

NEW YORK STATE RESIDENCY REQUIREMENTS*

*This handout contains excerpts from the University Tuition & Fee Manual's policy on Residency (chapter IV).
The entire chapter is available for review at:*

<http://www2.cuny.edu/about/administration/offices/legal-affairs/university-tuition-fee-manual/iv-residency/>

**Students requesting resident status for tuition purposes are expected to be aware of the requirements necessary to qualify for State residency 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.*

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.

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).

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-Status 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 the section 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.)

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.**

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.)

- 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.

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.

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.

Appeal Process

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.**

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.

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.

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; **or**
- 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.

2. Students in Certain Non-immigrant Statuses

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 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.

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**
- A USCIS letter granting TPS; **or**
- Employment Authorization Document (I-766) with the codes (a)(12) or (c)(19).

6. Students Granted Deferred Enforced Departure (DED) Status Or Deferred Action Or Deferred Action for Childhood Arrivals (DACA)

- Form I-797 granting Deferred Action, Deferred Enforced Departure status, or Deferred Action for Childhood Arrivals; **or**
- Unexpired Employment Authorization Document (EAD) (I-766) with the code (c)(14) for Deferred Action status; **or**
- Unexpired Employment Authorization Document (EAD) (I-766) with the code (a)(11) for Deferred Enforced Departure (DED)/extended voluntary departure status.
- Unexpired Employment Authorization Document (EAD) (I-766) with the code (c)(33) for Deferred Action for Childhood Arrivals (DACA).

7. Students Who Are "Late Amnesty" Applicants

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

8. Students Who Are NACARA Applicants

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

9. Students Who Are Cuban Parolees

- 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

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

To prove this status, a student must provide an unexpired Employment Authorization Document (I-766) with the Code (c)(8).

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

CITY UNIVERSITY RESIDENCY FORM



Semester: _____

CUNY RESIDENCY FORM: Part A

1. Last Name _____ First Name _____ Middle Initial _____
2. CUNYfirst ID/Student ID _____ Date of Birth _____
Phone No.() _____ Email address: _____
3. Are you a U.S. citizen? Yes No Are you a permanent resident alien? Yes No
Are you here on a visa? Yes No Visa type: _____ Expiration Date: _____
4. Did you attend a New York State high school for two or more years, and graduate from that high school?
Yes No If yes, high school name and address _____
Date of Attendance From: _____ To: _____ Graduation Date _____
5. Do you have a GED/TASC issued by NYS? Yes No Date Issued: _____
6. If you answered "yes" to item 4 or 5, did you apply to CUNY within 5 years of your high school graduation or receiving a GED/TASC? Yes No Date of first application to CUNY: _____
7. Are you a veteran or other individual eligible for educational assistance under federal GI bills?
Yes _____ No _____ If yes, attach supporting documents.

IMPORTANT: If you answered "yes" to question 4 or 5, and to question 6, and are not lawfully present in the US, you need to complete Section B (affidavit) of this Residency Form but not Section C. If you answered "yes" to question 4 or 5, and to question 6, and are a resident of another state, you do not need to complete any other sections of this form. If you answered "yes" to question 7, you do not need to complete any other sections of this form. All other students must complete Part C of this form and submit appropriate supporting documentation.

Please note that some students who are here on visas may not be eligible for the resident tuition rate. Please refer to the CUNY Tuition and Fee Manual (see link below) for a comprehensive list of eligible visa types.

To Be Completed by All Students

I certify that all information provided and all statements made in all sections of this Residency Form are true and correct to the best of my knowledge.

I understand that if I provide false information or withhold relevant information in order to obtain resident status, The City University may revoke its determination of in-state residency, and that I will owe non-resident tuition to the University for each semester or session that I have attended under these circumstances. I also understand that I may be subject to disciplinary action.

DATE _____ STUDENT SIGNATURE _____

- *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.*
- *Complete rules regarding eligibility for the resident tuition rate and appeals procedure are set forth in CUNY's Tuition and Fee Manual at <http://www.cuny.edu/about/administration/offices/ia/tuition-fee-manual.html>*

CUNY RESIDENCY FORM: Part B

Affidavit of Intent to Legalize Immigration Status

_____, being duly sworn, deposes and says that he/she does not currently
(Student's Name)
have lawful immigration status but, has filed an application to legalize his/her immigration status or will file
such an application as soon as he/she is eligible to do so.

(Student's Signature)

Sworn to me this _____ day of the month of _____, 20____

_____, State of New York, County of _____.



CUNY RESIDENCY FORM: Part C

Semester: _____

1. Last Name _____ First Name _____ Middle Initial _____

2. CUNYfirst ID/Student ID _____ Email: _____

3. Current Address _____
STREET CITY STATE ZIP

A. Live with parents _____, or other relatives _____, or other than a relative _____

1) If other relatives, describe relationship. _____

2) If other than a relative, describe situation. _____

List below all your addresses, including temporary addresses and summer addresses during the past 12 months, starting from your current address and working backwards.

<u>FROM</u>	<u>TO</u>	<u>COMPLETE ADDRESS</u>
Mo __ Day __ Yr __	Mo __ Day __ Yr __	STREET
		CITY STATE ZIP
Mo __ Day __ Yr __	Mo __ Day __ Yr __	STREET
		CITY STATE ZIP
Mo __ Day __ Yr __	Mo __ Day __ Yr __	STREET
		CITY STATE ZIP

4. A. Parents' permanent address _____
STREET
CITY STATE ZIP

B. If you are under the age of 18, does anyone other than your parents serve as your legal guardian? Yes _____ No _____

If yes, what is their name and address? _____

C. Where did you live during the last June through August period? If different from 4.A., give reason for being elsewhere during period

5. A. Please list below all full-time and part-time employment (including summer employment and voluntary activities) during the past 12 months starting with the most recent employment.

EMPLOYER	ADDRESS (CITY/STATE)	FROM	TO
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. What is the source of your support? _____

C. Did you file a New York City/State resident income tax return during the past 12 months? _____

D. Did you file a Federal income tax return during the past 12 months? _____

6. What are your purposes for residing in New York City or New York State? _____

7. Have you applied for any financial aid, scholarships, or other benefits provided under the laws of the State of New York or the United States? Yes _____ No _____

If yes, specify and indicate what benefits you are receiving. _____

8. At the present time is it your intention to permanently live in New York City or New York State? Yes _____ No _____ Uncertain _____ If uncertain, please explain. _____

9. Do you have any other proof other than the items indicated for completing the Residency Form that you wish to present in support of your application to be declared a resident of New York City/New York State for the City University of New York tuition purposes? Yes _____ No _____

If yes, please provide details and attach relevant documents.



ALTERNATE LEASE STATEMENT

Name of Student _____ Semester _____
Last First

SS# _____ Phone # (____) _____

Address _____
No. Street Apt.# County Zip

I have lived at the above address from _____ to _____
Month/Year Month/Year

But the lease is **NOT** in my name.

TO BE COMPLETED BY THE PERSON WHOSE NAME APPEARS ON THE LEASE/CONTRACT.

I _____ certify that I reside at the address indicated above and that
Owner/leasee's name

_____ Has resided with me from _____ to _____
Student's name

Proof that I have resided at the above address for one year is attached (e.g., lease, telephone bill, utility bill, apartment or house insurance, mortgage statement).

Signed _____ Date _____

NOTARIZED

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I certify that the above information is accurate and complete. I understand that this information may affect my residency status at the college.

I understand that if I provide false information or withhold relevant information in order to obtain resident status, The City University may revoke its determination of in-state residency, and that I will owe non-resident tuition to the University for each semester or session that I have attended under these circumstances. I also understand that I may be subject to disciplinary action.

Signed _____ Date _____

NOTARIZED