<td>Has presented a valid certificate of residence to the CUNY community college from his/her home New York State county</td>
<td>AND</td>
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<tr>
<td>Has a bona fide intent to reside in New York permanently</td>
<td>Eligible for in-state tuition</td>
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RESIDENCY REQUIREMENTS FOR SENIOR COLLEGES

<table>
<thead>
<tr>
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<tr>
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<td>AND</td>
</tr>
<tr>
<td>Has a bona fide intent to reside in New York permanently</td>
<td>Eligible for in-state tuition</td>
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This section of the Manual contains a full description of the criteria CUNY uses to determine if students are eligible for the resident tuition rate (Part I) and CUNY's procedures to determine if students are eligible for the resident tuition rate (Part II).

In general, to qualify for the University's resident tuition rate, a student must establish that he/she is a New York State or City "resident", as applicable, based on the requirements set forth in Part I, Section A below of the Manual. For various legal and administrative reasons, the requirements to establish residency are different for the senior colleges and the community colleges.

In addition, certain non-residents, including those who are undocumented or out-of-status students, are eligible for the resident tuition rate based on their attendance and graduation from a New York State high school or receipt of a GED or TASC in the state of New York. See Part I, Section B below. There are also several other categories of students who are eligible for the resident tuition rate. See Part I, Section C below.

Part II of this section (below) sets forth CUNY's procedures to determine whether students are eligible for the resident tuition rate, including the applicable time frame to request the resident tuition rate and the appeals procedure available to students who have been denied New York Residency status.
PART I – ELIGIBILITY FOR THE RESIDENT TUITION RATE

A. Qualifying for the Resident Tuition Rate Based on Residence in the State/City of New York

Senior Colleges In general, to qualify for the resident tuition rate at a senior college based on residence in the State of New York, a student must:

- Be a U.S. citizen, permanent resident or in a qualifying immigration status (see section below regarding qualifying immigration statuses); AND
- Have continuously maintained his/her principal place of abode in the State of New York for a period of at least twelve (12) consecutive months immediately preceding the first day of classes; AND
- Have a bona fide intention of living in New York permanently.

Community Colleges In general, to qualify for the resident tuition rate at a community college based on residence in the State of New York, a student must:

- Be a U.S. citizen, permanent resident or in a qualifying immigration status (see section below regarding qualifying immigration statuses); AND
- The legal residence of a dependent student whose parents are divorced, separated, or otherwise living apart will be considered New York State if the student resides for 12 months with the parent who is a New York State resident.
- To be designated a New York State resident, a student whose parent(s) or legal guardian(s) reside out-of-state must present evidence that he or she meets CUNY’s residency requirements set forth in above, AND EITHER
- Have a bona fide intention of living in New York permanently.

Rules Relating to Establishing Residence in New York.

- Generally, a dependent student's state of residency is considered the same as that of his or her custodial parent(s) or legal guardian(s).
- The legal residence of a dependent student whose parents are divorced, separated, or otherwise living apart will be considered New York State if the student resides for 12 months with the parent who is a New York State resident.
- To be designated a New York State resident, a student whose parent(s) or legal guardian(s) reside out-of-state must present evidence that he or she meets CUNY’s residency requirements set forth in above, AND EITHER
  (a) that he/she is financially independent from his/her parents. Factors taken into account in determining financial independence include, but are not limited to: whether the student is taken as a dependent on parents' federal and state income tax returns; whether the student is employed and the amount the student earned relative to expenses; the extent of financial support received by the student from parents or guardians; and other sources of student income OR
  (b) that he/she, despite being dependent on out-of-state parents(s) or legal guardian(s), has changed his/her domicile, i.e. the place that he/she has a bona fide intention of living permanently, to New York State. Such a showing must be made by clear and convincing evidence. Students who claim that New York is their domicile are expected to have a New York State driver’s license or New York State issued identification card dated a minimum of twelve (12) months prior to the start of the semester. In addition, a student is expected to submit documentary evidence indicating he/she has changed his/her domicile to New York, such as the following:
  1. evidence that the student has filed a New York State resident income tax return for the previous calendar year;
  2. evidence that the student resided in the State of New York for a significant period of time for other-than-educational purposes prior to attending CUNY;
  3. evidence that the student resides in property owned by the student or his/her parent(s) or legal guardian(s) in the State of New York;
  4. evidence showing that the student uses his/her New York address as his/her sole address of record for all purposes including on health and auto insurance records, bank accounts, tax records, loan and scholarship records, school records, military records, leases and similar kinds of documents.

Students aged 24 and older are considered independent and are not deemed to have the same state of residency as their parent(s) or legal guardian(s).
In any case, and regardless of any other statements contained in the Manual, a student must first document legal residence prior to establishing another address (including a post office box) as a mailing address.

**Qualifying Immigration Statuses.**

To be accorded resident status, a student who is not a U.S. citizen must present valid evidence, issued by the U.S. Department of Homeland Security - U.S. Citizenship and Immigration Services ("USCIS"), indicating that he/she is in a qualifying immigration status. Undocumented and out-of-status immigrants, while not eligible to be considered "residents", may nevertheless be entitled to pay the resident tuition rate if they attended and graduated from high school or received a GED or TASC in New York State. See Part I, Section B below.

The following categories of students are in qualifying immigration statuses:

1. **Students Who Are Lawful Permanent Residents (Resident Aliens)**
   There are two acceptable methods for verifying status as a lawful permanent resident. A student who has requested Federal financial aid, which has been verified by the Federal Financial Aid Central Processor, has his/her status automatically matched by the USCIS. This will be evident through the University's coding of the student as a lawful permanent resident. In such cases, there is no need for a student to submit a Permanent Resident Card (Formerly, the Alien Registration Card or commonly referred to as a Green Card) or any other form of documentation regarding permanent residence. A student whose permanent residence status is not confirmed through the above match must provide one of the following proofs to verify his/her status:
   - Permanent Resident Card: Form I-151 (old) and Form I-551(new). Expired cards may be accepted; or
   - Unexpired Conditional Permanent Resident Card: Form I-551 with a two (2) year expiration date; or
   - Receipt for USCIS Form I-751: Petition to Remove the Conditions on Residence; or
   - Receipt for USCIS form I-698: Application to Adjust Status from temporary to Permanent Resident
   - I-551 Stamp in Passport indicating evidence of lawful permanent residence. Expired stamps may be accepted; or
   - Copy of USCIS Form I-90: Application to Replace Permanent Resident Card (old: Alien Registration Card), along with a U.S. Postal Service return receipt or with a cancelled check or money order; or

2. **Students in Certain Non-immigrant Statuses**
   The United States Supreme Court has held that certain non-immigrant aliens have the legal ability to establish New York as their domicile, i.e. the place where they intend to reside permanently. Accordingly, foreign nationals in specified immigration categories (refer to list below) should be afforded the opportunity to establish New York State and/or New York City residency provided that they meet all the requirements set forth in Part I.A above, including showing that they have a bona fide intention of living in New York permanently and not returning to their prior domicile.

   The following is a list of the visa categories of non-immigrant aliens who under federal law have the capacity to make New York State or New York City their domicile and therefore may qualify for the resident rate of tuition if they otherwise meet the requirements:
   - A Ambassador, 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 certain officers and employees of international organizations who were in turn granted permanent residency as special immigrants
   - O Aliens who possess extraordinary ability in the sciences, arts, education, Business or athletics, motion pictures or television
   - R Religious workers and their spouse and children
   - S Crime witnesses and their spouse and children
T Victims of severe forms of human trafficking  
U Victims of serious crimes  
V Certain spouses and children of lawful permanent residents who have a relative petition filed on their behalf before December 21, 2000 which has been pending for at least three (3) years

A student who is in one of these categories above must provide proof of such status by providing his/her I-94 Arrival/Departure record with either the notation Duration of Status (D/S) or an expiration date not yet reached.

Note: Where a qualified non-immigrant has made a timely application for an extension of stay as evidenced by a filing receipt for USCIS Form I-539, he/she remains eligible for in-state tuition. To "timely" file an application means that you file the application before your current period of authorized stay expires.

The following visa categories of non-immigrant aliens do not qualify for the resident rate of tuition:

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

3. Students admitted as refugees, or granted asylum, or granted Withholding of Deportation or Removal

It should be noted that a person whose evidence of Refugee or Asylum status has expired is nevertheless eligible for in-state tuition. The following are acceptable proofs of this status:

- Decision from USCIS or the Immigration Judge granting Asylum or Withholding of Deportation or Removal; or
- Refugee Travel Document; or
- I-94 Arrival/Departure record with Employment Authorization Stamp and the notation "Asylum granted" or "Refugee granted"; or
- Employment Authorization Document (EAD or work permit) (I-766) with the following codes: (A)(3) for Refugee, (A)(5) for Asylee, and (A)(10) for Withholding of Deportation or Removal.

4. Students with Adjustment of Status Applications Pending

Students who have filed USCIS Form I-485, Application to Register Permanent Resident or Adjust Status, qualify for in-state tuition pending a decision on their application. The following are acceptable proofs of this status:

- A USCIS Receipt Notice for the Adjustment of Status Application: Form I-797C indicating that the receipt is for an I-485 Adjustment of Status application; or
- A USCIS Receipt indicating that the fee for the adjustment application has been received. This receipt usually lists application type (in this case I-485), name of the applicant, alien number ("A" number) and the amount paid; or
- Employment Authorization Card (I-766) with the code (c)(9) or (c)(24)

Note: Students who filed or have an approved petition (Form I-130 or I-140), but have not yet applied for adjustment of status are NOT eligible for in-state or resident tuition.

5. Students Who Have Applied For or Have Been Granted Temporary Protected Status (TPS)

- A USCIS Receipt of Application for TPS (Form I-821); or,
6. Students Granted Deferred Enforced Departure (DED) status or Deferred Action or Deferred Action for Childhood Arrivals (DACA)

These categories allow an individual to remain in the United States for designated time periods pending further review by the United States Citizenship and Immigration Services (USCIS). Commonly, Deferred Action is given to approved, self-petitioning battered spouses until such time as they become eligible for adjustment of status. Deferred Enforced Departure (DED) is generally granted by the President to nationals of certain countries that had previously been designated for Temporary Protected Status (TPS) but TPS has expired.

Deferred Action for Childhood Arrivals (DACA) is a decision by the immigration authorities to not enforce the immigration law against a foreign national and it gives the foreign national a period of authorized stay in the United States. DACA is specifically geared toward certain undocumented young people who arrived in the United States at a very young age and who the government determines are a low priority for deportation from the United States. The following are acceptable proofs of this status:

- Form I-797 granting Deferred Action, Deferred Enforced Departure status, or Deferred Action for Childhood Arrivals (No Exhibit); or
- Unexpired Employment Authorization Document (EAD) (I-766) with the code (c)(14) for Deferred Action status (Addenda I - Exhibit 6A); or

7. Students Who Are "Late Amnesty" Applicants

"Late Amnesty" applicants are immigrants who applied for immigration benefits under the 1986 Amnesty Laws but were not allowed to complete the process of adjusting their status. The LIFE Act signed into law by President Clinton on December 21, 2000 gave them the opportunity to adjust their immigration status. The following is the acceptable proof of this status:

- Unexpired Employment Authorization Document (I-766) with the code (c)(24)

8. Students Who Are NACARA Applicants

These are applicants for permanent residence under the "Nicaraguan and Central American Relief Act". The following are the acceptable proofs of this status:

- An Unexpired Employment Authorization Document (I-766) with the code (c)(10)
- An USCIS Receipt Form I-881

9. Students Who Are Cuban Parolees

The law provides for special procedures under which Cuban nationals or citizens and their accompanying spouses and children may obtain a haven in the United States and apply for permanent residence. The following are the acceptable proofs of this status:

- A USCIS decision granting parole; or
- Unexpired Employment Authorization Document (I-766) with the code (c)(11); or
- Proof of an application pending for adjustment of status

10. Students Who Are Other Types of Parolees

The USCIS sometimes admits individuals in parole status for humanitarian or other reasons. For these individuals, their parolee status must be indicated on an unexpired document, i.e., passport, I-94 record or an USCIS letter. The following are the acceptable proof of this status:

- A USCIS decision granting parole; or,
I-94 record with stamp notation by the USCIS at entry

11. Students Who Have Applied for Asylum and Have Been Granted USCIS Employment Authorization

The USCIS sometimes, but not always, grants employment authorization to individuals with asylum applications pending. To prove this status, a student must provide an unexpired Employment Authorization Document (I-766) with the Code (c)(8).

B. Qualifying for the Resident Tuition Rate Based on Having Attended and Graduated from a New York High School or Having Received a GED (or TASC) in the State of New York, including Undocumented and Out-of-State Students

Pursuant to Section 6206 (7)(a) of the New York State Education Law, students who are not residents of the State of New York, other than those in lawful non-immigration statuses, qualify for the resident tuition rate if one of the following conditions are met:

- The student has 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.
- The student has 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.
- The student was enrolled in CUNY in the Fall 2001 semester or quarter and was 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.

To reiterate, a student meeting one of the three conditions set forth above does not need to prove residence in New York State in accordance with Section I(A) above. The student can be a resident of another state, such as Connecticut or New Jersey, or can be an undocumented or out-of-status student. However, students who meet one of these criteria but do not have lawful immigration status must file an affidavit (i.e., a notarized statement) 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. See Part B of CUNY Residency Form discussed below in Part II.

Any student who is eligible for resident tuition because he/she satisfies one of the three conditions above will remain eligible for 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 (or TASC), does not qualify for the resident rate under the conditions stated above. CUNY does not recognize a New York State GED (or TASC) from any student who has already received a high school diploma or its equivalent from elsewhere.

C. Other Categories of Students Who Qualify for the Resident Tuition Rate:

1. Veterans

Effective Spring, 2015, individuals who are eligible for educational assistance under federal GI bills will be charged the in-state rate at the CUNY senior colleges and the in-city rate at the CUNY community colleges. This includes individuals who served in active military, naval or air service and members of the National Guard and reservists who meet the requirements for benefits under federal GI bills. A veteran who meets the above eligibility criteria is entitled to the in-state or in-city rate even if he or she is not actually receiving benefits under a federal GI bill.

In order to prove veteran status, a student must provide U.S. Department of Defense Form DD214 or a Certificate of Eligibility from the U.S. Department of Defense or the Veterans Administration.

2. Family Members of Certain Uniformed Service Members

In certain cases, spouses and dependents of veterans or other uniformed service members are also entitled to educational assistance under federal GI bills. Effective Spring, 2015, spouses and dependents who are eligible for educational assistance under federal GI bills are also entitled to the in-state or in-city rate. Generally, these are the spouses or dependents of service members who died or were disabled by their service, or to whom the veteran has transferred his/her veteran’s educational benefits. Note that a student who was the spouse or dependent child of a service member at the time the educational assistance was transferred would be entitled to the resident rate, even if he/she is not currently a spouse or dependent child (for example in the case of a divorce.)
In order to prove status as a child or spouse of veteran, the child or spouse must provide a Certificate of Eligibility from the U.S. Department of Defense or the Veterans Administration.

3. Service Members and Family Members Stationed in New York
Members of the armed forces of the United States on a full-time active duty station in the State of New York, and their spouses and dependent children, who enroll at a CUNY college, shall be charged the in-state tuition rate. Such students shall continue to be charged the in-state rate at CUNY even if they are subsequently discharged from military service.

4. United Nations Personnel
Foreign nationals employed by the United Nations, wishing to take advantage of the University's resident tuition rates, must present verification of their status as: 1) employee of the United Nations, 2) the spouse, or 3) a dependent of a United Nation employee. The verification required is at least an annual certification from the Office of Human Resources Management. It is recommended, however, that confirmation be obtained from the Personnel Officer at the United Nations each semester because employment status can change rather frequently. The employees, spouses of employees and dependent children of employees of the United Nations shall be deemed to be residents of New York City.

5. Exchange Students
The University's resident tuition rate may be applicable to a student of another college or university outside of New York State, which, in exchange, grants its resident tuition rate to the CUNY student. Evidence of satisfactory educational qualifications must be presented and the approval of the CUNY College's president or designee is required.

6. Children of Certain CUNY and New York City Employees
On June 14, 1976, the Board passed a resolution stating that "a child of a member of the permanent staff of the Board, or a child of a deceased or retired member of such staff who had served for more than five years on an annual salary, or a child of an employee of New York City or of a City agency who is required to live outside New York City in the performance of his/her official duties shall be charged resident rates".

The definition of who is considered permanent staff of the Board is set forth in Section 6.2 of the Bylaws of the CUNY Board of Trustees. Under Section 6.2, this staff consists of persons who have been granted tenure in tenure-eligible titles, including but not limited to professors, associate professors, and assistant professors (including those in medical and law professor titles), college laboratory technician titles; and teachers and other tenure-bearing titles at the Hunter College Campus Schools.

PART II – PROCEDURES TO BE USED IN MAKING DETERMINATIONS OF ELIGIBILITY FOR RESIDENT TUITION STATUS

The City University Residency Form
In all cases where a determination needs to be made as to whether a student is eligible for resident tuition, the student must complete The City University Residency Form. Part A of the Form needs to be completed by all students; Part B of the Form needs to be completed by undocumented or out-of-status students who are seeking resident tuition based on high school attendance/graduation or having received a GED or TASC in New York; and Part C needs to be completed by students who are seeking to be classified as New York State (or New York City) residents. Once the student has completed the CUNY Residency Form and submitted all required documentation, residency shall be determined based upon information submitted by the student.

The CUNY Residency Form and any other forms referred to in this section are the only forms that have been approved for the purpose of documenting a student's residency status. No other forms may be used by the colleges without the prior approval of the Office of the General Counsel. Any changes to residency requirements will be formally communicated to the colleges through memoranda issued by any of the following offices: Budget and Finance, General Counsel, and Enrollment Management.

Circumstances Requiring Review of Residency Status
Colleges are only required to review the residencies of students flagged by UAPC as questionable, or where the college admits a student without prior UAPC review. However, a college's registrar, admissions officer or either of their designees may, upon review of a student's admissions application or other available data, determine that a student who has not been flagged does not qualify for the University's resident tuition rate. If any of the conditions below exist, the student's residency is otherwise questionable, or a student requests that the College review the residency determination, the student must complete The City University Residency Form and a determination will be made as to whether the student is qualified for the resident rate:

- The student's records indicate that the last high school or college attended was outside the City (community colleges only) or State of New York (except if the student's transcript from the out-of-state institution indicates a New York City/State address or the student has maintained the same address as in high school); or
For dependent students, both of the student's parents, or legal guardians reside outside the City (community colleges only) or State of New York; or
Records relating to the student (either community or senior college) indicate that he/she has lived at a State of New York address for less than twelve months preceding the first day of classes or for community college students residing at a City of New York address for less than six months; or
The last residency determination which had been made with respect to the student resulted in his/her classification as a non-resident (a non-resident student does not qualify automatically as a resident student simply because he/she has been attending a New York college for the previous twelve months); or
A college official determines that there is reason to believe that the student may not be a resident of the State or City of New York; or
The student is not a U.S. citizen or a permanent resident (resident alien).

**Students Are Expected to be Aware of Their Tuition Status and the Applicable Resident Tuition Rules.**
Students requesting resident status for tuition purposes are expected to be aware of the requirements necessary to qualify for State residency (for both senior and community college students) and City residency (for community college students) set forth in Part I of this Residency section of the Tuition and Fee Manual. Students are also expected to be aware of the resident and non-resident tuition rates, which are available on the CUNY web site, among other places, so that they know if they are being charged the correct tuition rate and quickly address any residency issues.

**Guidelines for Completing Part C of the City University Residency Form**
The procedures described herein must be followed when completing The City University Residency Form (Part C). Required forms of proof and other relevant documentation must accompany this form so 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.

**Required Documentation, Which Must Accompany The Residency Form (Part C)**
The student must submit two of items "a" through "n" (Note: All items must document residency for the 12 month period immediately preceding the first day of classes. Documents in the same category 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 "n" 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,

b. Letter showing eligibility or disbursement of Social Security or 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. Copies of the most recent complete Federal and New York State tax returns 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

d. A valid New York State driver's license or a “non-driver license” issued by the New York State Department of Motor Vehicles with the student's name, showing the date of issuance at least one year prior to the first day of classes,

e. IDNYC New York City municipal identification card, showing the date of issuance at least one year prior to the first day of classes,

f. Homeowner's or renter's insurance policy with the student's name listed as insured,

g. Automobile registration with the student's name listed,

h. Automobile insurance certificate with the student's name listed as insured,

i. Voter registration certificate or card with the student's name,

j. Bills for telephone, utility, cable TV or other home services, in the student's name, or other evidence of telephone, utility, cable TV or other home services provided to the student covering a period of 12 months,
k. Monthly bank or credit card statements, with the student's name, covering a period of 12 months (dollar amounts may be blocked out),

l. Attendance as a juror in New York State with the student's name,

m. Housing 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,

n. Postmarked mail addressed to a student at a New York address at least 12 months immediately preceding the first day of classes (a P.O Box is not acceptable).

In addition to the items indicated above, the college may at its discretion consider additional documentation from a student if it believes that an accurate residency determination may be rendered through the additional documentation.

**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.

**Intent to Continue Residing in the State and City of New York**

Assessing one's intent to permanently reside in New York is a difficult task. In each case, the totality of circumstances will be reviewed. 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 prior domicile, inasmuch as there is a presumption that an established (prior) domicile continues.

**Appeal Process**

**Time Frame for College Review**

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 in writing, 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.

**Appeal Process**

Any student who receives a negative residency determination must, at the same time, receive a copy of the University's appeal procedures. If the student believes that he/she meets requirements for resident tuition, he or she may appeal by notifying the Registrar's Office (or other designated college appeal office) within ten days of notification that he/she has been determined to be a non-resident. At that time, the student must submit a statement to the Registrar (or other designated official) indicating why he/she disagrees with the college's decision.

Upon submission of an appeal, the student will be provided with a copy, stamped "received" and dated, or some other dated proof of the college's receipt of the appeal. The Registrar (or other designated official) will submit the City University Residency Form, copies of all documentation provided by the student and any statement made by the student, along with the college's determination and the reasons for the College's determination, to the University's Office of the Vice Chancellor for Legal Affairs and General Counsel, which will make a final determination regarding the student's residency status.