



# San Joaquin Delta College Residency Reclassification/AB 540 Information

## Residency Reclassification Information

According to Board Policy, a student must file a Residency Reclassification Petition prior to the semester for which reclassification is to be effective. Residency Reclassification Petitions may be filed through the ***third week*** of the current semester to request a review of residency status *if* extenuating circumstances existed which prohibited a student from filing the petition prior to the residency determination date.

### Filing Deadline Dates

**Summer 2011 Intersession – June 24, 2011**  
**Fall 2011 Semester – September 6, 2011**  
**Spring 2012 Semester – February 6, 2012**

### Directions for Request for Reclassification for Previous Semesters:

If you believe extenuating circumstances resulted in the delay of your request for reclassification, you may still petition by following these directions. The following information must be included with the Residency Reclassification Petition:

In addition to the documents for the Current Semester (*see below*), a written statement identifying the term for which you are requesting residency reclassification and an explanation with documentation of extenuating circumstance that prohibited you from requesting a reclassification by the deadline date.

### Directions for Request for Reclassification for Current Semester:

The following information must be included with the Residency Reclassification Petition: If your present stay in California began less than (2) years before the beginning of the semester for which you are petitioning (see below for *Residency Determination Dates*) you must submit documentation.

These documents must verify:

1. Your physical presence in California
2. Your intent to reside in California (Refer to Section B, *Intent to Reside Documentation*.)
3. Your source of income – REQUIRED. (Refer to Section C, *Source of Income*.)
4. Your eligible citizenship status, if applicable ~ you may, also, need to submit eligibility documentation if you have not held your eligible citizenship status one year prior to the opening day of the term for which you are petitioning (Refer to Section A, *Eligibility Requirements*).

### Residency Determination Dates

**Physical Presence in California must begin on or before:**

**Summer 2011 Intersession – June 12, 2010**  
**Fall 2011 Semester – August 14, 2010**  
**Spring 2012 Semester – January 16, 2011**

## Section A

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### Eligibility Requirements:

Students must meet the eligibility requirements and be physically present in California for (2) two years prior to the beginning of the term for which he/she is petitioning. Please refer to the following information below for a list of persons eligible to establish California residency. Students must hold an eligible citizenship status for at least one year prior to the opening day of the term for which you are petitioning. Documentation may be requested from Section A if held less than one year or if applicable to clarify a student's status.

Persons eligible to establish California residency are:

- U.S. Citizens
- Permanent Residents (Documentation required)
- Holders of Visas Types: A-1, A-2, A-3, E-1, E-2, G-1, G-2, H-1, H-4\*, I, K, L-1, L-2, O-1, O-3, R (Documentation required) \*Contact the Admissions & Records Office for details regarding H-4 visa status
- Asylees or Refugees (Documentation required)
- Undocumented or Holders of Visa Types that prohibit establishment of residency who have filed a change of status (Documentation required). Change of status includes:
  - Applying for Permanent Residency
  - Applying for Legalization pursuant to Immigration Reform and Control Act
  - Applying for a change of status to a visa which permits establishing domicile (These visa applications must be granted.) Visas include: A, E, G, H-1, H-4\*, I, K, L, O-1, O-3, or R
  - Applying for Asylum
  - Applying for Family Unity Program
  - Applying for Temporary Protected

## Section B

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### Intent to Reside:

A **minimum** of two documents from Section B are required to verify both the intent to reside in California and your continuous physical presence in California for one year. It is recommended you provide more than two documents. Documents submitted must include the name of the student and be dated prior to the residency determination date of the semester for which you are petitioning (see *Residency Determination Dates*). Upon review of documents submitted, additional documentation may be requested to assist a student's reclassification. Documents which may be used to support your request for California residency classification include:

- Valid California Motor Vehicle Registration in student's name.
- Valid California Driver's License or California Identification Card in student's name.
- Voter's Registration in California in student's name.
- Rental or Leasing Agreement or Mortgage in California in student's name.
- Bank statements in student's name from an active bank account in California; must provide statements dated prior to the determination date of residency **and** current statement to verify the account is still active.
- Military records in student's name showing California as the home of record (i.e. Copy of Stationing Orders, LES, DD214 and Military ID)
- Licensure from California for professional practice in student's name.
- Membership in service or social club, place of worship in California in student's name.
- Petition for a divorce in California in student's name.
- Out of State institution (College or University) non-resident tuition receipts in student's name showing California as permanent home address or letter on school letter head confirming permanent home address while attending institution.
- Utility bills in student's name such as gas & power, water services, cable television or landline telephone (Cell phone billing statements **cannot** be used). Student must provide statements dated prior to the determination date of residency and current statement to verify the account is still active.

## Section C

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### Source of Income:

A minimum of one document from Section C is required to verify your source of income. Documents submitted must include the name of the student and be dated prior to the residency determination date of the semester for which you are petitioning (*see Residency Determination Dates*).

- California State income tax return filed as a resident (Form 540) and W-2 forms for ALL income reported coupled with employment pay stubs dated prior to the determination date of residency. Pay stubs must reflect the student's employment.
- Notice of Actions from the California Health and Human Services Agency (i.e. Medi-Cal), State of California Social Services Notifications (i.e. Food Stamps, Cash Aid, Passport to Services Benefits Summary) or receiving Temporary Assistance for Needy Families (TANF)
- If you are between the ages of 18 and 24 years old you will need to submit a copy of your Parent(s) STATE income tax return along with your own income tax return if you file. Parent's California State income tax return should show they have filed as a resident (Form 540) and indicates that the student was claimed as a dependent in the state of California.
- Leave and Earning statements (LES) showing California claimed for tax purposes for military personnel.
- Documentation of rehabilitation, unemployment, or other California state services in student's name.

### Important Information

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#### Student Fees ~ Pay to Stay Drop Procedure:

Students' fees are due at the time of registration. Students have 10 business days from the date they register to pay all tuition and/or enrollment fees, or they will automatically be dropped from the class(es).

Students are responsible for:

- Paying all fees at the time of registration
- Keeping Delta College informed of all address changes (address changes can be made by completing a Change of Information form and submitting it to Admissions & Records)
- Reading email from Delta College; all reminders and notification will be sent via email
- Checking e-mail on a regular basis, EVEN when school is NOT in session
- Meeting all published deadlines

Students are liable for payment of all charges for all courses for which the student registers whether or not the student attends the course. To avoid fee charges, the class(es) must be dropped before the Refund Deadline.

Once you have filed the Residency Reclassification Petition, your student record will be temporarily "flagged", while this petition is under review, and you will not be dropped from your class(es). Any deadlines associated with requests for information and documentation must be met or the temporary "flag" will be removed and the 10 day count will begin. Once a final decision has been made, the student is responsible for payment of ALL fees within 10 days of the date of the petition being granted or denied.

\* **NOTE\*** Non-Resident students whose financial aid package does not cover the entire amount for non-resident tuition and enrollment fees will be dropped from all classes unless they pay the amount not covered by the financial aid award, or make arrangements with the Admissions & Records Office.

#### Notification Process:

**CHECK YOUR DELTA STUDENT EMAIL.** The Admissions and Records Office has 14 calendar days after receipt of your petition to respond to your request. All review responses will be sent to your assigned **Delta College** student email. **It is the student's responsibility to check and respond to their student email account in a timely manner.** You are advised to check your Delta college student email daily after you have submitted your petition.

# California Nonresident Tuition Exemption Request Information (AB 540)

Any student, other than a nonimmigrant alien\*, who meets all of the following requirements, shall be exempt from paying nonresident tuition at the California Community Colleges, the California State University and the University of California (all public colleges and universities in California).

## Directions for California Nonresident Tuition Exemption Request:

1. The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required by law.
2. Student eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.
3. Nonresident students meeting the criteria will be exempted from the payment of nonresident tuition, but they will NOT be classified as California residents. They continue to be “nonresidents”.
4. AB540 does not provide student financial aid eligibility for undocumented alien students. These students remain ineligible for state and federal financial aid.

## Eligibility Requirements: (ALL must be met)

- The student must have attended a high school (public or private) in California for three years.
- The student must have graduated from a California high school or attained the equivalent prior to the start date of the term (for example, passing the California GED or California High School Proficiency exam).
- The student must presently reside in California.
- An alien student who is without lawful immigration status must file an affidavit with the college or university stating that he or she has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

## Students who are NOT eligible:

- \*Students who are non-immigrants (for example, those students who hold F, J, M (student) visa, B (Visitor) visa, etc)
- Students who have not met ALL above requirements

## Now, the question is....Which form do I file or do I do BOTH?

### **File a Residency Reclassification Petition IF...**

1. You have physically been in CA prior to the Residency Determination Dates stated for the term you are applying for.
2. You have an eligible citizenship status which will not preclude you from this request.
3. You can provide minimum of (2) documents to verify your physical presence and intent to make CA your permanent home of record.
4. You can verify your source of income.

**Located on Pages 5 & 6**

**AND/  
OR**

### **File a CA Nonresident Tuition Exemption Request IF...**

1. You have attended a CA high school for at least (3) years.
2. You have graduated from a CA high school or received an equivalent, such as GED, CHSPE, etc.
3. You presently reside in CA.
4. You do NOT hold a non-immigrant status, such as F, J, M (student) visas, B visa, etc.

**Located on Pages 7 & 8**



# COMPLETE QUESTIONS IF YOU ARE BETWEEN THE AGES OF 18 TO 24\* FINANCIAL DEPENDENCY QUESTIONNAIRE

The California Education Code states that, “financial independence of a student classified as a nonresident seeking classification as a resident shall be included among the factors to be considered in the determination of residency.”

**Complete the following questions:**

1. Please indicate your marital status:  Single  Married  Divorced  Widowed
2. Please indicate your Military status:  Active Regular  Veteran  Not Applicable
3. Do you currently claim a child or an adult as a dependent on your Federal and State Income Tax Returns?  
 Yes  No
4. Have you lived continuously for the past two years with one or both of your parents or legal guardian?  
 Yes  No If yes, indicate who and fill in 4a,b &c:  Both Parents  Mother  Father  Legal Guardian
  - a. Indicate their name(s) and address below:

Name	Address

- b. Has the person(s) indicated above lived continuously for the past two years in California?  Yes  No
  - c. Has the person(s) indicated above claimed you on their Federal or State income tax for the past one year?  
 Yes  No
5. Will you be claimed as an exemption by your parent(s) for state and federal tax purposes in the current calendar year?  
 Yes  No a. \*Within the last three calendar years?  Yes  No
6. Will you receive more than seven hundred fifty dollars (\$750) in financial assistance from your parent(s) in the current calendar year?  
 Yes  No a. \*Within the last three calendar years?  Yes  No
7. Will you live in the home of your parent(s) for more than six weeks during the current calendar year?  Yes  No  
a.\*Within the last three calendar years?  Yes  No

*If you answered yes to 5a, 6a or 7a further documentation may be required or requested.*

**CERTIFY:**

*I hereby certify under penalty of perjury that to the best of my knowledge, all of the above statements are correct and complete. I also understand that will full omission, falsification or failure to report changes in residence may result in my dismissal from the college with forfeiture.*

**Student’s Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

<u>For Office Use ONLY</u>	
Initial RRP	
Granted:	<input type="checkbox"/>
Denied:	<input type="checkbox"/>
Date:	_____

<u>For Office Use ONLY</u>	
RRP Appeal	
Granted:	<input type="checkbox"/>
Denied:	<input type="checkbox"/>
Date:	_____

<u>For Office Use ONLY</u>	
AB540	
AB540 Eligible:	Y <input type="checkbox"/> N <input type="checkbox"/> Date _____
Need to File:	Y <input type="checkbox"/> N <input type="checkbox"/> Date _____
AB540:	G <input type="checkbox"/> D <input type="checkbox"/> Date _____



# California Nonresident Tuition Exemption Request

(AB 540 – Effective Spring 2002) ~ For Eligible California High School Graduates

Complete and sign this form to request an exemption from Nonresident Tuition. You must submit any documentation required by the College or University (for example, proof of high school attendance in California).

Delta Student ID: 98 - \_\_\_\_\_ - \_\_\_\_\_ Student Email Username: \_\_\_\_\_

\_\_\_\_\_  
Last Name First Name M.I. Current Address

### Eligibility:

I, the undersigned, am applying for a California Nonresident Tuition Exemption for eligible California high school graduates at: **San Joaquin Delta College** and I declare the following:

- I have graduated from a California high school or have attained the equivalent thereof, such as a High School Equivalency Certificate, issued by the California State GED Office or a Certificate of Proficiency, resulting from the California High School Proficiency Examination.  
 Yes  No
- I have attended high school in California for three or more years  
 Yes  No

**Please list schools ALL school(s) you attended in Grades 9-12:**

School Name: \_\_\_\_\_ City/State \_\_\_\_\_ Dates Attended \_\_\_\_\_

School Name: \_\_\_\_\_ City/State \_\_\_\_\_ Dates Attended \_\_\_\_\_

School Name: \_\_\_\_\_ City/State \_\_\_\_\_ Dates Attended \_\_\_\_\_

*Documentation of high school attendance and graduation (its equivalent) is required by the University of California, The California State University and some California Community Colleges.*

3. Check status applicable to you:

I am a nonimmigrant alien as defined by federal law, (including, but not limited to, a foreign student (F visa) or exchange visitor (J visa)

I am NOT a nonimmigrant alien (including, but not limited to, a US Citizen, permanent resident, or an alien without lawful immigration status)

### Affidavit:

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the information I have provided on this form is TRUE and ACCURATE. I understand that this information will be used to determine my eligibility for the nonresident tuition exemption for eligible California high school graduates. I hereby declare that, if I am an alien without lawful immigration status, I have filed an application to legalize my immigration status or will file an application as soon as I am eligible to do so. I further understand that if any of the above information is untrue, I will be liable for payment of all nonresident charges which I was exempted and may be subject to disciplinary action by the College or University.

Student's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

For Office Use ONLY  
AB540

Granted:  Denied:  Date: \_\_\_\_\_

# **CALIFORNIA NONRESIDENT TUITION EXEMPTION GENERAL INFORMATION FOR CALIFORNIA HIGH SCHOOL GRADUATES**

Any student, other than a nonimmigrant alien\*, who meets all of the following requirements, shall be exempt from paying nonresident tuition at the California Community Colleges, the California State University and the University of California (all public colleges and universities in California).

Eligibility Criteria:

- The student must have attended a high school (public or private) in California for three years.
  - The student must have graduated from a California high school or attained the equivalent prior to the start date of the term (for example, passing the California GED or California High School Proficiency exam).
  - The student must presently reside in California.
  - An alien student who is without lawful immigration status must file an affidavit with the college or university stating that he or she has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.
1. The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required by law.
  2. Student eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.
  3. Nonresident students meeting the criteria will be exempted from the payment of nonresident tuition, but they will NOT be classified as California residents. They continue to be “nonresidents”.
  4. AB540 does not provide student financial aid eligibility for undocumented alien students. These students remain ineligible for state and federal financial aid.

\*Students who are NOT eligible: Students who are non-immigrants (for example, those students who hold F, J, M (student) visa, B (Visitor) visa, etc) are not eligible for this exemption.

## **PROCEDURES FOR REQUESTING THIS EXEMPTION FROM NONRESIDENT TUITION**

To apply for the AB540 exemption, please complete the attached California Nonresident Tuition Exemption Affidavit and provide ALL of the following required documentation:

1. Official California High School Transcripts. If more than one High School was attended then you will need to provide a transcript from each school.
2. Copy of official high school diploma, GED, or C.H.S.P.E
3. Documentation of nonimmigrant alien visa (if applicable).
4. Documentation of application to the United States Citizenship and Immigration Services for change of status to a classification other than nonimmigrant alien if applicable.

Please submit the completed affidavit and all required documentation to the Admissions and Records Service Window, DeRicco Building Lobby or mail to:

San Joaquin Delta College  
Admissions & Records  
Attn: Samantha Powell  
5151 Pacific Avenue  
Stockton, CA 95207

Please refer inquires by one of the following:

- In Person-Admissions & Records Service Window located in the DeRicco Lobby
- By Email-residency@deltacollege.edu