



**Office of Admissions and Records
21250 Stevens Creek Boulevard, CA 95014**

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.

Supplemental Residency Question Form

Residence Reclassification Request Form

OFFICE USE ONLY			
ACTION:			
Classification:	<input type="checkbox"/> R	<input type="checkbox"/> NR	
Reclassification:	<input type="checkbox"/> R	<input type="checkbox"/> NR	
By _____	Date: _____		

Name _____
 Last First Middle Initial

Student ID _____

Present Address _____

Birth date _____ / _____ / _____
 Month Day Year

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? _____ / _____ / _____
 Month Day Year

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

FROM	TO	STATE	PARENT

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

Issue Date of I-551 or Visa:
 _____ / _____ / _____
 Month Day Year

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:

Name _____ Relationship _____

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 _____ Date separated from active duty, if any ____/____/____
 and dates _____

8. Ever registered to vote? Yes No

<u>State</u>	<u>Date Registered</u>	<u>Date Last Voted</u>
_____	____/____/____	____/____/____
_____	____/____/____	____/____/____

9. Do you possess a valid driver's license? Yes No
- | | | | |
|--|--------------|--------------------|-----------------------|
| | <u>State</u> | <u>Date Issued</u> | <u>License Number</u> |
| | _____ | ____ / ____ / ____ | _____ |
| | _____ | ____ / ____ / ____ | _____ |
10. Current registration of all motor vehicles owned _____ / _____ / _____
- | | | | | | | |
|--|-------|-------|------|-------|-------|------|
| | State | Month | Year | State | Month | Year |
|--|-------|-------|------|-------|-------|------|
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:
- | | | | | | | |
|--|--------------|-----------------|--------------|-------------|-----------------|-------------|
| | <u>State</u> | <u>Year</u> | <u>State</u> | <u>Year</u> | <u>State</u> | <u>Year</u> |
| | _____ | _____ | _____ | _____ | _____ | _____ |
| | <u>Date</u> | <u>Location</u> | <u>Date</u> | <u>Date</u> | <u>Location</u> | <u>Date</u> |
| | _____ | _____ | _____ | _____ | _____ | _____ |
13. Purchase date(s) and location(s) of California real property owned: _____ / _____ / _____
14. Purchase date(s) and location(s) of other real property owned: _____ / _____ / _____
15. Source of financial support for the past year _____
16. Were you employed in California in the past year? Yes No
- Employer _____ From _____ / _____ / _____ To _____ / _____ / _____
17. Address shown on current W-2 form _____
18. Active California banking account(s) _____
- | | | | | | |
|--|------|-------------|--|------|-------------|
| | Bank | Date Opened | | Bank | Date Opened |
|--|------|-------------|--|------|-------------|

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 received 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

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
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